

A REVIEW OF THE CRIMINALISATION OF PAYING FOR SEXUAL SERVICES IN NORTHERN IRELAND

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September 2019



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Department of
Justice
www.justice-ni.gov.uk

Acknowledgements

The research team wish to acknowledge that the Northern Ireland Department of Justice funded this research under grant reference number R3090LAW, Queen's University, Belfast.

We are also indebted to many individuals and organisations without whose help and assistance this project would never have progressed. In particular, we would like to acknowledge the members of the project Advisory Board who were of considerable help in advising how the research could be taken forward and best meeting the project specification laid down by the Department of Justice.

Ciaran Moynagh from Phoenix Law provided legal advice and assistance in terms of some elements of the data collection. A special thanks to those officers in the Police Service of Northern Ireland and those officials from the Public Prosecution Service who agreed to be interviewed. The report is undoubtedly more relevant in policy terms because of their input. Thanks also to the support workers from the Belfast Commercial Sex Workers Service who provided information on the on-street sector in Belfast and to the Sex Workers Alliance Ireland and UglyMugs.ie who provided advice on the project as well as assisting in the distribution of the questionnaire and dealing with queries from sex workers about it. Special thanks also to Uglymugs.ie for providing data in relation to violence and abuse directed towards sex workers.

Professor Robin Hickey from the School of Law at Queen's provided time for Graham Ellison to undertake the research. Thanks to Colette Farrell and Susan Burton from the School of Law who administered the financial aspects of the grant and to Richard Summerville who designed the cover graphic. The Information Compliance Unit at Queen's was also extremely helpful in advising us of issues in relation to data protection under GDPR.¹

Thanks also to Lazarus Trading S.L. who provided anonymised data for us to undertake the trend analysis of commercial sex in Northern Ireland. We fully realise that compiling and anonymising the data for us took time and effort on their part and we are extremely grateful for their efforts in regard to this. Adultwork also deserves a note of appreciation for advertising our survey on their private forums as well as on the website more generally. This was a tremendous help in generating a good field of sex worker respondents.

Thanks to those sex workers and clients who completed our online surveys and again we must emphasise that their participation contributed in no small measure to the robustness of the research.

Last, but certainly not least, special thanks are due to those sex workers who agreed to be interviewed for the project. We fully realise that many sex workers are nervous about being approached by researchers and we hope that we have articulated their views and opinions in a way that accurately reflects what they said. Without their input this report would not have been as comprehensive as we would like to think that it is.

¹ General Data Protection Regulation. Regulation 2016-679 is a regulation in EU law that affects how personal data is held and disseminated about individuals in all EU member states and the European Economic Area.

Disclaimer

The views expressed in this report are entirely those of the authors, not necessarily those of the Department of Justice.

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School of Law

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ISBN: 978-1-5272-4512-9



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EXECUTIVE SUMMARY

Methods

- This report has quantitative and qualitative dimensions and is based on data from nine separate sources. (1) A quantitative survey with sex workers who work in Northern Ireland and who advertise on some of the main Adult Services Websites (ASWs)² and Internet platforms that generated 199 responses. (2) A quantitative trend analysis of 173,460 advertising profiles for commercial sex in Northern Ireland placed on a popular ASW three years before Article 64A was implemented and three years after its implementation (i.e. 1st January 2012 to 31st December 2018). (3) A web scrape of data from Internet advertising platforms for sex workers in Northern Ireland which generated 1,450 advertising profiles over a six-day period in April 2019. (4) A quantitative client survey with respondents in the Republic of Ireland and Northern Ireland which generated 1,276 responses: 1,083 from ROI, and 193 from Northern Ireland. (5) An analysis of 2,556 reports of violence and abuse to UglyMugs.ie (henceforth UM) from 2012 to 2018. (6) Thirteen narrative interviews with sex workers in Northern Ireland. (7) Three interviews with sex worker support organisations in Northern Ireland. (8) Three interviews with officers in the Police Service of Northern Ireland who are familiar with the dynamics of prostitution and human trafficking for sexual exploitation. (9) One interview with two senior prosecutors in the Public Prosecution Service for Northern Ireland.
- All elements of the data collection were granted full ethics approval by Queen's University, Belfast and were fully assessed by the University for compliance under General Data Protection Regulation (GDPR).
- Mr Ciaran Moynagh from Phoenix Law, Belfast was appointed as legal consultant to the project to advise on legal aspects of the data collection and other issues.
- All of the data involving sex workers / clients involved those who sold or paid for sexual services in Northern Ireland at some point since 2015. The client survey did not exclude clients from the ROI who purchased sex as there is no single place on the Internet that is for Northern Irish clients only. Skip logic was used to direct respondents to Northern Irish or Republic of Ireland specific questions.

² We are using the term Adult Services Websites (ASWs) throughout this report since this is used by the police and official sources in their policy documentation (See NPCC, 2019).

Arrests and convictions for offences under Article 64A of Sexual Offences (Northern Ireland) Order (2008)

- Between 1st June 2015 and 31st December 2018 there have been 15 arrests under the legislation.
- This figure reflects those arrested and processed through PSNI custody. Those arrested and street bailed or dealt with by other means such as caution, community resolution or penalty notice of disorder will not be included in the figures.
- There have been 2 convictions at court under the above legislation, however one further case is currently progressing through the court system.

Arrests and convictions for offences under s.2 Human Trafficking Act (2015)

- Between 1st June 2015 and 31st December 2018 there have been 31 arrests under the legislation.
- All 31 arrests under s.2 were for human trafficking for sexual exploitation.
- From 1st June 2015 to 31st December 2018 there have been 2 convictions at court under this legislation.

Arrests and convictions for offences under s.4 Human Trafficking Act (2015)

- Between 1st June 2015 and 31st December 2018 there have been 5 arrests under the legislation.
- From 1st June 2015 to 31st December 2018 there have been no convictions at court under this legislation.

Number of people providing sexual services in Northern Ireland

- On one ASW (Escort Ireland) we identified 4,717 sex workers who placed 173,460 advertisements for commercial sex in Northern Ireland between 1st January 2012 and 31st December 2018. Advertising for commercial sex on this ASW increased by 5% after the implementation of Article 64A.
- The web scrape of three other Internet platforms generated 1,450 advertisements for commercial sex over a six-day period. Looking across our data sources we estimate that there are around 308 sex workers advertising across Northern Ireland on a daily basis.

This figure does not show a reduction from that cited in the earlier DOJ research in 2014 (Huschke et al, 2014).³

- On the Escort Ireland platform there were 23.2% more sex workers advertising in 2018 than there were in 2012, three years before sex purchase legislation was implemented.
- The overall number of unique female sex workers in the Escort Ireland data was higher in 2018 than it was in 2012, three years before Article 64A. This represents a percentage increase of 22.3%.
- The largest decrease in sex worker advertising following the implementation of Article 64A was among male sex workers which saw a percentage drop of -72.9% from 2015 to 2017. However, the number of male sellers has started to increase again.
- All parts of Northern Ireland appear to have some commercial sexual activity taking place with the bulk of this taking place in the largest urban centre, Belfast. However, the most pronounced increase following the implementation of Article 64A occurred in county Tyrone which saw an increase in sex worker advertising of 134% (i.e. from 4,978 to 11,661 advertisements).
- All sex workers in the narrative interviews noted that there was a surge in business in the period following the implementation of Article 64A. Sex workers felt that the media discussion around the legislation had publicised the idea of prostitution to those that had not previously considered it or did not know how to access a sex worker.

Number of people entering prostitution since Article 64A was amended in June 2015

- It is difficult to state categorically the number of people who enter prostitution given that this is such a hidden and transient activity.
- From the sex worker survey which had 199 responses, a majority of respondents sold sex both before and after the amendment to Article 64A. However, 35 respondents stated that they had started selling sex after the legislation was implemented in June 2015 which represents 21.6% of those that responded to this particular question.
- The Escort Ireland data indicates that there were 1,798 new advertisers in the period following the law i.e. their first advertisement appeared after 1st June 2015. Of course, this does not mean they were new to sex work just that they were new to the Escort Ireland platform.

³ The figure cited in the earlier DOJ research was 300-350.

Number exiting prostitution since June 2015

- It is difficult to identify the number of people who have exited prostitution given that the sex worker population in NI is not static nor easily identifiable. It is highly fluid, with most workers being part-time, occasional, or 'touring' workers (who work in multiple other places in addition to Northern Ireland) so it is not possible to count the number entering and leaving since Northern Ireland is only *one* place where many sex workers operate.
- In relation to exiting prostitution the research suggests that many sex workers do exit from prostitution at various junctures and for varying lengths of time. From the sex worker survey, a majority of respondents (64.6%) had in fact exited prostitution but then returned. For example, 39.4% had left for periods of up to six months, whereas 22.1% had left for periods of over 2 years.
- The research suggests that prostitution is something that some people dip in and out of as need and circumstance dictate; it does not appear to be a fixed identity and any leaving prostitution strategy should perhaps acknowledge this.
- The situation regarding exiting is also complicated by those migrant sex workers who will return to their country of origin at some future date and who do not require exiting support but may require other forms of assistance around sexual health.
- A number of on-street sellers in Belfast do appear to have left prostitution, or at least left the on-street sector. The support worker from the Belfast Commercial Sex Workers Service (BCSWS) noted that the number of on-street sellers in Belfast has declined considerably since the previous DOJ research in 2014 from around 20 to fewer than 10 currently. However, since the BCSWS provides sexual health, rather than exiting services it was not possible to ascertain why these sellers left or whether they have simply moved online. However, it should be noted that the on-street sector in Belfast is marginal by comparison with other UK and Irish cities. For example, Manchester has around 150 female street sellers who are known to service providers (Ellison & Weitzer, 2016).

The number of reported crimes against sex workers

- In Northern Ireland as in many other jurisdictions, crimes against sex workers are under-reported and under-recorded in official statistics. Few attacks and assaults on sex workers ever get reported because of a lack of trust in the police or that the sex worker feels that the police are not interested in what happens to them.
- In Northern Ireland no official record is kept of crimes against sex workers because such crimes have not been officially designated hate crimes as they have in some other jurisdictions. For example, the Merseyside police work with the Crown Prosecution Service (CPS) to automatically designate all crime against sex workers as a hate crime which is officially recorded.
- From the sex worker survey (n=199) a small majority of sex worker respondents (39.6%) would not report a crime directly to the PSNI compared to 33% who would report a crime. It was noted that migrant sex workers are less likely to report a crime to the police fearing arrest.

Number of prosecutions and convictions for offences against sex workers

- There have been two prosecutions and convictions for serious sexual offences against sex workers in Northern Ireland.
- In September 2018 a man was convicted of raping a sex worker, burglary and common assault. This was from an incident that occurred in 2009.⁴
- In February 2019 a man was convicted of a range of offences against a sex worker including oral rape, sexual assault involving penetration, unlawfully and injuriously imprisoning the victim, assaulting her occasioning actual bodily harm and common assault.⁵

⁴ See <https://www.belfasttelegraph.co.uk/news/convicted-killer-raped-northern-ireland-woman-as-five-year-old-son-slept-in-next-room-37330582.html>

⁵ See <https://www.irishnews.com/news/northernirelandnews/2019/02/16/news/man-jailed-for-rape-of-sex-worker-1553313/>

Level of demand for paid sex

- The amendment to Article 64A may have only a limited deterrent effect on client behaviour. For example, a majority of clients in Northern Ireland (53.5%) stated that the law has made no difference to how often they purchase sex and they will continue to purchase sex with the same frequency. A further 27.1% are likely to continue to purchase sex albeit at a reduced level. Only a minority of clients in Northern Ireland (11.6%, n=15) are likely to be dissuaded from purchasing sex because of the law.
- The law has not made it more difficult for clients to access commercial sexual services in Northern Ireland. In the client survey 75.9% of respondents stated that purchasing sex currently was just as easy as before the implementation of Article 64A.
- It is not clear that the deterrent effects of the law are working as presumed. In the Northern Ireland client survey, more clients are purchasing sex online now than before the law was introduced; an increase from 50.3% to 74.5%.
- A substantial minority of clients in Northern Ireland (27.9%) were not aware that the law on purchasing sex had changed with many believing that it was already illegal to purchase sex.

The profile of those who pay for sex

- The profile of clients identified in the current research is essentially similar to that noted in the earlier DOJ study (Huschke et al, 2014).
- In terms of relationship status nearly half the sample of Northern Irish clients were single (48.1%) while 43.4% were married or in a relationship. 8% of clients were widowed.
- All Northern Irish clients were male, and a majority were domiciled in the jurisdiction (86.5%). However, some female clients were identified in the ROI sample.
- From the Northern Ireland survey a majority of respondents identified as 'Irish' (38.9%), 'British' (29.5%) and 'Northern Irish' (25.4%). This reflects Northern Ireland political allegiances and voting blocs. Paying for sex is not confined to one ethno-national group.
- A majority of clients from Northern Ireland are in paid employment (66.8%) with a further 15.0% self-employed. Only 3.6% of respondents were retired.

- A majority of clients (25%) earned at least the median Northern Ireland income (£25,000), with the next largest group earning above the median income (19%). Around 10% of clients in Northern Ireland earned in excess of £60,000 per annum.
- The age profile of clients is fairly equally distributed. For example, a small majority of Northern Irish clients were aged 30-39 (34.5%), followed by those aged 18-29 (22.4%) and 40-49 (21.8%).
- The client group in Northern Ireland appears to be fairly well educated with only 4.8% stating that they had no formal educational qualifications. A large proportion of respondents were educated to primary degree level (25.7%) with a further 17.1% stating that they held a postgraduate qualification. 13.4% of respondents held a trade, vocational or technical qualification.

The safety and wellbeing of those who provide sexual services

- Data from UglyMugs.ie suggests that reported assaults against sex workers have increased by 225% from 2016 to 2018.
- From the UglyMugs.ie data, sex workers are also experiencing higher levels of intermediate level crimes e.g. threatening behaviour and abusive phone calls since the law came into effect. There has been a 677% increase in abusive phone calls from 2016-2018 while threatening behaviour has increased by 200%.
- Data from the sex worker survey confirms that 73.3% of sex worker respondents reported receiving abusive text messages or phone calls within the previous 12 months. 50.6% of sex workers also reported in-person threatening or abusive behaviour within the same period.
- While our data suggest that a very small number of clients may stop purchasing sex there nevertheless remains the concern that these are the non-abusive and non-violent clients. Evidence from other jurisdictions suggests that dangerous, violent and abusive clients are not troubled by sex purchase legislation at all.
- Narrative interviews with sex workers suggest that they are getting more requests now for unsafe sexual practices or for those sexual practices that they are not willing to perform.
- Many sex workers in the narrative interviews stated that clients were now using the new law to try to barter with them i.e. clients argue that since it is they who are taking

the risk then they should be able to negotiate on price and request sexual practices that the sex worker would not ordinarily perform.

The perceived risk to sex workers

- Outside the objective risk of victimisation, a high level of fear of crime coupled with high levels of anti-social and nuisance behaviour appear to have followed the law and contributed to high levels of anxiety and unease amongst sex workers.
- Many sex workers in the narrative interviews emphasised that sex work is now much more subjectively risky than was the case before the law.
- In the narrative interviews many sex workers felt that the law was impacting on them far more than the client. They disagreed fundamentally that the law impacted on the client more than them and pointed out that they were now experiencing higher levels of abuse and requests to perform unsafe sexual practices.
- Nearly all respondents in the narrative interviews felt that the law had increased the stigmatisation of sex workers in ways that made them more anxious and which had an impact on their day to day life.

The involvement of organised crime

- Interviews with the PSNI suggested that local crime groups were not involved in organised prostitution. Rather this activity was primarily undertaken by international crime groups who were involved in organised prostitution and human trafficking for sexual exploitation.
- The majority of convictions for human trafficking for sexual exploitation in Northern Ireland have involved offenders from outside the jurisdiction.

The level of support for exiting

- There is currently no specific targeted support for exiting in Northern Ireland. The leaving prostitution strategy published by the Department of Health directs sex workers to a range of existing statutory services and providers.
- It is debatable whether a leaving prostitution strategy based on the on-street selling population will be effective. Most of what the Department of Health leaving

prostitution strategy is based on (i.e. the on-street sector in London) is irrelevant to the context of Northern Ireland.

- The Beyond the Gaze team at the University of Leicester have provided policy guidelines for how statutory agencies might engage with online sex workers which may be more applicable to the circumstances of Northern Ireland.
- Nearly two-thirds of sex workers in the survey stated that they had exited prostitution at some point in the past, but later returned. On this basis the whole notion of exiting is problematic and needs careful consideration so as to resonate with what individual sex workers feel might work best for them.

Provision and effectiveness of support services

- The Belfast Commercial Sex Workers Service (BCSWS) operated by the Belfast Health and Social Care Trust provides sexual health advice and screening to the on-street sector in Northern Ireland. Arguably, however, off-street workers have different requirements, and this should be acknowledged in the development of any future support strategy.
- The PSNI have provided two sex worker liaison officers in line with NPCC guidelines and this is a positive development. The PSNI liaison officers have a harm reduction rather than an enforcement approach and as such provide a key support role. This is a move that was welcomed by sex workers in the narrative interviews.
- Outside of these two statutory agencies there is no official support for the sex working population in Northern Ireland.
- Like the situation in other jurisdictions sex workers in Northern Ireland use their own networks to help themselves and avail of informal support structures. It is mainly sex workers rather than statutory agencies who provide help and assistance to other sex workers.
- Only a minority of sex workers in our survey availed of the services of Women's Aid or Ruhama. Considerably more sex workers engaged with UglyMugs.ie and Sex Worker's Alliance Ireland (SWAI). These organisations provide assistance and support to sex workers in Northern Ireland although what they can conceivably do is constrained by the fact that they are based outside the jurisdiction.
- Any engagement group needs adequate representation from sex workers and sex worker support organisations. This follows 'best practice' guidelines from World Health

Organisation, the National Police Chief's Council (NPCC) and the Beyond the Gaze team in their practical guidance (Beyond the Gaze, 2019a).

Reducing human trafficking

- This research has found that the legislation has had a minimal effect on either the demand or supply of commercial sexual services therefore it is difficult to see in what way it could impact on human trafficking for sexual exploitation.
- Based on data from the National Referral Mechanism the research suggests that trafficking into the sex industry in Northern Ireland is low in line with the findings of the earlier DOJ research in 2014.
- The national coordination body for police services in the UK, The National Police Chiefs Council, has advised UK police services not to equate all sex work with trafficking in its operational guidance issued in January 2019.
- The PSNI have noted that they view prostitution on a 'continuum of vulnerability' and will deal with those instances that involve high harm offending such as trafficking for sexual exploitation.
- There is no evidence to indicate whether the legislation has reduced human trafficking since neither of the cases prosecuted in the courts in Northern Ireland have involved trafficking for sexual exploitation.

CHAPTER 1: INTRODUCTION

1.1 Background to the research

1.1.1 This report provides the findings of the research commissioned by the Department of Justice (DOJ) in respect of a review of Article 64A of the Sexual Offences (Northern Ireland) Order 2008 to make it a criminal offence ‘to pay for the sexual services of a person’.⁶ In the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, which amended the 2008 Order, there is a requirement on the DOJ to review the operation of Article 64A after a period of three years and to report to the Northern Ireland Assembly on the findings of the review. Uniquely among those jurisdictions that have passed similar legislation, Northern Ireland is the only one whereby prevalence data on prostitution exists for the time *before* the legislation came into effect. Even in Sweden where the model originated from, there exists no reliable prevalence data for prostitution in the country before the *Sexköpslagen* (purchase Act) came into operation in 1999 (Dodillet & Östergren, 2011).

1.1.2 In 2014, around the time that the Private Members Bill⁷ introduced by the Democratic Unionist Party’s (DUP) Lord Maurice Morrow was moving to committee stage in the Northern Ireland Assembly the Northern Ireland DOJ commissioned independent research to establish baseline data on the extent and characteristics of prostitution in Northern Ireland (Huschke et al, 2014). We are now in the fortunate position of being able to determine with a greater degree of reliability whether the law has lived up to its stated aims and objectives in ending demand for prostitution and so reducing human trafficking for sexual exploitation since we have before *and* after data to compare. In addition, we are also in the position of being able to assess the impact of the law on those people who sell sex and to ascertain if there have been any downstream or negative effects associated with the legislation.

⁶ Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Available: <https://www.legislation.gov.uk/nia/2015/2/section/15>

⁷ There were of course many clauses in the Bill, the majority of which were uncontroversial. Collectively the Bill sought to ‘make provision about human trafficking offences and exploitation, measures to prevent and combat human trafficking and slavery and provision of support for human trafficking victims’ (Northern Ireland Assembly, nd).

1.2 The Nordic model of criminalisation of demand

1.2.1 For the sake of clarity, it is perhaps worthwhile saying a few words about what is termed the Swedish or Nordic sex purchase ban that the legislation in Northern Ireland was modelled on. While CARE (Christian Action Research and Education) acted as principal advisor⁸ to Lord Morrow during the deliberation stages of the Bill, Ms Gunila Ekberg, a Swedish feminist and staunch supporter of sex purchase legislation also attended the launch of the Bill and sat alongside Lord Morrow when he presented oral evidence to the Committee for Justice on Thursday 12th September 2013 (Northern Ireland Assembly, 2014a: 80). It is not the intention of this review to outline the arguments both for and against the Swedish model that have accumulated over the years. Nevertheless, both sides of the argument can be presented here in summary form.

1.2.2 For advocates of the Swedish or Nordic model, as it is sometimes termed, the legislation is seen as an important tool in establishing gender equality since prostitution is perceived as a major contributory factor to violence against women but is also linked to human trafficking for sexual exploitation. For example, as Max Waltman argues:

...the Swedish law has been applauded by many of the activists, academics and policymakers aiming at the abolition of prostitution, recognising it as exploitative, harmful and an expression of gendered sexual dominance, whether the trick is male or (so far in much lower numbers) female... Furthermore, it supports the prostituted persons by correctly attributing accountability to the predatory behaviour of those who exploit their vulnerability to sexually gratify themselves (2011: 3).

For supporters of this legislation the law is seen as an important tool in reducing gender-based violence and discrimination and situates prostitution in the context of subordinate – dominant patterns of gender relations. At its core the law sees prostitution as a manifestation of sex inequality, ‘...how girls and women are socially subordinated thus made particularly vulnerable to exploitation and abuse’ (Waltman, 2011: 5). The law also had at its core a commitment to reframe the norms governing purchasing sex in Sweden to make it something that men would come to view as morally wrong, reprehensible and culturally alien (Ekberg, 2004). As such, the

⁸ See: <https://www.care.org.uk/our-causes/human-exploitation/human-trafficking>

model advocates for social and cultural change; to change attitudes as a way of changing behaviour. For other supporters, the law is an important element in the armoury of the Swedish police to clamp down hard on human trafficking and organised crime since the dark underbelly of prostitution is seen to be deeply embedded in organised crime networks. As Claude (2010: 6) suggests, 'In the Swedish view, prostitution and human trafficking are linked by the sex buyers, whose money finances organised crime. In other words, the sex buyers make human trafficking both possible and lucrative'.

1.2.3 In terms of its overall impact the law has been hailed as a major success in both reducing levels of prostitution and also making Sweden an inhospitable destination for human trafficking (Claude, 2010; CATWA, 2017). For CATWA one of the main innovations of the Nordic model is that it is an alternative to legalisation and total decriminalisation; it represents a 'third way' as it were. It is seen to be particularly effective at targeting demand for prostitution and recognises that it is the demand from mainly male purchasers that promotes the expansion of the sex industry and sex trafficking. A research study conducted for the European Parliament which compared a number of models for the regulation of prostitution throughout the Eurozone concluded that:

... the Swedish legislation, which targets the buyer (mostly men) and thus criminalises the demand side instead of the prostitutes themselves, is the only one which successfully criminalises men buying women. According to official evaluations, this seems to have effectively reduced demand and deterred traffickers (Schulze, Novo Canto, Mason & Skalin, 2014: 8).

1.2.4 Of course, the findings from the European Parliament study (above) have been disputed on the grounds that since no studies exist in Sweden from before the legislation was introduced it is impossible to make any claims about the effects of the law. Nevertheless, according to Waltman (2011: 459) Swedish prostitution has 'virtually disappeared' in all major cities in the country, while CATWA cite a study by the Nordic Institute for Women's Studies and Gender Research suggesting that there was a 78% decrease (from 3000 to 650) in the number of prostitutes in Sweden in from the mid-1990s to 2008 (CATWA, 2017:12). Similarly, the Swedish Institute claimed in 2010 that on-street prostitution in Sweden saw a 50% reduction between 1999 and 2008 (cited in CATWA, 2017:12).

1.3 The Nordic model: an alternative view

1.3.1 It is fair to say that the Nordic model has not been accepted uncritically and there is little consensus about what the effects of the law have been either within Sweden or outside it (see Skilbrei & Holmström, 2013). This has been compounded by the fact that as we noted above there exists no systematic prevalence data for prostitution in Sweden from before and after the law was introduced. Indeed, Dodillet & Östergren, (2011: 3) point out that when the evidence is reviewed carefully: ‘...The Swedish Sex Purchase Act *cannot* be said to have decreased prostitution, trafficking for sexual purposes, or had a deterrent effect on clients to the extent claimed’ (emphasis in original).

1.3.2 What has been interesting about the Swedish model is the way that it has been promoted internationally, and indeed this was one of the stated objectives from the outset according to Dodillet & Östergren, (2011: 2). To date, similar legislation has been introduced in France, the Republic of Ireland, Norway, Iceland, Canada, Israel and of course, Northern Ireland. This, however, creates an unacknowledged problem which is well understood by social scientists and legal scholars. Namely, the difficulties in transposing legislation from one context with a particular set of historical, cultural, political and social circumstances to another with a completely different set of circumstances. Indeed, Kingston and Thomas (2019), writing from a policy transfer and comparative law perspective claim that most countries that have adopted the legislation do not implement the law in full if at all, and all that is ‘occurring is the transfer of rhetoric and ideology’ (2018: 423). It simply assumed that legislation devised for the unique context of Sweden (e.g. with high welfare state provision, high existing standards of gender equality, narrow income differentials) will simply ‘work’ in France, Northern Ireland, Israel or any other jurisdiction with different social, political and cultural circumstances.

1.3.3 Similarly, Skilbrei and Holmström (2013) in their review of the ‘Nordic model’ have pointed out ‘that the idea of such a model is misleading, and in no way tells the whole truth about what is going on in the region where it supposedly applies’ [and that] ‘the case for their success is far more fraught than popular support would suggest’ (2013: para 1 & para 4).

Skilbrei and Holmström (2013) suggest that the asymmetric model of criminalisation simply does not exist in the Scandinavian jurisdictions that have claimed to operationalise it. Sex sellers are often policed and regulated by other highly intrusive forms of legislation, including by-laws and municipal statutes. As they note:

...In truth, while these laws have attracted flattering attention internationally, the politics and practices associated with them are very complex. In particular, they are sometimes applied in conjunction with other laws, by-laws and practices specifically aimed at pinning the blame for prostitution on people who sell sex, particularly if they are migrants. For these and other reasons, the Nordic countries' approaches must be judged with caution – and none more so than the most popular example, the case of Sweden (2013, para 6).

1.3.4 It has been noted by Malloch, Robertson and Forbes (2017) in a review of sex purchase legislation conducted for the Scottish government that only a small number of studies on prostitution conducted in Sweden, Norway and elsewhere are based on empirical evidence. Furthermore, they note that many studies are qualitative in nature which makes systematic generalisation difficult. Much of the evidence has been drawn from the on-street sector with 'a universally acknowledged uncertainty about the numbers involved in indoor prostitution such as online and indoor sex work and the impacts of criminalisation on these segments of prostitution' (p7). Given that the on-street market across many European jurisdictions has been in decline now for the past two decades this means that the shift to Internet prostitution has not been really documented in those jurisdictions that have implemented sex purchase legislation (Holmström & Skilbrei, 2017). We discuss the online sector and conduct a trend analysis of data provided by an Adult Services Website (AWS) to estimate prevalence in the supply of prostitution services in Chapter 6 of this report.

1.3.5 Some studies have provided evidence from Sweden and Norway to suggest that since sex purchase legislation was implemented in these jurisdictions the risks and threats to sex workers has increased (Amnesty International, 2016; Jakobsson, 2015; Jacobs, 2014). Indeed, this is one of the most common complaints made against sex purchase legislation in that it places the (usually) female sex worker in a more risky and dangerous work environment. We deal with the issue of violence and threats to sex workers in the Northern Ireland context in Chapter 9 of this report.

1.4 What did the legislation aim to do in Northern Ireland?

1.4.1 The draft legislation introduced to the Northern Ireland Assembly by the DUP's Lord Morrow was fairly wide ranging and for the most part uncontroversial. The legislation sought to provide assistance to victims of human trafficking by providing a range of support mechanisms such as Independent Guardians for children who have been trafficked out of their home country. There is much in the legislation to commend, but it was what was referred to as Clause 6 of the draft Bill that proved the most controversial aspect. This was the clause in the legislation that aimed to criminalise the purchase of sex along the lines that have just been discussed in the Nordic regions. Certainly, for the proponents of the legislation, its strengths were seen to be self-evident since there was an assumed link between prostitution and trafficking for sexual exploitation. For the sake of brevity, the purported strengths of the legislation as they were articulated in various parliamentary debates in Northern Ireland may be summarised as follows:

- (i) That sex purchase legislation resulted in a considerable decrease in visible prostitution in those jurisdictions that have operationalised it, including a reduction of 50% in Sweden;
- (ii) Related to (i) above, the legislation would also impact on trafficking for sexual exploitation because there are clear links between prostitution and trafficking and for many proponents of the such legislation, they are synonymous.
- iii) Since the aim of the legislation is not to criminalise sellers it is proposed that by criminalising demand (i.e. the purchaser) this will adversely impact on the supply of prostitution which will eventually dry up. Sex workers would then be encouraged to consider alternative sources of work or income.
- iv) That sex purchase legislation would put those Internet-based firms that advertise sexual services out of business because they would experience a significant loss of revenue.
- v) That the asymmetric model of criminalisation inherent to sex purchase legislation would impact solely on (mainly) male clients and those (mainly) female sex workers would be diverted towards exiting or other rehabilitation and therapeutic programmes.

In what follows we subject the above claims to empirical and critical scrutiny by drawing upon a range of data sources. We elaborate upon these in the chapters that follow in this report.

1.5 Prostitution research in Northern Ireland

1.5.1 Comparatively speaking, there has been little academic research on prostitution in Northern Ireland, at least from the start of the Troubles in the late 1960s. Nevertheless, as the excellent historical analysis by McCormick (2009) documents, Belfast as a port city has had a long tradition of commercial sex and from the mid-19th century the now largely demolished Sailortown area of the docks housed a number of establishments where women (and perhaps some men) negotiated business with sailors coming and going from the nearby ships (McCormick, 2009). However, the violent socio-political conflict that erupted in the late 1960s had a hugely disruptive effect on the bulk of prostitution, while the dangers of using public space, particularly at night, meant that an active street-sector as found in many other UK cities was never established with any sense of permanence or longevity. Much commercial sex was displaced into indoor establishments (houses, hotels, or shebeens⁹) while there is some evidence, albeit for the most part anecdotal, to suggest that loyalist paramilitary organisations were involved in organised prostitution rackets during the 1970s and 1980s (Dillon 1991). We discuss the role of paramilitary organisations in the current context in Chapter 4.

1.5.2 It is really only since 2014 that we have had any robust academic analysis of prostitution in Northern Ireland via the research commissioned by the DOJ (Huschke et al, 2014). This documented a number of features of prostitution in Northern Ireland which can be summarised as follows:

- a) Northern Ireland has a relatively low rate of prostitution particularly when seen in comparative national and international perspective.
- b) The on-street prostitution sector in Northern Ireland is marginal with around 20 mainly female sellers. This stands in comparison to other UK cities, such as Manchester with around 150 on-street female sellers and 60 on-street male sellers.¹⁰
- a) The researchers noted that around 300-350 Internet-based, off-street sellers are available each day in Northern Ireland.

⁹ Illicit drinking dens.

¹⁰ Figures are total number of sex workers registered with service providers (Ellison & Weitzer, 2013).

- c) As far as could be determined the vast bulk of prostitution was consensual with trafficking for sexual exploitation appearing to be comparatively low in Northern Ireland.
- d) The majority of sex workers are female with male and transgender prostitution playing a more marginal role.
- e) The majority of prostitution in Northern Ireland takes place in the larger urban centres but particularly, Belfast and Derry / Londonderry (henceforth L/Derry).
- f) That apart from the Belfast Commercial Sex Worker Service run by the Belfast Health and Social Care Trust, support and exiting facilities are underdeveloped in Northern Ireland.
- g) The bulk of online prostitution in Northern Ireland is performed by non-Irish or non-UK nationals.

1.6 The scope of the report

1.6.1 This report is organised thematically by chapter which deal with specific elements of the DOJ project specifications. They can be summarised as follows:

1.6.2 In Chapter 2 we provide an overview of the methodology and the research ethics framework adopted for the research. The research received full ethics clearance from Queen's University, Belfast and was screened by the University's Information Compliance Unit for observance of data protection regulations in relation to the holding, storage and accessing of personal data. In the chapter we provide a brief outline of the ethical protocols adopted for the research since this was seen to be a sensitive topic with sex workers a potentially vulnerable research population. We also present the data sources used for the research and outline the methodological steps in the analysis of this data.

1.6.3 In Chapter 3 we present a socio-demographic overview of those online sex workers who responded to our survey (n=199) since this will help frame parts of our subsequent discussion. The chapter provides general socio-demographic characteristics e.g. gender, age, nationality etc. However, it also asks about satisfaction with sex work, experiences of violence and abuse and perceptions of risk and danger in the aftermath of the legislation.

1.6.4 In Chapter 4 we deal with official responses to prostitution in Northern Ireland as well as providing an assessment of the leaving prostitution strategy put in place by the Department of Health. The chapter considers responses to the legislation from the Police Service of Northern Ireland (PSNI) and the Northern Ireland Public Prosecution Service (PPS). Key here is whether there are particular obstacles to securing convictions under the legislation and whether it is helpful in dealing with human trafficking.

1.6.5 In Chapter 5 we provide an overview of human trafficking and consider the number of referrals to the National Referral Mechanism (NRM) from Northern Ireland. We consider annual figures for referrals to the NRM and assess whether these have changed substantially following the legislation.

1.6.6 In Chapter 6 we consider the supply side of prostitution in Northern Ireland. We develop the sophisticated methodological technique for determining prevalence rates for prostitution proposed by Sanders et al (2018) who argue that it is more accurate to ‘count’ advertisements for commercial sexual services at source (i.e. from website administrator data). We analyse 173,460 advertisements obtained directly from an ASW from 1st January 2012 to 31st January 2018 (i.e. three years prior to the law’s implementation on 1st June 2015 and three years afterwards) to see if Article 64A has had any effect on the supply of prostitution. If the proponents of the legislation are correct, then we would expect to see a reduction in (a) sex worker advertising (b) the number of unique sex workers in the jurisdiction following the implementation of the law. The Chapter also focuses on the demographics of sellers and locations where commercial sex is sold in Northern Ireland both before and after the law’s implementation. The chapter concludes by considering whether advertising for commercial sex has been affected by Article 64A in Northern Ireland.

1.6.7 Chapter 7 further considers the supply of prostitution services in Northern Ireland following the implementation of Article 64A. We consider the results of a data scraping exercise from a number of websites that advertise commercial sexual services in Northern Ireland. In particular, we examine advertising data from Adultwork, Vivastreet and Locanto since along with Escort Ireland (above) these are the main platforms used by sex workers to advertise commercial sexual services in the jurisdiction. We scraped data from these websites for 6 days in April 2019 and collected daily totals for sex worker advertising along with basic

demographic data. We provide an approximation of how many sex workers are advertising on these platforms and compare this with the results of the earlier DOJ study (Huschke et al, 2014). The chapter considers whether the number of advertisements is higher or lower than those identified in the earlier DOJ research (Huschke et al, 2014) before Article 64A came into effect.

1.6.8 In Chapter 8 we focus on the demand side of prostitution economics and draw on the results of a client survey which generated 1,276 responses from clients who have purchased sex in Northern Ireland and the Republic of Ireland. We used skip logic to direct respondents to the Northern Ireland or Republic of Ireland applicable questions. Since the Republic of Ireland introduced sex purchase legislation from 1st March 2017 this provides a useful point of comparison with the Northern Ireland data. If the law is having the deterrent effect as claimed, we should expect to see a reduction in the purchase of sex after the legislation was introduced in both jurisdictions. We also provide a socio-demographic profile of clients and consider their views on the effectiveness of the legislation in acting as a deterrent to the purchase of sex.

1.6.9 Chapter 9 focuses on violence and abuse against sex workers. Critics of the legislation have argued that sex purchase legislation drives prostitution further underground and that it creates a considerably riskier work environment for sex workers. We draw on a range of data sources in this chapter including a unique dataset from UglyMugs.ie, the sex worker survey and the narrative interviews with sex workers. The chapter develops the literature on fear of crime, signal crimes and hate offences to assess the impact of the law on sex workers and whether it has contributed to a more dangerous and riskier environment for them. We also assess sex worker perceptions of policing in Northern Ireland and whether they feel that they are protected by the police as a vulnerable community.

CHAPTER 2: RESEARCH METHODOLOGY AND ETHICS

2.1 Methodological approach

Each individual chapter in this review provides a detailed methodological summary of the approach used in the data collection. Here we present a brief overview and provide a comment on the sources used in the review. As noted in the Introduction, the DOJ specification required the research team to utilise quantitative and qualitative research methods in order to obtain certain sources of information. From the original specification, the quantitative phase of the research was to provide details of the following:

- (i) The number of arrests and convictions in respect of:
offences under Article 64A of the 2008 Order; offences under section 2 of the 2015 Act (Human Trafficking) for the purposes of sexual exploitation (within the meaning of section 3(3) of the 2015 Act); offences under section 4 of the 2015 Act (committing an offence with the intention of committing an offence of human trafficking for the purposes of sexual exploitation).
- (ii) The number and profile of people currently involved in providing sexual services in Northern Ireland.
- (iii) The numbers who have entered prostitution since Article 64A was amended in June 2015.
- (iv) The numbers who have exited prostitution since Article 64A was amended in June 2015.
- (v) The number of reported crimes against sex workers.
- (vi) The number of prosecutions and convictions for offences against sex workers.
- (vii) The number of abusive incidents against sex workers not involving a criminal offence.
- (viii) The current level of demand in Northern Ireland for paid sex.

We used a range of methodological techniques to obtain the above information but in particular the data for the quantitative phase of the project was divided into 6 separate components that we outline below.

- (i) A trend analysis of 173,460 advertisements for commercial sexual services obtained directly from Lazarus Trading S.L. which owns the domain name to the Escort Ireland

platform. This is a popular advertising platform for sex workers in Northern Ireland and we analysed this data from 1st January 2012 to 31st December 2018.

(ii) A data scraping exercise from three of the main sex-worker Internet advertising platforms designed to measure the nature, scope and scale of commercial sex in Northern Ireland over a predetermined time period. Data was scraped over a 6-day period in April 2019, resulting in 1,450 advertisements for commercial sexual services which were subsequently analysed.

(iii) An analysis of 2,556 anonymised reports to UglyMugs.ie (UM) an online community resource that records violence and abuse directed at sex workers.

(iv) A sex worker self-report survey which generated 199 responses from sex workers who sell sex in Northern Ireland.

(v) A client self-report study to determine whether or not Article 64A has acted as a deterrent and reduced demand for commercial sexual services in Northern Ireland and the Republic of Ireland that generated 1,296 responses.¹¹

(vi) An analysis of statistical data provided by the Police Service of Northern Ireland, Northern Ireland Department of Justice and the National Crime Agency in relation to trafficking offences in Northern Ireland and prosecutions under Article 64A.

2.2. Qualitative interviews with stakeholder groups

2.2.1 The qualitative dimension to the review focused on the following objectives as set down in the DOJ specification whereby the research team was required to ‘undertake the collection of information dealing with sensitive issues with a view to understanding, and providing an assessment of, the impact of the criminalisation of paying for sexual services on’:

- (i) The safety and well-being of those who provide sexual services;
- (ii) The perceived risks to sex workers;
- (iii) The involvement of organised crime;
- (iv) The profile of those who pay for sexual services;
- (v) The level of support provided to those exiting prostitution;

¹¹ As we explain below, we had to include clients from the Republic of Ireland to avoid skewing our data. However, we used skip logic to direct clients to the Northern Ireland and Republic of Ireland specific parts of the survey.

- (vi) Reducing the levels of human trafficking for the purposes of sexual exploitation in Northern Ireland.

2.2.2 The qualitative interviews were divided into three distinct phases involving interviews with different stakeholder groups. Interviewees were provided with thematic areas for discussion in advance of the interview. The first tier of interviews involved professionals working in a criminal justice field, including officers from the Police Service of Northern Ireland (PSNI) and officials from the Public Prosecution Service (PPS). In total three PSNI officers were interviewed ranging in rank from Detective Chief Superintendent to Sergeant. All officers have direct knowledge of prostitution related issues in the course of their work. Two senior prosecutors in the PPS were also interviewed who again have specific knowledge of the legislation around Article 64A.

2.2.3 The second tier of interviewees comprised those individuals who provide a range of support services to sex workers, including sexual health care. These interviews were less structured than for professional organisations and dealt in the main with changes that were felt to have occurred in the aftermath of Article 64A being implemented. In total, representatives from three support organisations were interviewed. For reasons of anonymity some of these organisations asked that we did not attribute quotations directly to them so in the following sections they are referred to as a ‘sex worker support organisation’. We did attempt to interview as many organisations as possible including those that were involved in the earlier DOJ research, but some organisations did not wish to participate or did not return our telephone calls or reply to our emails.

2.2.4 The final group of interviews with sex workers were deemed to be the most challenging in ethical terms and were subject to the highest level of approval as well a GDPR assessment by the University’s Data Compliance Unit. We conducted 13 narrative interviews with sex workers in order to complement the quantitative survey data (Table 1). A demographic profile of each sex worker respondent is provided below. The sensitive nature of the research required a reflexive approach to the interviews, allowing interviewees to have input and draw attention to areas they felt were important, with the researchers having a flexible stance on topics discussed, rather than a restrictive set of questions. As such, in-depth interviews are useful

methods of collecting those data not available through purely quantitative methods (Dewey & Zhang, 2013). This aspect is particularly important when conducting research on sex workers (see O'Neill & Campbell, 2010).

2.2.5 The majority of sex workers interviewed were female along with female trans-workers, one non-binary trans-worker and one gay identified male sex worker. Seven of the interviewees were sex workers before the implementation of Article 64A, the rest working since its implementation. Eight interviewees were from Northern Ireland, two from England, one from Australia, one from Hungary and one from 'Eastern Europe' who did not want to provide an exact nationality. Interviews were conducted in person, via Skype, or on the telephone, with the choice being given to the interviewee. Telephone interviews were useful for those sex workers who were particularly concerned about maintaining total anonymity. Most interviews were recorded, with two exceptions, as these workers were particularly concerned about anonymity, so notes were taken during these interviews. Verbal consent was obtained from each interviewee in advance of the interview and they were provided with a written copy of the consent form.

Table 1: Socio-demographic profile of sex worker respondents

Identifier	Gender	Age	Worked before law	Worked After law	Touring/Resident	Nationality
L	Female	40	Yes	Yes	Both	Northern Irish
S	Female	30s	Yes	Yes	Both	English
M	Trans Female	25	No	Yes	Resident, No tours	Northern Irish
D	Non- Binary Trans	25	No	Yes	Resident, No Tours	Northern Irish
O	Male	28	No	Yes	Resident, No tours	Northern Irish
U	Female	20s	No	Yes	Touring	Northern Irish
K	Female	40s	Yes	Yes	Touring	English
T	Female	30s	Yes	Yes	Both	English
G	Female	50s	Yes	Yes	Resident, No tours	Northern Irish
R	Trans Female	20s	No	Yes	Resident, No tours	English
H	Female	30s	Yes	Yes	Touring	Hungarian
A	Female	50s	No	Yes	Resident	Australian
R	Female	30s	Yes	Yes	Touring	Eastern European

2.3 Research Ethics

2.3.1 This research can be considered ‘high risk’ insofar as it involves human subjects, but more importantly, sex workers, who might be considered a vulnerable and ‘at risk’ population insofar as they may have experience of violence, policing, immigration as well as the fear of being outed by unscrupulous researchers or journalists (Dewey & Zhang, 2013). As such, there is a very real risk that inaccurate or misleading claims about a vulnerable population - though many sex workers would strenuously reject the adjective ‘vulnerable’ - are perpetuated by research that either does not seek their views or misrepresents what they say. As such, our overall methodological framework gives weight to the views and experiences of sex workers rather than privileging the views of other organisations such as the police and those in authority. The research adhered closely to the guidelines suggested by the UK Network of Sex Work Projects who advocate for ‘ethical, interdisciplinary scholarship on sex work to inform activism and advocacy that will improve the human rights, health and wellbeing of sex workers’. Both phases of the research - the quantitative study and the qualitative interviews were subject to the ethical protocols issued by Queen’s University, Belfast and adhered to the principles around informed consent, confidentiality, anonymity and data protection in-line with GDPR guidelines.

2.3.2 Both the quantitative and qualitative components raise a number of ethical and data protection issues which are discussed below.

2.3.3 Privacy and Data Protection issues

- (i) Scraping data from a website may potentially raise issues around copyright and intellectual property. However, we consulted with intellectual property lawyers in the School of Law at Queen’s University and were advised that scraping for academic or research purposes is not illegal providing this is done for non-commercial purposes and is deemed to represent ‘fair use’. Furthermore in an important legislative development the UK Intellectual Property Office (formerly the Patent Office) amended copyright and intellectual property legislation (October 2014) to facilitate researchers utilising text and data mining techniques and to stipulate that ‘if a researcher is carrying out non-commercial research they will not infringe copyright by copying material for a text and data mining analysis’ (Intellectual Property Office, 2014: 2).

- (ii) The quantitative data harvesting exercise collected some personal data (mobile telephone numbers) but this was mitigated by the fact the information was publicly available from the websites anyway.
- (iii) All project data was stored in a secure environment and only the investigators had regular access to this.
- (iv) The individuals hired to transcribe interviews and provide translations for the questionnaires were accredited suppliers to the University. As such, they had previously signed confidentiality and non-disclosure agreements in line with existing University policies and procedures.
- (v) The researchers complied with all relevant GDPR guidelines pertaining to the collection and storage of personal data. Before obtaining ethics clearance, the PI (Ellison) completed a Data Protection Impact Assessment which was reviewed by the Information Compliance Unit at Queen's University, Belfast.

2.3.4 Anonymity

- (i) Pseudonyms or initials were used in all written documents, including interview transcripts and notes. All names were anonymised during transcription of the recorded interviews. Personal details (such as real name, address, phone number), if they became known to the researchers, were not shared with others. In regard to interviews with service providers and experts we only name the organisation if they had explicitly given their consent and this was applied to direct quotations used in this review. All data were stored on a password protected computer and encrypted. Likewise, all datasets, especially interview transcripts were encrypted, and password protected when saved, and as back-up we had an encrypted and password protected external hard drive with the data in a different, secure location.
- (ii) Fear of denunciation and stigmatisation is an issue for both sex workers and experts/service providers who took part in the study. This was mitigated by anonymising the names of the research participants, and by omitting personal details, such as hometown, physical appearance etc., from all future publications and research reports.
- (iii) All media enquiries in relation to the project and associated reports were handled by the University's Communications Office. Media requests for sensitive or personal data (e.g. details about particular respondents) were dealt with by the Communications Office in line with Freedom of Information (FOI) exclusions.

2.3.5 Informed Consent and Procedures for data storage

- (i) The methodological framework for the qualitative narrative interviews adhered fully to the principles of informed consent, anonymity and confidentiality as stipulated in the consent form that was given to each respondent in advance of the interview. Each individual had the right to withdraw from the study within a specified period of time. Audio records will be retained in line with the University's research governance procedures for a period of five years. For reasons of confidentiality we did not ask sex workers to sign the consent form but to read it and give their verbal consent at the commencement of the interview.
- (ii) As in previous research¹² we used a tailor-made consent form for the various categories of respondent. So, for example sex workers received a slightly different form than service providers and professionals. Both forms (a) provided an overview of the project (b) outlined each respondent's right to anonymity, confidentiality and the right to withdraw participation (c) the nature of the questions asked (d) benefits to respondents from participation in the study.

2.3.6 Potential Impacts of the research on human subjects

- (i) Potential risks to sex workers include distress caused by talking to the researcher about difficult experiences and fear of stigmatisation due to participating in a study on prostitution. To ensure that the interview situation did not cause the participant any emotional harm, the interviewer was flexible regarding the interview questions, and adjusted the topics addressed in the interview according to the participant and the interview context if necessary. We ensured that respondents had access to a range of counselling and support services including the PSNI sex worker liaison officers if this was required. Participants were also made aware throughout the interview that there is no requirement to answer any questions that they preferred not to and that they might take a break or stop the interview at any time.
- (ii) Furthermore, in respect of the guidelines for ethical research with sex workers issued by the UK Network of Sex Work Projects (UKNSWP) the researchers adopted a non-judgmental position on prostitution and avoided giving the impression that they

¹² Ellison, G. & Weitzer, R. (2013), *Regulating Commercial Sex: A Four City Case Study*, granted awarded by British Academy / Leverhulme Trust.

disapproved of the experiences and decisions made by the research participants or their personal beliefs and attitudes. To the best of our ability we have truthfully represented the subjective perspectives of individual research participants, including sex workers, as well as professionals working in this field, such as PSNI officers and service providers.

- (iii) If we became aware of underage profiles (i.e. that those under 18 are advertising) then we planned to adhere to the longstanding convention¹³ that the researchers have a responsibility to act around issues of child protection. In this case we would notify both the website and the police directly under Section 5 of the Criminal Law Act (NI) [1967]. Likewise, if we were informed during the course of an interview about confirmed or suspected instances of trafficking for sexual exploitation then we intended to pass this information on to the PSNI's sex worker liaison officers for further investigation. These were the only instances where we would make aspects of our data available to law enforcement agencies given the issues around trust.
- (iv) If we became aware during our interviews that some sex workers have experienced violence and abuse, we offered to put them in touch with either the PSNI's sex worker liaison officers *or* if they did not wish to involve the police, they could be directed to UglyMugs.ie that works with sex workers who have experienced such violence. Alternatively, the sex worker could be put in touch with Women's Aid or the Rainbow Project should they so wish. These organisations are well placed to provide help, assistance and support should that be required. Given the distrust many sex workers feel towards police we feel that it is the workers who are best placed to decide, in conjunction with any relevant support organisations they choose to access, whether they wish to report any crime. However, none of these issues arose during the course of any of the narrative interviews.
- (v) Since many touring sex workers operate according to very tight schedules and have little time between appointments it was necessary to include an element of financial compensation (a £50 gift voucher) for loss of earnings and travel expenses in order to facilitate participation in the interviews. In many cases this is because speaking to us may mean turning down a paying client and thus involve direct loss of income. This element of financial compensation is fully justifiable within ESRC guidelines

¹³ See Economic and Social Research Council (ESRC) *Research Ethics* available: <https://esrc.ukri.org/funding/guidance-for-applicants/research-ethics/>

and is the only realistic way of generating a large enough sample of sex worker respondents.

2.3.7 Researcher Safety

- (i) The researchers ensured their own safety through a number of measures; they did not share personal information such as their home addresses, or personal phone numbers with research participants.
- (ii) Interviews always took place in a mutually agreed safe environment, for example, in the one of the researchers' offices at Queen's University Belfast, or at a venue agreed with the interviewee. If an interview was to take place away from the University or in the evening, a protocol was devised between the CI and PI whereby the CI advised the PI of the location / time of the interview and that they had arrived safely at the destination. They also confirmed completion of the interview and safe arrival at their home.
- (iii) The researchers did not under any circumstances endanger themselves by visiting places where organised crime takes place, such as illegal brothels. Furthermore, the researchers discussed the methods used in the study in detail with the project Advisory Board to ensure that everyone is aware of the potential risks entailed and to allow for fine-tuning of the research design throughout the study.
- (iv) The researchers adhered to the University's Lone Working and Working in Isolation policies and procedures for those interviews that took place in the evening and away from University premises.
- (v) The research team established a Project Advisory Group¹⁴ that provided guidance on the strategic direction of the project and on-going ethical issues during the developmental stages. The advisory group consisted of a range of relevant stakeholder groups / individuals with expertise in supporting or researching sex

¹⁴ We did not invite those organisations that are tasked with enforcing the legislation (e.g. PSNI) to the Project Advisory Group. However, the PSNI was interviewed separately as a key stakeholder organisation. Some organisations were approached and asked to sit on the Advisory Board but did not respond to the email / telephone call.

workers and included representatives from:

- a. The Rainbow Project
 - b. Sex Worker's Alliance Ireland
 - c. Belfast Health and Social Care Trust, Commercial Sex Workers Service,
 - d. Belfast Feminist Network
 - e. UglyMugs.ie
- (vi) Professor Jane Scoular, University of Strathclyde Law School, was appointed as academic advisor to the project.
- (vii) Mr Ciaran Moynagh, Phoenix Law Belfast, was appointed legal advisor to the project.

2.4 Data management and General Data Protection Regulation (GDPR)

The PI on the project (Ellison) completed a Data Protection Impact Assessment for the project which was reviewed by the University's Information Compliance Unit in respect of obligations under GDPR laws that are applicable to the collection and storage of personal data. The Information Compliance manager at the University confirmed that subject to two minor amendments (an updated privacy notice and the insertion of an additional sentence in the Data Protection Impact Assessment) they were satisfied that the proposal demonstrated that all reasonable steps had been taken to ensure compliance with the relevant GDPR legislation and it was permissible to seek full ethics approval for the project. This was subsequently granted.

CHAPTER 3: SOCIO-DEMOGRAPHIC PROFILE OF SEX WORKERS IN NORTHERN IRELAND

3.1 Introduction

3.1.1 This chapter provides a basic socio-demographic profile of the sex worker population in Northern Ireland based on the survey of sex workers that was undertaken as part of the quantitative analysis. Information in this section can be used to shed light on some of the later chapters. As we shall see, the sex working population in Northern Ireland is almost exclusively based online, and Belfast in particular is distinct from other UK and Irish cities in that there is virtually no on-street sex work occurring.¹⁵ As such, support services around sexual health and the Department of Health's leaving prostitution strategy discussed in a later chapter need to be cognisant of the needs and requirements of an indoor based, and largely touring sex working population. Extrapolating policy frameworks from other jurisdictions that have large on-street sectors is not relevant to the Northern Irish case. The chapter begins by providing a brief note on the methodological framework for the survey before moving on to present a socio-demographic profile of those sex workers who responded.

3.2 Methodology

As discussed in Chapter 1 the sex worker survey was granted full ethics approval by Queen's University's School of Law. In total 199 sex workers completed the survey which ran for a two-week period in May 2019. The survey was hosted on SurveyMonkey which is approved as a survey instrument by the University. Every effort was made to generate responses from as wide a range of sex workers in Northern Ireland as possible. Contact was made with a number of support organisations such as UglyMugs.ie and Sex Workers Alliance Ireland (SWAI) who publicised the survey on their webpages and provided a short statement regarding the research, who was undertaking it, and for what purpose. Commercial firms such as Lazarus Trading S.L. and Adultwork also promoted the survey on their webpages and private forums. One of the researchers sent text messages with a link to the survey to all sex workers (female, male and TS/TV) listed on Adultwork, Vivastreet and Locanto during the course of a week. The survey was also distributed via a number of social media forums where sex workers meet, and the sex worker respondents who were interviewed were also given a link to the survey. It

¹⁵ In the report we adopt the definition of online sex work proposed by the Beyond the Gaze research team in their study of Internet-based sex work in the UK: 'Sex workers based on their own, or in collectives, or working through an agency, who use the Internet to market or sell sexual services either directly (i.e. interacting with clients in person e.g. escorting, erotic massage, BDSM) or indirectly (i.e. interacting with clients online e.g. webcamming).' (Beyond the Gaze, 2019b: 1).

quickly transpired that some sex workers queried the legitimacy of both the survey and the researchers and emailed SWAI / UglyMugs.ie or the University directly asking if the research was genuine.

3.2.1 It is impossible to say how representative the survey is of the sex working population in Northern Ireland because no survey of a hidden population such as sex workers can ever be fully representative. It may well be the case that our sample of sex worker respondents is skewed towards those with positive experiences and excludes those with more negative histories such as those sex workers who have been abused or coerced into the industry. While we did make every effort to publicise the survey as widely as possible, we cannot state categorically that it is fully representative. This is something that is impossible to guarantee in any case because we do not know what the total sex worker population is from which to construct such a sample. As Ron Weitzer suggests:

... until we are able to construct a random sample of workers – something that probably can never be done, given that we have no way of knowing the parameters of the population of prostitutes, not to mention the problem of gaining access and co-operation from them. Absent a random sample, the best that we can hope for are studies that do an exceptional job of sampling people in different geographical locations in different types of prostitution and doing both the sampling and the interviewing in a rigorous and impartial manner (2005: 942).

3.2.2 We have tried as far as possible to target those sex workers such as males and TV / TS sex workers who are often underrepresented in survey research on sex workers. No survey respondents stated that they work on-street in Northern Ireland which confirms what the support worker from the Belfast Health and Social Care Trust informed us; namely, that this sector has all but disappeared in Belfast in recent years.

3.2.3 Given that many sex workers in Northern Ireland are foreign nationals the survey was also translated into Romanian and Spanish as well as being available in English. Experience with previous surveys told us that the vast majority of sex workers have a high enough standard of English, but that Romanian and Spanish were two of the most popular languages used by sex workers. The majority of respondents took the survey in English (74.4%), followed by

Romanian (18.1%) and Spanish (7.5%). Data from the survey was exported to Microsoft Excel for cleaning and then analysed using the software package Stata 15.

3.3 The scope of the survey

The survey sought to address some aspects of the DOJ specification for the project including a socio-demographic profile of the sex worker population in Northern Ireland. The number of Northern Irish compared to foreign national sex workers and the number of sex workers who were working before and after the implementation of Article 64A. The survey also asked about the motivations for starting sex work, drug and alcohol usage, earning potential as well as their experiences of sex work following the implementation of Article 64A. Some questions also asked about the PSNI and whether or not they would report a crime to them as well as specific knowledge of the PSNI liaison officers. Some aspects of the data are presented in other chapters where it was felt it might be more relevant and useful to illustrate a particular point.

3.4 Socio-demographic profile of sex worker respondents

3.4.1 Gender and Age

The majority of sex worker respondents were female (n=151) followed by male (n=26), transsexual (n=20) and other (n=1) (Figure 1). The age range that the majority of sex workers fell into was 26-30 (23.7%), followed by 19-25 (22.7%) and 31-35 (18.7%). No sex worker stated that they were aged under 18, and 13 (6.6%) sex workers were aged between 50 and 60.

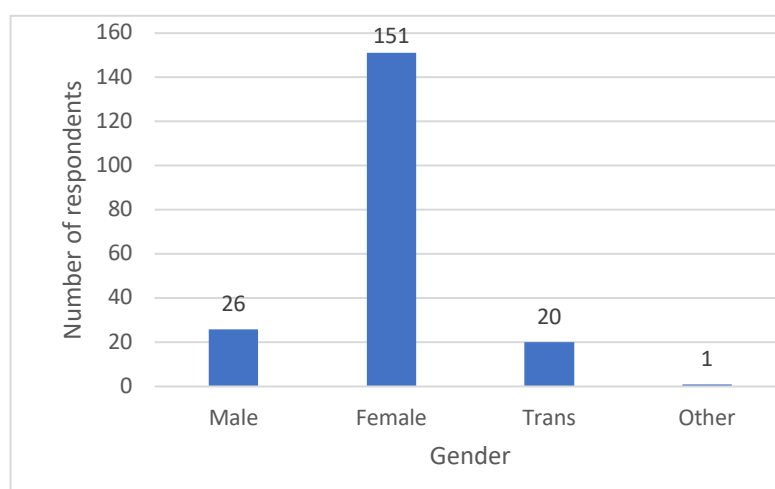


Figure 1: Gender of sex worker respondents (all)

3.4.2 Educational background and attainment

All respondents had completed compulsory schooling with 28.4% leaving school at 18 with some kind of post-16 qualification (Table 1). For example, 19.3% of respondents had a vocational or trade qualification while a small majority of respondents were educated to at least undergraduate degree level (40.6%). However, this latter finding may simply reflect the fact that more educated sex workers are likely to fill out a questionnaire online. Nevertheless, this figure resonates with the earlier DOJ study (Huschke et al, 2014) and is comparable to studies conducted elsewhere in the UK (see Huschke et al, 2014: 46). In broad terms the educational profile of sex workers suggests that it is not a *lack* of education or training that is keeping sex workers out of regular employment it is simply that sex workers are applying a utilitarian cost-benefit calculation that they can earn more money from sex work. As such, the education and training proposals in the Department of Health's leaving prostitution strategy (2019 [2015]) need to acknowledge that many sex workers who work in Northern Ireland are fairly well educated anyway and that a lack of skills or training is not the principal reason why they engage in prostitution.

Table 1: Educational background of sex worker respondents

Education	N	%
Secondary school left at 16	19	9.7
Secondary school left at 18	56	28.4
Vocational qualification	38	19.3
University degree	80	40.6
No educational qualifications	4	2

3.4.3 Nationality of sex worker respondents

As we shall see later in this report the composition of the sex working population in Northern Ireland is an international smorgasbord with a large number of foreign nationals selling sex in the jurisdiction. A total of 178 respondents answered the question about their nationality. The data in Table 2 indicates that those who identify as Irish comprise the largest number of respondents to the survey (25.3%), followed by Romanian (20.8%), English (10.1%), Northern Irish and Spanish (7.3% each).

Table 2: The nationality of sex workers in the survey

Nationality	Ranking	%
Irish	1	25.3
Romanian	2	20.8
English	3	10.1
Northern Irish	4	7.3
Spanish		7.3
Portuguese	5	5.6
Hungarian	6	5.1
Czech		5.1
Italian	7	3.4
German	8	2.2
Polish		2.2
Welsh	9	1.7
Danish	10	1.1
Swedish		1.1

3.4.4 As we shall see in Chapters 6 and 7, these nationalities are ordered slightly differently from those identified in a number of Internet platforms and ASWs that we discuss later. But this may be due to the fact that some nationalities of sex worker prefer particular platforms, that some sex workers use a different nationality for work purposes, or the sex worker fears that he or she will be targeted by police in respect of anti-trafficking operations, which is often the case with Romanian sex workers. Certainly, the data in the survey suggests that many sex workers have a ‘work nationality’ as well as their actual nationality. For example, in response to the question: ‘Do you use a different nationality for sex work purposes?’ a sizeable proportion of respondents (41.7%) stated that they did, compared to 58.3% who did not.

3.4.5 Romanian sex workers were the group most likely to say that they adopted an alternate nationality with 94.2% of the Romanian sample (n=35) stating that they did this. The reasons for this are expedient and we were told by a representative from a sex work support organisation that many Romanian sellers are the targets of anti-trafficking operations by the police and to avoid this they often change their nationality. Similarly, as we note later in the report, clients also feel that seeing a Romanian sex worker is risky for the same reason and therefore to avoid a potential loss of income a Romanian sex worker will often disguise his or her actual nationality.

3.4.6 Permanent residence of respondents

Respondents were asked if they lived in Northern Ireland permanently or if they simply visited Northern Ireland – the phenomenon of the ‘touring sex worker’ – for sex work purposes. A majority of the sex workers who responded to the survey do not live in Northern Ireland permanently (64%) but simply visit the jurisdiction for work purposes.

3.4.7 Principal reasons for entering into sex work

Respondents were asked to list the principal reasons as to why they entered sex work and the ranked responses are listed in Table 3. A total of 168 respondents answered this question. Each respondent could tick up to three boxes. Explanations relating to the earning potential of sex work and the flexible nature of the work were among the top-three cited. For example, 64.9% of respondents stated that sex work offered more money than other jobs, 47% felt that the flexible working hours were a bonus, and 33.9% stated that they needed to pay off debts quickly and sex work allowed them to do that. Only two respondents (1.2%) stated that they were forced into prostitution by a third party. The attraction of Northern Ireland as a region of the UK was also cited as a reason, with 27.4% of respondents indicating that they could earn more money there than in their home country. Again, as we shall see later this may well help explain the large number of touring escorts in Northern Ireland and the island of Ireland generally.

Table 3: Principal reasons for entering into sex work N and %

Reason	N	%
Sex work offered more money than other jobs	109	64.9
Sex work offered flexible working hours	79	47.0
I needed to pay off debts quickly	57	33.9
I could earn more money than in my home country	46	27.4
I could get paid for doing something I like doing anyway	45	26.8
Sex work allowed me to explore my sexuality	39	23.2
I needed money for University fees	25	14.9
I was struggling to find other work	23	13.7
Other reason	17	10.1
Someone forced me to do it	2	1.2

3.4.8 Trafficking into the sex industry

Respondents were asked to recall if they or someone they knew had ever been trafficked or coerced into the sex industry. They were also asked to elaborate if this took place in Northern Ireland or elsewhere (Table 4). A majority of respondents stated that they worked in the sex industry voluntarily however, a small number (1.2%) stated that they had been trafficked / coerced into the sex industry *within* Northern Ireland at some point, whilst 5.5% stated that they had been trafficked / coerced *outside* Northern Ireland. Respondents were also asked whether they knew of anyone who had ever been coerced or trafficked into the sex industry (Table 5). Slightly more respondents knew of someone who had been coerced / trafficked into the sex industry at some point, with 20.7% of respondents indicating that this had happened to someone they knew or had heard of. However, a majority of respondents in Table 5 did not know anyone who had been trafficked or coerced into the sex industry.

Table 4: If the sex worker has ever been coerced or trafficked into the sex industry

	N	%
No	154	93.3
Yes, in Northern Ireland	2	1.2
Yes, elsewhere	9	5.5

Table 5: If the sex worker knows of someone who had been coerced or trafficked into the sex industry

	N	%
No	130	79.3
Yes	34	20.7

3.4.9 When the sex worker started selling sex

From those respondents who answered the question (n=162) the vast majority of sex workers sold sex both before *and* after the implementation of Article 64A. However, a quarter of the sample (n=35) stated that they started selling sex after the legislation was passed on 1st June 2015. A full discussion of sex worker advertising trends pre and post-legislation is given in Chapters Six and Seven.

3.4.10 Whether a sex worker has left sex work

The Department of Health (DOH) *Leaving Prostitution* strategy document (Department of Health, 2019 [2015]) that we discuss in Chapter 4 proposes to put in place a policy framework to allow sex workers to leave prostitution permanently. However, it is not clear from our data whether this will be successful since sex work seems to be rather intermittent for most people

anyway. From the results of our survey, 64.6% of sex workers have left sex work at some point. For example, some have left for periods of 1-6 months (39.4%) to 1-2 years (13.5%) to over two years (22.1%). This suggests that prostitution is something that some people dip in and out of as the need or circumstance dictate, it is not a fixed identity. Any strategy would therefore have to acknowledge the intermittent nature of sex work and the fact that people can and do leave for varying periods of time.

3.4.11 Whether sex work was the main source of income

Respondents were asked whether sex work was their main source of income or whether they had another job. In regard to having another source of income 46.3% (n=69) of respondents stated that they also had another job besides sex work, whereas 53.7 % (n=80) of respondents stated that sex work was the only job that they had. Again, this has implications for the DOH's *Leaving Prostitution* strategy insofar as it is assumed that sex workers are too unskilled to find work or are held back from seeking employment by a range of other factors such as a lack of education, various dependencies and addictions and so on (see below). Our data illustrate quite clearly that for some respondents sex work is a part-time occupation that may be used to supplement their income or for some other reason.

3.4.12 What is also interesting from our data concerns the number of students who participate in sex work. Nearly one-fifth of respondents are either full or part-time students (n=32) who presumably use the money earned from sex work to pay for their university education. However, it is also the case that the money earned from sex work is considerably higher than might be earned in the gig economy plus the flexible hours allows someone to balance their work and study life. On the Likert scale question that asked respondents to rate their income from sex work to other employment that they have currently or had in the past, a majority stated that sex work allowed them to earn 'a lot more' (57.4%) whilst 22.3% stated that they earned 'a bit more'. Only a small minority of respondents (2.7%) stated that the income from sex work was 'a lot less' than any other job they currently have or had in the past.

3.4.13 Satisfaction with the job

A majority of sex worker respondents who completed the survey stated that they were 'very happy' or 'somewhat happy' as a sex worker. Only a minority of respondents stated that they were 'very unhappy' or 'somewhat unhappy' with sex work (Figure 2).

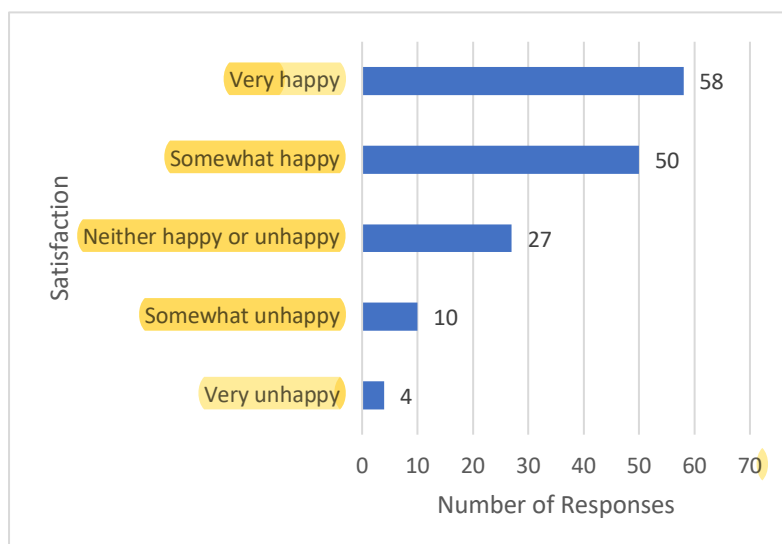


Figure 2: Satisfaction with sex work (all)

3.4.14 Drugs and alcohol usage among sex workers

Contrary to the stereotype of the drug addicted and alcoholic ‘prostitute’ beloved of media stereotype our data illustrate that a large number of sex workers in the survey avoid drugs and alcohol completely while they are working. This is as much for safety as for anything else since both substances can impair the senses and sex workers report that they prefer to be alert to deal with potential risks and threats. A majority of sex workers (77.7%) stated that they totally abstain from alcohol when working, a figure which rises to 97.5% for drugs. Again, the implications for the DOH’s *Leaving Prostitution* strategy are clear since the online sex workers in the survey do not appear to experience the same problems with alcohol and drugs as is apparent in on-street selling populations (Sanders, O’Neill & Pitcher, 2018).

3.4.15 Plans to leave the sex industry

Considerable discussion has been undertaken within Northern Ireland about putting in place a strategy for someone to leave sex work. As we discuss in Chapter 4, the DOH in Northern Ireland has been tasked with devising a leaving prostitution strategy. However, our data suggest that a considerable number of sex workers plan to leave anyway, albeit at a time of their choosing. The data in Figure 3 indicates that 41.9% of sex workers surveyed had no plans to leave sex work compared to 43.9% who planned to leave after twelve months. On the other hand, 14.2% of respondents state that they would like to exit the industry as soon as possible. International comparative research (see Darley, 2007) has examined the phenomenon of migrant sex workers and confirms that many tend to work for relatively short periods before

returning to their home countries. Sex work for many of these migrant workers is rarely a long-term career choice.

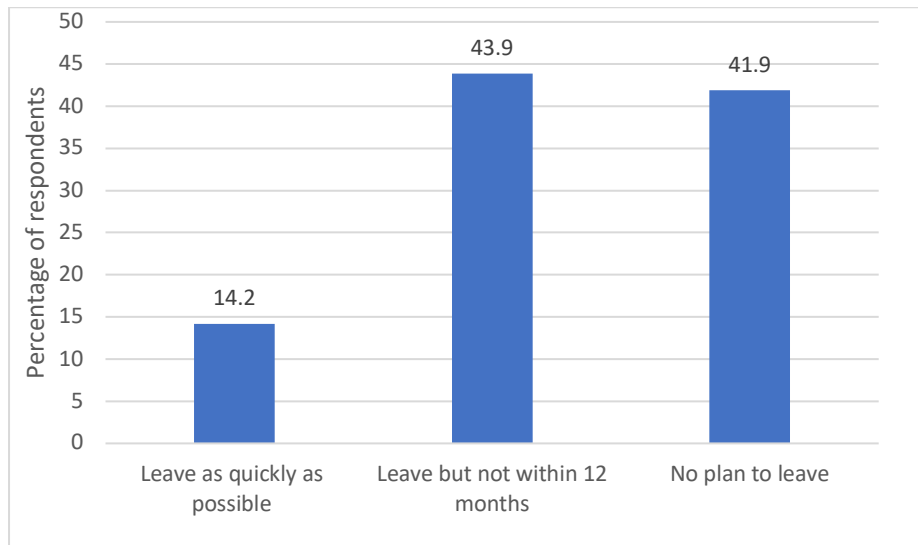


Figure 3: Plans to leave the sex industry %

3.4.16 Perceptions of risk and danger since Article 64A was implemented

A majority of sex worker respondents felt that Article 64A impacted more on them even though it was discursively presented as having an asymmetric impact on clients and *not* the sex worker. For example, we can see from Figure 4 that 41.8% of respondents felt that the implementation of sex purchase legislation had made sex work ‘a lot more dangerous’ with another 14.9% feeling it was a ‘little bit more dangerous’. Interestingly, the second largest category of respondents felt that the law had made no difference and that the risks and dangers of sex work were the same as they have always been (29.1%). However, as we suggest in Chapter 9 there are numerous anxieties that stem from sex work that influence perceptions of risk in the job as a whole, and which impact on feelings of danger and security. Conversely, only a small minority of respondents felt that the job was now ‘less dangerous’ or ‘a lot less dangerous’, at 7.5% and 6.7% respectively.

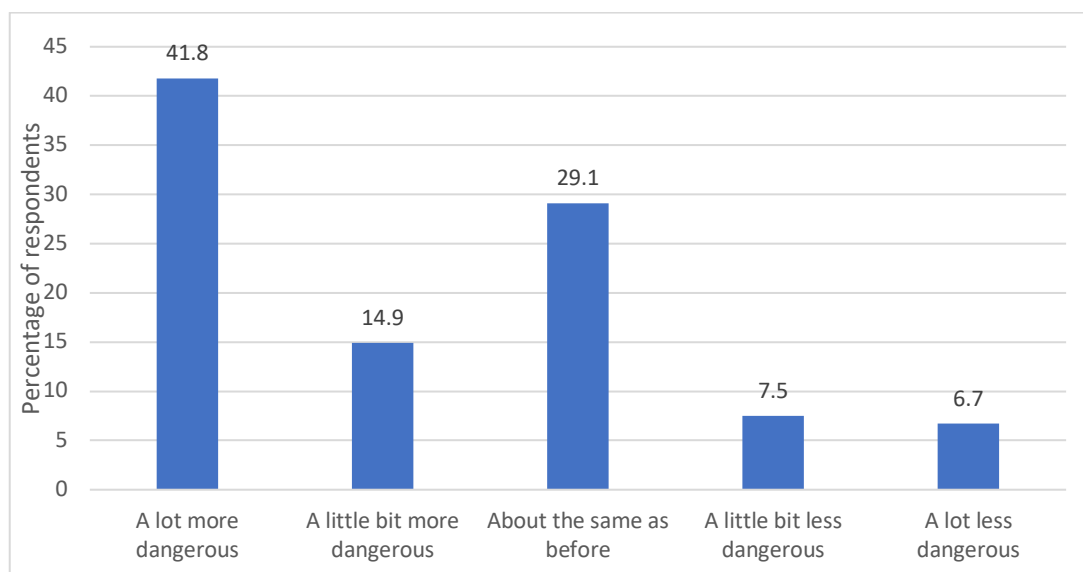


Figure 4: Perception of danger since Article 64A was implemented

3.5 Conclusions

This short chapter has provided a socio-demographic profile of those sex worker respondents who sell sex in Northern Ireland based on the online survey. The overall profile of sex workers in Northern Ireland remains similar to what has already been identified in the earlier DOJ research (Huschke et al, 2014). Namely that a majority of sex workers are foreign nationals, most are not domiciled in Northern Ireland, a majority are female followed by transsexual, transvestite (henceforth TS/TV) and male sex workers. Most sex workers are aged in their late 20s or early 30s, a small majority of the sample are educated to degree level and about half the sample will exit prostitution within the next 12 months or so. Many sex workers have another job and sex work is something that they dip into and out of as need and circumstances dictate. In terms of perceptions of sex working in the aftermath of the implementation of Article 64A most sex workers feel that it has become much riskier and more dangerous.

CHAPTER 4: RESPONDING TO PROSTITUTION

4.1 Introduction

4.1.1 This chapter provides a discussion of official responses to the implementation of Article 64A which made it an offence to pay for the sexual services of a person. The chapter is divided into three parts:

4.1.2 Part 1 considers official data on prosecutions as well as cautions and arrests under Article 64A as well as s.2 & s.4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 [the ‘2015 Act’] which have been obtained from the Department of Justice and the Police Service of Northern Ireland (PSNI).

4.1.3 Part 2 considers the views of those officials that are tasked with implementing Article 64A. We draw upon interviews with official agencies e.g. the Police Service of Northern Ireland (PSNI) and the Public Prosecution Service (PPS) in order to assess issues around the enforcement of the legislation. Key here are evidential and prosecutorial issues given that the bulk of commercial sex is transacted out of sight via the Internet in Northern Ireland.

4.1.4 Part 3 of the chapter deals with structures for supporting those wishing to exit prostitution in Northern Ireland since this was made a statutory responsibility of the Department of Health, Social Services and Public Safety in Northern Ireland. Section 3.5.1a of the DOJ specification for the research asked the research team to provide information on the level of support provided to those exiting prostitution. As such we have considered Section 19 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims Act) (Northern Ireland) 2015¹⁶ which requires the Northern Ireland Department of Health, Social Services and Public Safety to put in place a strategy for exiting prostitution, provide a programme of assistance and support to those wishing to exit and the Regional Health and Social Care Board must also appoint an ‘independent Guardian’ to represent a child believed by a competent authority to have been the victim of human trafficking. The chapter considers how well each aspect has been operationalised since the passage of the legislation in June 2015.

¹⁶ Section 19, Section 19 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims Act) (Northern Ireland) [2015]. Available: <http://www.legislation.gov.uk/nia/2015/2/enacted>

4.2 Part one: Official statistics relating to the 2015 Act

4.2.1 Arrests under s.2 the 2015 Act¹⁷

s.2 relates to the offence under the legislation of arranging or facilitating the travel of a person with a view to them being exploited for the purposes of slavery, servitude and forced or compulsory labour, sexual exploitation, removal of organs etc., securing services etc., by force, threats or deception and securing services etc., from children and vulnerable persons. Between 1st June 2015 and 31st December 2018 there have been 31 arrests under s.2 of the above legislation. The PSNI have confirmed to the research team that all 31 arrests under s.2 of the 2015 Act relate to human trafficking for sexual exploitation.¹⁸

4.2.2 Convictions under s.2 the 2015 Act¹⁹

Data indicate that between 1st June 2015 and 31st December 2018 there have been 2 convictions at court under the legislation.

4.2.3 Arrests under s.4 the 2015 Act²⁰

s.4 deals with the intention to commit an offence under s.1 or s.2 of the 2015 Act. Between 1st June 2015 and 31st December 2018 there have been 5 arrests under s.4 of the above legislation.

4.2.4 Convictions under s.4 of the 2015 Act²¹

Data indicate that between 1st June 2015 and 31st December 2018 there have been no convictions at court under the legislation.

4.2.5 Recorded crimes and outcomes relating to Article 64A

In Table 1 (below) we present the number of recorded offences of paying for sexual services and the outcome of those offences for the three years since the introduction of Article 64A of the 2015 Act. We note recorded crimes, discretionary disposals and adult cautions for offences under Article 64A for the period 1st June 2015 to 1st June 2018. From a crime recording

¹⁷ Source: PSNI Statistics Branch, email communication. Data extracted, 3rd July 2019

¹⁸ Source: PSNI Protection and Organised Crime Division, email communication. Data extracted, 28th August 2019.

¹⁹ Source: Analytical Services Group, NI Department of Justice, email communication. Data extracted, 4th July 2019.

²⁰ Source: PSNI Statistics Branch, email communication. Data extracted, 3rd July 2019.

²¹ Source: Analytical Services Group, NI Department of Justice, email communication. Data extracted, 4th July 2019.

perspective the PSNI record the principal offence, i.e. if there is an Article 64A offence committed at the same time as a rape offence, the rape offence will be recorded.

Statistics in Table 1 are based on the Article 64A offence included within the recorded crime data series, following application of the Home Office Counting Rules.

Table 1: Recorded Crimes and outcomes relating to Article 64A 1st June 2015- 1st June 2018²²

	2015/16	2016/17	2017/18	2018/19
Recorded offences of ‘paying for sexual services of a person’	8	10	4	1
Discretionary Disposals ¹	5	1	0	0
Adult cautions ¹	1	4	2	0

1) Based on year the outcome was recorded

4.2.6 Arrests under Article 64A

Data supplied by the PSNI report that from 1st June 2015 to 31st December 2018 there have been 15 arrests under Article 64A.²³ This figure reflects those arrested and processed through PSNI custody. Those arrested and street bailed or dealt with by other means such as caution, community resolution or penalty notice of disorder will not be included in the figures.

4.2.7 Convictions under Article 64A

To date there have been 2 convictions under Article 64A which are detailed below. A further case is currently progressing through the court system and no outcome is yet known. We outline the background context for each of the court cases since this will help shed some light on whether the legislation is being used for its intended effect i.e. to reduce trafficking for sexual exploitation in Northern Ireland.

4.2.8 Case 1

The first conviction under the law was of a 23-year-old man from Armagh, who was arrested for an incident on August 28th, 2016 at a petrol station in Dungannon. The case did not come to trial for nearly two years (September 2018) because the Public Prosecution Service had

²² Source: Analytical Services Group, NI Department of Justice, email communication. Data extracted 4th July 2019.

²³ Source: PSNI Statistics Branch, email communication. Data extracted 3rd July 2019.

failed to book an interpreter on three occasions since the victim spoke no English. The defendant was found guilty after the court watched CCTV footage of him stopping his car in the early morning of 28th August alongside a female member of the cleaning staff who happened to be Lithuanian. Mr XXXX showed her a roll of money and made a 'sexualised gesture' with his hand twice. Importantly in this case, although Mr XXXX was convicted of attempting to pay for sex, there is no suggestion that the member of cleaning staff was a sex worker and had simply been targeted for sexual harassment by Mr XXXX. He appealed his conviction in January 2018 but lost this appeal and was sentenced to three months imprisonment and ordered to pay £500 compensation. Sentencing Mr XXXX District Judge John Meehan stated that 'this is the first prosecution of its kind in Northern Ireland... This wasn't a case of a man caught out trying to approach a sex worker. This is a man who deliberately targeted an isolated woman in a predatory fashion, by virtue of the fact she was a woman' (Irish Times, 11th January 2019).

4.2.9 Case 2

The second conviction occurred on 30th October 2018. Mr XXXX from Dunmurry pleaded guilty to attempting to pay for sexual services, after initially denying the charges. 26-year-old Mr XXXX was arrested after a member of public reported his behaviour towards a 14-year-old girl as 'suspicious' and noting that the girl appeared uncomfortable when Mr XXXX approached her. Mr XXXX stated that he had followed the girl for some distance before approaching her in Lisburn City Centre. On pleading guilty to this charge, a second charge of inciting a minor to engage in sexual activity was dropped. As with the first case, there was no suggestion that the target had engaged in exchanging sex for money, rather she appears to have been a stranger to Mr XXXX. Mr XXXX did not return to court for sentencing in December and his whereabouts are unknown.

4.2.10 Comment on the Article 64A cases brought before the courts

It is not really within the purview of the research team to comment at length on the cases that have been brought before the court in respect of Article 64A given that we were not party to the deliberations and not at court to witness the proceedings firsthand. Both cases appear to fall within the spirit of the law in the sense that payment was prospectively offered for sex. However, neither case has anything to do with prostitution or human trafficking for sexual exploitation which was the way the legislation was discursively framed in the debates that took

place in the Northern Ireland Assembly. The full wording the legislation states that in order for an offence to have occurred the following must have taken place:

A person (A) commits an offence if A obtains sexual services from a person (B) in exchange for payment—

(a) if the payment is made or promised by A; or

(b) if the payment is made or promised by a third party and A knows or believes that the payment is made or promised by a third party.

Meaning of terms:

1. ‘Sexual services’ provided by B to A must involve B being physically in A’s presence, B touching A or A touching B and the touching being sexual or B touching B in a sexual manner for the sexual gratification of A.
2. “Payment” means any financial advantage to B, or any person other than B, including the discharge of an obligation to pay or the provision of goods or services (other than sexual services) gratuitously or at a discount.

4.2.11 From the information relating to Case 1 that is in the public domain we have what was described in the press as a young agitated male (for reasons unknown since he refused to take the stand to give evidence in his defence) waving a roll of banknotes at a female cleaner and making what were described in court as ‘sexualised’ gestures with his hands. But there is no suggestion that this case involved prostitution or human trafficking for sexual exploitation. There may have been other charges that could have been brought against the defendant which might better have reflected the circumstances in which the offence took place.

4.2.12 Case 2 we would suggest is altogether more problematic in its implications. The prosecution dropped the charge of inciting a child to engage in sexual activity²⁴ after the defendant offered a guilty plea to the lesser charge of paying for sex under Article 64A. This means that a potentially serious sexual offence against a child was dismissed and replaced with a breach of Article 64A which is technically a summary offence, with a vastly reduced sentencing framework. Media reports focused solely on the paying for sex aspect rather than the age of the victim and did not really pay attention to the dropping of the more serious charge by the prosecution.

4.2.13 Since the law criminalising the purchase of sex has been used twice now in circumstances where the victim was neither trafficked nor a sex worker, it is not possible to comment on its deterrent effect in regard to trafficking for sexual exploitation. Unlike the

²⁴ Which carries a maximum prison sentence of 14 years.

legislation in the Republic of Ireland which stipulates in Section 25 of the Criminal Law (Sexual Offences) Act, ‘Payment etc., for sexual activity with a prostitute’²⁵ the two cases that have been prosecuted in Northern Ireland have involved attempting to pay for the ‘sexual services of a person’ neither of whom were involved in prostitution. Nevertheless, it is our considered view that the rationales for the introduction of sex purchase legislation in Northern Ireland i.e. prostitution and human trafficking for sexual exploitation are not at all related to the two cases that have thus far been brought before the courts under Article 64A.

4.3 Part 2: Official responses to Article 64A

4.3.1 The Police Service of Northern Ireland

Contact was made with the Police Service of Northern Ireland (PSNI) regarding a formal interview since they are directly involved in enforcing Article 64A throughout Northern Ireland. Three PSNI officers were interviewed who had experience of dealing with prostitution in the region. The interviews were conducted under the ethical protocols stipulated by Queen’s University, Belfast and all interviewees were granted anonymity and are referred to here as Officer 1 etc. Interviews were digitally recorded by the researchers with the respondent’s permission. As a courtesy, interviewees were given advance sight of the quotations attributed to them although they did not ask that the researchers do this. In all cases the respondents were acting with the official imprimatur of the organisation.

4.3.2 The PSNI and the background to the legislation

It is important to note that the legislation that passed through the Northern Ireland Assembly contained a number of proposals to deal with human trafficking more effectively and by and large these aspects were uncontroversial. It was what was referred to as Clause 6 (i.e. the proposal to criminalise the purchase of sex that later became Article 64A) which remained something of a sticking point. Initially the PSNI was critical of Clause 6. For example, in the PSNI’s written submission to the Committee for Justice (Northern Ireland Assembly, 2013a) they concluded that:

The criminalisation of paying for the sexual services of a person is not supported at this time. It is suggested that further research is conducted into the prostitution environment in Northern Ireland and this may involve wide-ranging prostitution legislation. The

²⁵ <http://www.irishstatutebook.ie/eli/2017/act/2/section/25/enacted/en/html>

support of persons engaged in prostitution is also a concern and this legislation does not assist in such support (Northern Ireland Assembly, 2013a:9).

However, from the PSNI's written submission to the Committee for Justice in 2013 a number of other substantive criticisms were made of Clause 6. These can be summarised as follows:

1. The PSNI made a distinction between prostitution which is the result of force, coercion, deception or some other threat and where the victim cannot make an informed decision and those consensual acts between adults which are based on an element of choice (ibid, p.4).
2. The PSNI also raised the issue of the definition of 'sexual services' in the draft legislation claiming that it was too broad and ran the gamut from voyeuristic sex phone lines to full sexual intercourse which would present a number of enforcement challenges (ibid., p4).
3. The PSNI claimed that the 'majority of prostitution in Northern Ireland is through independent prostitutes who are not trafficked or controlled by organised crime groups' (ibid., p4).
4. The PSNI noted that the 'deterrent value of the legislation would be minimal' (ibid., p5) and that Clause 6 would result in the displacement of prostitution into a hidden environment and also make it difficult for clients to report sex workers who they believed were subject to abuse and coercion (ibid., p5).
5. The PSNI raised a number of issues concerning the exportability of laws drawn from other jurisdictions which have different cultural, historical, and political backgrounds as well as fundamentally different legal systems (ibid., p5).

In many ways the PSNI's written submission challenged the precepts that were guiding the legislation; namely the view that there was no distinction to be made between trafficking and prostitution and that individuals involved in the sex industry were subject to coercive control.

4.3.3 The PSNI's oral evidence to the Committee for Justice

Assistant Chief Constable (ACC) Drew Harris and Detective Chief Superintendent Roy McComb represented the PSNI at the oral evidence hearing (Northern Ireland Assembly,

2014b). Perhaps understandably given previous events, a considerable amount of questioning from DUP committee members concerned the force's attitude to Clause 6. While the PSNI clarified its position on Clause 6 it did not entirely roll back from the sentiments expressed in its written submission. Nevertheless, the PSNI stated that it would enforce whatever laws were passed by the legislature and that it would not proactively oppose the legislation as it made its way through the Northern Ireland Assembly. It is perhaps worth highlighting a number of the points made by the two senior PSNI officers at the oral evidence session since they are relevant to the substance of our later discussion:

1. ACC Harris and Detective Chief Superintendent McComb emphasised that the focus of the PSNI is on serious harm and trafficking for sexual exploitation falls into that category. While the force may pursue prosecutions under Clause 6 these would be part of a major organised crime or anti-trafficking operation. They would as ACC Harris noted, 'be prosecutions as an adjunct or benefit to organised crime group investigations into human trafficking combined with prostitution... We concentrate on the organised crime groups, and will continue to do that' (ibid., p2).

2. Both officers noted that that the PSNI's emphasis is entirely on victims and protecting the vulnerable (ibid., p2) and in terms of prostitution there is a 'continuum of vulnerability' (ibid., p2). For resource and other reasons, ACC Harris stated that the police will put their energy into dealing with those prostitution cases that involve threats of harm or serious sexual assault.

3. ACC Harris and Detective Chief Superintendent McComb, reiterated the distinction highlighted in the PSNI's written submission between prostitution which is subject to threat, coercion and deception and 'consensual prostitution where adults, male and female, agree to participate in a sexual act' (ibid, p.11). PSNI priorities and resources will be directed to the former rather than the latter.

4. Both police officers pointed to difficulties that the PSNI is likely to experience in gathering evidence to prosecute offenders under the proposed legislation. It was pointed out that Swedish police officers have access to wide surveillance powers including video surveillance and telephone tapping, but as ACC Harris pointed out, a Clause 6 offence is not defined as serious in law (i.e. an offence that attracts a sentence of more than three years imprisonment) and consequently the threshold for using covert intelligence gathering would not be met under the

Regulation of Investigatory Powers Act 2000 (RIPA).²⁶ He also added that ‘Gathering evidence could involve us trying to find evidence of a consensual agreement between an adult female and an adult male in the privacy of a hotel bedroom. Trying to do that raises all sorts of difficulties for us regarding the Human Rights Act’ (ibid., p11).

5.Finally, both PSNI officers disputed that Sweden has substantially reduced prostitution through the introduction of the *Sexköpslagen* (purchase Act) since 1999 (ibid., p12). This argument is of course central to those who advocate for sex purchase legislation and is hailed internationally as a Swedish success story and a model for emulation (see Häggström, 2016; Claude, 2010; Ekberg, 2004). The Chair of the Committee for Justice, the DUP’s Mr Paul Givan, pointed out to the PSNI officers that he had been to Sweden and police officers there had told him that the *Sexköpslagen* had a high deterrent effect and had reduced prostitution in the country by 50% (ibid., p.12). However, ACC Harris suggested that the *Sexköpslagen* was designed for the pre-Internet era where on-street prostitution was the chief means of selling sex. ACC Harris noted that all that might have happened in Sweden was that prostitution was displaced to the online sector (ibid., p12). He pointed out that currently in Sweden as well as Northern Ireland the overwhelming bulk of prostitution was off street and transacted via the Internet which raised all sorts of enforcement difficulties. Similarly, Detective Chief Superintendent McComb also dealt with the issue of prostitution in Sweden and responded to Mr Givan’s question at length:

I certainly have not been to Sweden, nor has Mr Harris, in respect of this legislation, but we have conducted a joint investigation with the Swedish police. So, I have had investigators embedded in Sweden for considerable periods. If you will allow me to present it as second-hand evidence from them, I will say that their experience is different. *Their experience is not that it has had that positive impact but that there is still a significant prostitution problem in Sweden. More so, there is still a significant human trafficking problem in Sweden.* It is not the on-street prostitution. It is off-street, more clandestine and more sinister in so far as human trafficking is concerned. As for that being second-hand information, those were my detectives and senior investigating

²⁶ The Regulation of Investigatory Powers Act 2000 or RIPA is an Act of the UK Parliament outlining the investigatory powers open to public bodies such as the Police and other agencies including the use of covert surveillance technologies. Generally speaking, an offence must be of a particularly high threshold (e.g. counter-terrorism) to meet the criteria for covert surveillance.

officers having those conversation with their counterparts in the middle of an investigation that was focused on human trafficking (ibid., p17) [emphasis added].

4.3.4 Current PSNI responses to the legislation

As noted above, three PSNI officers agreed to be interviewed for this study and all have direct policing experience of prostitution in Northern Ireland. All officers went on record as stating from the outset that the PSNI will enforce Article 64A should the opportunity present itself and ‘...it is the job of legislators to make the laws and it is the job of the PSNI to enforce those laws’ (Officer 1). An officer reiterated the organisation’s position on Article 64A that was presented at the oral evidence gathering session in the Northern Ireland Justice Committee hearing. In particular the officer noted that:

Former Deputy Chief Constable Harris provided evidence at the Justice Committee on Article 64A, before the legislation was introduced. PSNI still concur with his view that this is a useful piece of legislation but, as a police service; our priorities must be focussed on keeping people safe from high harm offending. This includes work to develop wide ranging crime prevention strategies and communications (Officer 1).

The officer went on to explain in the interview what these ‘high harm’ offences were and that the PSNI has had some success in identifying the perpetrators of various forms of exploitation over the years. However, in all these cases the threshold of seriousness exceeds the parameters of a summary offence such as Article 64A:

- Two suspects were jailed in 2016 for sexual exploitation.
- One suspect was jailed and other given a suspended sentence in 2016 for labour exploitation.
- In 2018 two men were jailed for their part in a sexual exploitation case.
- Two suspects are due to stand trial towards the end of 2019 in relation to two separate sexual exploitation investigations.
- Two persons arrested and charged in 2019 for domestic servitude offences.²⁷

²⁷ Information provided by the PSNI during the interview.

4.3.5 The extent of prostitution in Northern Ireland

It was noted by PSNI officers that the prevalence of prostitution in Belfast and Northern Ireland generally, is considerably lower than that found in other UK or Irish cities.²⁸ For example, one officer commented that the PSNI in Northern Ireland does not have dedicated prostitution teams as might be found, for example, in some large UK cities where prostitution, both indoor and outdoor is far more prevalent than it is in Belfast and indeed Northern Ireland generally.²⁹ As he suggests:

...my view of it [prostitution] in Belfast is that it isn't huge, and if you compare us to most other cities in the UK or Ireland, we are not near that... Other cities would have a specific geographical area where on-street prostitution occurs, we don't have that really (Officer 2).

The relatively low-key nature of prostitution in Northern Ireland has meant that the enforcement of Article 64A is mainstreamed into local policing. As the officer suggests:

PSNI have the view that Article 64A offending should be dealt with through mainstream local policing and that this is the most effective way to raise awareness amongst police officers and within local communities where such offences are, or potentially are, taking place (Officer 1).

4.3.6 A continuum of vulnerability

In line with the PSNI's earlier written and oral evidence to the Northern Ireland Committee for Justice an officer restated the PSNI's position that a 'continuum of vulnerability' existed in relation to prostitution and that the organisation is:

...focused on investigating organised crime groups that are trafficking people against their will. This is where the most threat, risk and harm exist for sexual exploitation... Our priorities must be focused on keeping people safe from high harm offending' (PSNI Officer 1).

²⁸ This of course was confirmed in the earlier DOJ research (see Huschke et al, 2014). See also Ellison (2017).

²⁹ In 2013 one of the present authors (Ellison) was involved in a comparative case study of prostitution in four cities (with Prof Ron Weitzer). Of all the cities studied Belfast had by far the lowest level of prostitution, and dwarfed by some margin that of Manchester, England.

The officer emphasised that this is not to say the PSNI avoids enforcing Article 64A but simply that it 'is an additional offence for which prosecutions could be mounted and we use it to the best effect that we can' (Officer 1).

4.3.7 The theme of vulnerability was also raised by Officer 2 who is one of the PSNI's sex worker liaison officers which were appointed four years ago and whose remit falls under the rubric of the PSNI's Public Protection Unit. Officer 2 noted that for many reasons some sex workers represent a particularly vulnerable segment of the population and that it was the role of sex worker liaison officers to adopt a harm reduction rather than an enforcement approach. As the officer explains:

...I think there are now more people who know about this internally [within the organisation] than may did a few years ago. It's still not a big thing, but we see ourselves as a victim centred organisation and that's why we developed those links with sex workers... That's why we engaged and advertised our role effectively within the sex worker world. The reality of it [prostitution] is that it is increasing, or at least it is more overt. But again, when you look at it in comparison with other cities, the visibility of prostitution is much lower in Belfast (Officer 2).

4.3.8 A senior officer with a responsibility for public protection within the PSNI was adamant that the role of sex work liaison officers sat squarely within the National Police Chiefs Council (NPCC) guidelines, and it was standard practice across UK forces to conduct outreach and engagement with hard to reach groups including sex worker populations. In their most recent operational guidance to all police forces in England & Wales, Scotland and Northern Ireland the NPCC stresses that 'police services have a duty to enhance the safety of sex workers and to find practical ways to address crimes against, and exploitation of, those connected to prostitution' (NPCC, 2019). This was a view articulated by the senior PSNI officer who noted:

The role of the PSNI is to protect people, it is to prevent crime and where crimes have been committed it is the role of the police to bring those responsible to justice, whether that is a criminal justice disposal or a non-court disposal. So, a lot of our work is about protecting people, keeping people safe and identifying vulnerability. So, where offences have been committed, we will investigate those... In terms of our sex worker liaison role we got feedback that sex workers were victims of crime and did not feel confident

reporting this to the police and we looked at how to do that and we based it very much on national principles, on the NPCC guidance (Officer 3).

4.3.9 The officer went on to say the role of sex worker liaison officers was not an attempt to undercut Article 64A in Northern Ireland since it was based on national policing guidance to all UK police services. However, it was emphasised that public protection and enforcement were different issues. As the officer noted:

Where we detect [Article 64A] offences we will investigate those, but the role of the sex worker liaison officer is a supportive role.... The sex workers that we see are not committing a criminal offence, they are lone sex workers and our role is to keep everyone safe. If you looked at the media coverage recently, a man was convicted of assaulting a sex worker and we brought that man to justice. Our role is not to make a judgement, it is to keep people safe (Officer 3).

4.3.10 **Evidential issues**

All the officers interviewed for this DOJ review also highlighted the earlier concerns made by the organisation around the difficulties in enforcing Article 64A because of issues involved in gathering evidence to secure a successful prosecution. This is an important point because both the PSNI and PPS have been criticised in the media for not doing enough to secure convictions (BBC News, 2016). Nevertheless, it should be pointed out that collecting evidence to prosecute prostitution related offences transacted online is notoriously difficult and criticism of both organisations may be unfair in this context. The only substantive discussion of how the Swedish police deal with enforcing the law is provided by Simon Häggström in his book *Shadows Law* (Häggström, 2016) who outlines his experiences in heading up the Stockholm police's prostitution unit. In many ways Häggström's account of policing prostitution in Sweden actually contradicts the claimed successes of that particular model,³⁰ but what is important here, is the covert surveillance the Swedish police are permitted to conduct: video surveillance, telephone tapping, listening at hotel room doors for sexual intimacy and so forth. The PSNI do not have access to these powers given that Article 64A does not meet the threshold

³⁰ We deal with this issue below, but in an interview given by Häggström he noted that there are regularly 20-30 female sex workers on the streets of Stockholm (cited in Claude, 2010: 14). This figure is not that different from what one of the present authors (Ellison) noted for the on-street sector in Manchester during a research study there.

for them under the Regulation of Investigatory Powers Act (2000). Certainly, a PSNI officer was alert to the evidential difficulties with this legislation and as he notes:

The points to prove for paying for sexual services are, physical presence, sexual touching for sexual gratification and payment made or promised. If any of these three proofs are not present no offence has been committed, therefore it can be very challenging for the police to gather evidence in the context of a transaction between two consenting adults and no other witnesses unless a suspect makes an admission (Officer 1).

4.3.11 The PSNI in both their written and oral evidence to the Northern Ireland Committee for Justice raised a number of prosecutorial and evidential issues which they felt would hinder the enforcement of Article 64A. Namely, that it was extremely difficult to say whether a sexual liaison between two consenting adults fell into Article 64A territory, particularly if both parties deny that money had changed hands. Certainly, Simon Häggström in his book about his role as a Swedish police officer has admitted that some false positives occur in that jurisdiction with men who are engaging in an extramarital affair arrested initially on suspicion of paying for sex (Häggström, 2016).

4.3.12 A PSNI officer was adamant that the powers available to the Swedish police including access to surveillance capabilities including covert video surveillance and telephone tapping were simply out of their reach and in no sense would they be granted for an Article 64A offence. In relation to wiretapping the officer noted that in the context of an Article 64A offence:

PSNI are not legislatively permitted to do that [wiretapping]. We are precluded by legislation from even talking about it, so it is not an evidential gathering method for PSNI or open to further discussion (Officer 1).

4.3.13 Relationship to human trafficking for sexual exploitation

Two police officers felt that there was a qualitative distinction to be made between consensual prostitution which was not conducted in an atmosphere of coercion or threat and trafficking for sexual exploitation which by definition involved high levels of coercion. For Officer 1, the latter is the area where the PSNI will direct its resources and as he stated:

We concentrate on the organised crime groups and will continue to do that, particularly in respect of human trafficking by forced prostitution. Crime gangs regard it as high yielding in hard cash and low risk.

Clearly then the PSNI is targeting its resources at those activities that it deems serious and with the highest level of harm to victims. For example, one of the PSNI officers interviewed for this study (Officer 1) provided an example of a successful operation against a Romanian organised crime gang which was involved in trafficking females throughout Northern Ireland, Scotland and London for the purposes of sexual exploitation. It was the first proactive “victimless” prosecution for sexual exploitation in Northern Ireland where the victims did not have to provide any evidence as part of the investigation. Three people were convicted and sentenced for their part in this operation. In February 2018 two members of the gang were convicted of conspiracy to traffic five victims for sexual exploitation, controlling prostitution for gain in respect of six victims and acquiring and converting criminal property totalling over £165,000.

4.3.14 Paramilitary links to human trafficking for sexual exploitation and organised prostitution in Northern Ireland

It was confirmed by a PSNI officer with first-hand knowledge of this area that currently there are no known links between members of paramilitary organisations (or the remnants of them) and organised prostitution and human trafficking for sexual exploitation. This was because the bulk of organised criminality in relation to prostitution in Northern Ireland is international in orientation with crime gangs who operate well beyond the shores of the jurisdiction. The officer noted that the PSNI enjoys excellent working relationships with other UK forces and An Garda Síochána in the Republic of Ireland and has participated in many international operations to disrupt forced and organised prostitution activities. It was noted that:

Due to the European and international element in the investigations we are detecting, local paramilitary groupings do not have the same international reach. You need that international reach to intimidate and terrorise families back in their home countries. Most of the victims of sexual exploitation recovered in NI are from poor areas of their home countries (Officer 1).

4.3.15 One of the sex worker liaison officers spoken to also made the point that there was an international dimension to organised prostitution in Northern Ireland. However, based on this officer's experience of working in a community that would have had a high level of paramilitary recruitment in the past, they were not aware of any current paramilitary involvement in organised prostitution. However, the officer did make the point that in some areas paramilitary organisations can become involved in opposing prostitution and targeting sex workers when they become aware that a sex worker is operating in a particular area. This, the officer suggested, posed particular challenges in trying to keep a sex worker safe. As the officer suggests:

I don't think that [paramilitary] groups are directly involved in prostitution in Northern Ireland but what I would see would be a situation where a sex worker is working in a residential working-class area and residents find out about it and don't like it... You would get maybe twenty women and children protesting outside that woman's house or apartment and if she doesn't move out then the men will come and the clear context of that will be paramilitary groups. That doesn't mean necessarily mean that that is sanctioned by the leadership of these groups, but it adds an extra layer of difficulty for us in the PSNI (Officer 2).

4.3.16 Police cooperation with Adult Services Websites (ASWs)

It was stressed by a PSNI officer that co-operation with online ASWs is extremely helpful in pursuing investigations involving serious human trafficking and forced prostitution and is fully in line with national and international practice among law enforcement agencies. For example, Sanders et al (2017) reveal through interviews with police and employees of ASWs that there is often a high level of cooperation between UK police and the companies that operate the UK's major ASWs.

4.3.17 It was also pointed out by the PSNI that evidence of contacting a sex worker on an online website is of no utility in securing an Article 64A prosecution because the three 'proofs' that are required under the legislation are not in place (i.e. physical presence, sexual touching for sexual gratification and payment). It was also stressed that it is not a criminal offence to advertise sexual services on a website nor is it a criminal offence for a website to host such advertisements which in any case often have legal disclaimers. However, the officer stated that for operational reasons they could not elaborate on what websites have assisted the PSNI

nor what form the force's relationship with such websites takes on the basis that this is confidential. However, the officer did emphasise that 'the more cooperation the better [is necessary] to help the PSNI identify potential victims of trafficking' (Officer 1).

4.4 The Public Prosecution Service

4.4.1 The Public Prosecution Service (PPS)³¹ is the principal prosecuting authority in Northern Ireland and makes prosecution decisions for those cases investigated by the PSNI. The PPS also provided written and oral evidence to the Northern Ireland Committee for Justice in respect of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill (Northern Ireland) and raised a number of issues in respect of three clauses of the proposed legislation (Clause 6, Clause 7 and Clause 8) that were seen to be problematic. The focus of the following discussion is on Clause 6 since this is the aspect that is pertinent to Article 64A (i.e. criminalising the purchase of sexual services) that will be considered here.

4.4.2 At the oral evidence session in front of the Northern Ireland Committee for Justice (28th November 2013) two senior officials from the Northern Ireland Public Prosecution Service presented their oral evidence (Northern Ireland Assembly, 2013b). A PPS official stated that from the outset:

It is important for me to restate that that legislative and sentencing policy is a matter for Ministers to determine; the implementation of sentencing policy in individual cases is a matter for the judiciary; and we, as prosecutors, will apply the relevant law in force at the time (ibid. p2).

Nevertheless, at the oral evidence session the officials had some concerns about how Clause 6 might potentially be implemented and the scope of the legislation that was being proposed.

4.4.3 The PPS and the current context of Article 64A

Two senior prosecutors in the Northern Ireland Public Prosecution Service (PPS) were interviewed for this review. Both prosecutors noted at the outset that it is not within their remit to comment on the desirability or otherwise of particular laws which is the job of the legislature,

³¹ The Public Prosecution Service for Northern Ireland was established in 2002 under the Justice (Northern Ireland) Act. It performs the same role and function as the Crown Prosecution Service in England and Wales.

but they can input into evidential and prosecutorial issues as and when required. Nevertheless, the respondents rearticulated what PPS officials said when they were called to give evidence before the Northern Ireland Justice Committee in 2013. Namely, that it is extremely difficult to prosecute offenders under Article 64A given the relative invisibility of online prostitution and the fact that the bulk of it is so hidden. Several themes emerged from the interview with the senior prosecutors which can be summarised as follows:

4.4.4 Evidential and prosecutorial issues

Both senior prosecutors stated at the outset that they had no comment to make on the law itself but in terms of prosecution the fact remains that it is extremely difficult to prove an Article 64A case to the requisite criminal standard. As Prosecutor A suggests:

It's not that there is a weakness in the drafting of the legislation, it's just the particular offence and the elements of it... There can be issues in trying to prove to the relevant criminal standard, and one of those could be that you will not have a person who was consensually providing sexual services admitting it... The person will not want to give you a statement to say 'yes, I was doing this' and 'yes he offered me payment' or 'yes he has paid me'. So that's the difficulty in trying to prove beyond reasonable doubt that is what's happening between these people, so you'd end up having to look at loads of circumstantial stuff... and that may involve seizing phones to see if there have been text messages...

Prosecutor B: It's an evidential issue. [But] I'm not sure how this could be redrafted to make it any easier to prosecute, if you know what I mean.

4.4.5 Serious organised crime and human trafficking for sexual exploitation

The prosecutors noted that Article 64A does not reach the threshold of seriousness to deploy particular intelligence gathering techniques involving covert surveillance for the detection of serious organised criminality including those cases involving human trafficking for sexual exploitation. In this context it was emphasised that specialist PSNI officers may come across an Article 64A offence in the context of an anti-trafficking investigation, but this is not something that ordinary officers on the beat are likely to come across in the context of their day to day policing activities. As such, the activity of purchasing sex online remains largely hidden and invisible to the majority of beat police officers. However, it was stressed that this

was not indicative of a failure of policing but evidential difficulties with the nature of the offence. As a PPS official noted:

The PSNI, they have their human trafficking branch and they may well come across the offence of paying for sexual services whilst proactively investigating human trafficking and that's usually how they would come across it... They have decent resources allocated to them and they would look at all aspects of evidence gathering, including covert evidence gathering. [But] The run of the mill constable on the ground would not have access to any of that...

4.4.6 Discussion of the Article 64A cases that were prosecuted

The researchers raised the two cases that were prosecuted under Article 64A which we mentioned earlier in this chapter with the PPS officials. The issue of prostitution in relation to Article 64A was discussed in relation to Case 1 (above) whereby the young male at the petrol station harassed a female member of the cleaning staff and offered money for sex. When one of the researchers pointed out that the female victim was not a sex worker, one of the prosecutors remarked that:

It doesn't matter, it's still attempting to pay for sexual services of a person... So and so may not be putting herself forward as a prostitute and I might go, 'I'll give you X for whatever', that's an offence. Even though the victim is not going to provide sex, it is an offence to ask... (Prosecutor B).

4.4.7 In relation to Case 2 (above) Prosecutor A felt that the case involving the attempt to procure sexual services from the school girl could not be prosecuted under the original charge of inciting a child to engage in sexual activity because the prosecution could not prove beyond a reasonable doubt (school uniform notwithstanding) that the perpetrator knew the girl was under the age of 16. As a consequence, the perpetrator was charged with the lesser Article 64A offence of offering money for sex, which of course has a greatly reduced punishment than the original incitement charge. It was noted by the senior prosecutors that in the context of Article 64A in Northern Ireland, the offer of money is enough to secure a conviction irrespective of whether the victim is offering sex or not.

4.4.8 Anomalies in the legislation

The prosecutors also felt that the legislation that eventually made it to the statute book contains some anomalies in regard to what the legislation construes as sexual touching. As noted above the Northern Ireland legislation also makes it a criminal offence to pay someone to touch themselves sexually irrespective of whether actual penetrative sex takes place. Paragraph 4 of the Article 64A amendment sets out the various scenarios which could result in a prosecution under the legislation. One scenario is listed in subsection (d) which could in theory apply to a peep show, or some other scenario whereby person A is dancing or gyrating in such a way as to give sexual pleasure to person B even though there is no direct physical contact between them. However, Prosecutor A felt that if a person C was added to the mix then it could create a legal loophole as was explained:

There is one anomaly that I recognised, I think it was something like I could be sitting here with A and B and C and I could pay B and C to touch each other and I could watch it. I'm physically in their presence but I'm not physically engaged, nobody is touching me and I'm not paying one person to touch themselves. I'm paying someone else to touch them, so actually that's legal.

4.5 Part 3: Support and exiting services for sex workers in Northern Ireland

4.5.1 Introduction

As noted at the start of this Chapter, Section 19 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims Act) (Northern Ireland) [2015]³² requires the Northern Ireland Department of Health (DOH) to put in place a strategy for exiting prostitution, provide a programme of assistance and support to those wishing to exit and the Regional Health and Social Care Board must also appoint an 'Independent Guardian' to represent a child believed by a competent authority to have been the victim of human trafficking. In 2015 the DOH published a strategy document *Leaving Prostitution: A Strategy for Help and Support*, followed by a *Programme of Assistance and Support* (in May 2016) and a review of both documents in May 2019 (Department of Health, 2019 [2015]).³³ In addition, in May 2018 the

³² Section 19, Section 19 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims Act) (Northern Ireland) [2015]. Available: <http://www.legislation.gov.uk/nia/2015/2/enacted>

³³ The latest *Leaving Prostitution: A strategy for help and support* published online is marked as 'revised May 2019' but from what the research team can see it appears broadly similar to the one published in December 2015.

Northern Ireland Health and Social Care Board put in place a regional service to support children who were victims of trafficking and separated from their parents and home countries. This Independent Guardian service was contracted to Barnardo's (NI) who will provide the necessary support infrastructure.

4.5.2 The leaving prostitution strategy

As noted above, the DOH is statutorily responsible for introducing a Leaving Prostitution Strategy and a Programme of Assistance and Support for those people who wish to leave prostitution. We are fully aware that the Department of Health is grappling with many crises in Northern Ireland including extremely long waiting lists and many of the same issues that afflict the National Health Service in other parts of the United Kingdom. As such, it is difficult to see how scarce financial resources could have been directed to the leaving prostitution strategy initially. As the DOH note in the Leaving Prostitution Strategy (DOH, 2019 [2015]), 'This work is being brought forward at a time of exceptional financial difficulty for the Executive' (p20). Indeed, it is difficult to state unequivocally that leaving prostitution strategy document represents a strategy as such since it appears to be a review of the literature on prostitution and draws heavily from the Eaves / South Bank University study in London in 2012 which dealt with exiting prostitution (Eaves / London South Bank University, 2012) [henceforth E/LSB]. The strategy also provided a list of agencies and bodies in Northern Ireland that could provide support and assistance, but few of these were actually dedicated to prostitution or had any experience of it and it was noted in the strategy document that 'the barriers to leaving prostitution are addressed through the provision of existing services provided by the state' (2015: 20). In other words, nothing new or targeted specifically at sex workers was proposed in the strategy.

4.5.3 Bearing in mind that the DOH had this responsibility thrust upon it and that health care provision in Northern Ireland appears to lurch from funding crisis to funding crisis, it was perhaps unfair to expect the DOH to deliver a fully tailored programme by 2016 given that the legislation was only passed the previous year. Nevertheless, a number of criticisms can be made of the strategy which can be outlined as follows and which might be taken on board for the future.

4.5.4 Language and tone

The language and terminology used in the leaving prostitution strategy is not particularly appropriate³⁴ and the view was expressed to the researchers by a sex worker support organisation, that ‘if anything was geared up to alienate its target audience this was it’. The document persisted in using the term ‘prostitute’ throughout even though this is not how many sex workers see themselves and may in fact regard the term as offensive. Even the police in the United Kingdom now use the term ‘sex work’ in their official policy and strategy documentation as we noted earlier.

4.5.5 Drawing inferences about sex work in Northern Ireland from another jurisdiction

The initial strategy document relied heavily on the E/LSB study of exiting prostitution in London. Aside from the fact that E/LSB research team contained a number of prominent abolitionists, the characteristics of E/LSB sample of sex workers are simply not relevant to Northern Ireland for reasons that we saw in Chapter 3 of this review. Expressed simply, the bulk of the E/LSB sample (around two-thirds) were engaged in on-street prostitution. The problems inherent to on-street prostitution are well documented in the research literature and include a range of dependencies involving alcohol and drugs, mental health issues, histories of violence and abuse, childhood abuse, homelessness, a lack of qualifications and so on (Huschke et al, 2014; Sanders, O’Neill & Pitcher, 2009). The problem of course, is that Northern Ireland does not have a large on-street sector to speak of. We cannot transpose the characteristics of on-street sellers to online and off-street sex workers; they are fundamentally different (Sanders et al, 2017; Sanders, O’Neill & Pitcher, 2009; Weitzer, 2012). Therefore, proposing policy solutions based on characteristics of a sex worker population that has only a marginal relevance to the Northern Irish case is problematic to say the least.

4.5.6 We provided a socio-demographic profile of the ‘typical’ off-street sex worker who responded to our survey in Chapter 3. But few sex workers in our survey and those we interviewed drank alcohol to excess or took drugs; most reported no trauma in doing what they did; as far as we could ascertain no sex workers were involved in criminality to feed a drug habit; a substantial number were educated to degree level and some were currently studying at University. Most importantly perhaps, the majority were foreign nationals who did not

³⁴ The language has not been amended in the most recent revised version (May 2019) and still refers to prostitutes / prostitution.

permanently reside in Northern Ireland. In terms of exiting this is something that seems to happen quite routinely anyway: Many sex workers who responded to the survey had exited prostitution sometimes for periods of up to two years but had subsequently returned (see Chapter 3). A majority of our respondents planned to leave prostitution at a time of their choosing and under their own volition and generally within a 12-month period. Therefore, tailoring a support package for this cohort is going to be immensely challenging. But the point remains that developing a leaving prostitution strategy on the basis of a study that focuses largely on the experiences of on-street sex workers is not appropriate to the context of Northern Ireland.

4.5.7 Rather than the E/LSB study a more relevant starting point might be the *Practice Guidance for Working With Online Sex Workers* recently launched by the research team at Beyond the Gaze at the University of Leicester which conducted one of the largest studies of the online sex industry ever undertaken in the United Kingdom (Beyond the Gaze, 2019a). The Practice Guidance includes elements on health care, sexual health and other issues but it is written in a way that does not alienate sex workers. This guidance focusses specifically on online sex workers which is of more direct relevance to the Northern Irish case than the E/LSB study that the existing strategy document is based on. As such, it could be a starting point for the development of any future prostitution strategy in Northern Ireland.

4.5.8 Establishing a Stakeholder Governance Group

The DOH proposed to establish a Stakeholder Governance Group to oversee the Leaving Prostitution and Programme of Assistance and Support but the first meeting of this did not occur because the DOH received a complaint about the composition of the group. As stated in the DOH Review (Department of Health, 2019: 6) the meeting was postponed:

...because of concerns raised about the Group's membership, some directly with the Health Minister which became the subject of Ministerial advice.

The *Practice Guidance for Working With Online Sex Workers* published by the Beyond the Gaze team (above) advocates that policies affecting sex workers should be implemented with their consent and that a non-judgemental tone should be adopted. This is echoed in World Health Organisation guidelines for dealing with sex working populations (Beyond the Gaze, 2019a: 31). Similarly, the National Women's Council of Ireland (NWCi) recently passed a

motion at its annual AGM to extend its membership to include those groups representing sex workers and women in prostitution. The motion called upon the NWCI to:

...review its membership policy to ensure it is non-discriminatory and inclusive of women and groups including those representing women in prostitution and sex work.³⁵

4.5.9 Guidance from the National Police Chief's Council (NPCC) - *National Policing Sex Work and Prostitution Guidance* - released to all UK police organisations in January 2019 (NPCC, 2019) is also relevant to the DOH. The NPCC note that 'the role of policing is not to make moral judgements' and that it is essential for police agencies to fully engage with sex working populations and those organisations that support them (NPCC, 2019: 4). Indeed, there is a precedent for such engagement. In Manchester, the Manchester Prostitution Forum ('the Forum') is a multi-agency partnership including sexual health agencies, the police, city council officials and sex worker support organisations which meets regularly to discuss issues around prostitution in the city. It also publishes the Manchester Prostitution Strategy as a programme for action (Manchester Community Safety Partnership, 2016). The Forum has been in operation for some time and is quite effective in its role, simply because it includes sex worker support organisations among its membership as active partners.

4.5.10 Beyond this, it is not really possible to comment further on the success or otherwise of the leaving prostitution strategy because no single agency in Northern Ireland has been given responsibility for managing or operationalising it. As such it is impossible to know if any referrals have been made to any of these separate agencies. The only information we have on those individuals who have decided to exit prostitution comes from the Belfast Commercial Sex Worker Service (BCSWS) which has noted a reduction in the number of traditional street sellers from that identified in the earlier DOJ research (Huschke et al, 2014). But since the BCSWS does not operate an exiting programme we do not know whether these individuals have left prostitution or have simply moved online.

³⁵ National Women's Council of Ireland, official Twitter feed @NWCI, June 6th, 2019. Available: <https://twitter.com/NWCI/status/1136653032157077506>

4.6 Conclusions

4.6.1 This chapter has considered the official statistical information on prosecutions under Article 64A and described the two cases that have thus far come before the courts. We have considered the views of the PSNI and PPS in respect of evidential and prosecutorial issues with the legislation. Finally, we have considered the ‘Leaving Prostitution’ strategy proposed by the Northern Ireland Department of Health to see whether it is operating effectively and has facilitated the exit of sex workers from prostitution.

4.6.2 We noted that while the PSNI has stated that it acts on Article 64A offences when they become known to officers, the officers interviewed for this review were nevertheless clear that the focus of the organisation is on serious organised crime where trafficking for sexual exploitation is involved. Difficulties in obtaining evidence relating to online prostitution were noted by both the PSNI and the PPS and it was pointed out that the police in Northern Ireland have no legal right under the Regulation of Investigatory Powers Act (2000) to use the kinds of intrusive surveillance techniques that occur in Sweden. As with all forms of hidden crime identifying offenders under Article 64A is a decidedly difficult one for the PSNI.

4.6.3 While a Leaving Prostitution Strategy document was published in December 2015 and followed up by a Programme of Assistance (2016) these are largely informational and do not provide any concrete assistance in financial or other terms to leave prostitution. However, one of the most important issues is whether a strategy based largely on the needs and requirements of an on-street selling population is in any way relevant to the situation in Northern Ireland where the majority of sellers are off-street and who do not live in Northern Ireland permanently.

4.6.4 It is noted that for any tailored programme of support to be effective it must include the views of sex workers and their representatives. This is acknowledged in World Health Organisation guidelines and is seen as ‘best practice’ from the body that provides guidance to all UK police services, the National Police Chief’s Council (NPCC).

CHAPTER 5: HUMAN TRAFFICKING IN NORTHERN IRELAND

5.1 Introduction

5.1.1 One of the key aspects of the draft Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Bill (Northern Ireland) as it was presented in the debates in the Northern Ireland Assembly was the issue of human trafficking for sexual exploitation. For some supporters of the legislation the issues of prostitution and human trafficking for sexual exploitation were seen as synonymous. In an interview given by Lord Morrow he explains why he drafted legislation to combat human trafficking and exploitation:

I was motivated by two things; the first was a chance encounter with Dan Boucher, Parliamentary Director at CARE (Christian Action, Research and Education). We share the Christian faith and this conversation with Dan became a catalyst for action as we started to talk about the evils of trafficking and what we could do to stop it. That was the spark. The second thing was reading a book about William Wilberforce – the Life of the Great Anti-Slave Campaigner, written by William Hague. I began to understand and identify with Wilberforce’s personal and political fight to criminalise and outlaw slavery, because I look upon human trafficking as modern-day slavery (Agnew, 2018).

Lord Morrow goes on to explain that his Bill had three aims:

1. Improving support for victims of trafficking and exploitation.
2. Reducing demand for human trafficking and exploitation.
3. Ensuring perpetrators of these human trafficking and exploitation offences are punished (Agnew, 2018).

5.1.2 Certainly, as noted in the Introduction there was much to commend in Lord Morrow’s Bill, particularly the provision of support structures for victims of human trafficking. The remainder of this chapter seeks to examine the impact of the legislation on human trafficking for sexual exploitation by considering data from the National Referral Mechanism (NRM)³⁶ which is the widely acknowledged official barometer of how much trafficking is taking place in a given jurisdiction. Nevertheless, the PSNI has pointed out that although the NRM data

³⁶ The National Referral Mechanism (NRM) is the official framework for identifying victims of human trafficking in the United Kingdom.

currently helps to inform much of the understanding of the nature and scale of human trafficking and modern slavery across the United Kingdom, it is widely accepted that it only reveals part of the total picture. For example, PSNI officers worked on a covert operation for nine months which led to three successful convictions for sexual exploitation. However, no potential victims were referred to the NRM during the period of the investigation. The PSNI have spoken to many potential victims of trafficking who have declined to sign up to the NRM process for whatever reason, and therefore these potential victims are not being captured as part of the scale of this hidden crime. The Duty to Notify system, which has been implemented in England and Wales, gathers this information. Duty to notify is not yet legislated for in NI in the absence of an assembly. Since the establishment of the PSNI Modern Slavery Human Trafficking Unit a total of 229 potential victims have been referred to the NRM from a total of 939 screenings³⁷ designed to assess and safeguard victims through early recognition and subsequent intervention. If deemed to be a potential victim of human trafficking the PSNI will if agreed refer the person to the Home Office, to help them decide whether a person referred under the NRM is a victim of modern slavery.

5.2 National Crime Agency Data

5.2.1 National Crime Agency data indicates that human trafficking occurs in Northern Ireland at a considerably lower level than other regions of the United Kingdom (National Crime Agency, 2019). This is perhaps expected given that Northern Ireland is one of the smallest UK regions by population size (1.8m). Table 1 shows the total number of referrals by a first responder from Northern Ireland to the NRM between 2014 and 2018. These figures include all those who are believed to be potential victims of human trafficking whether for domestic servitude, labour exploitation, sexual exploitation or an unknown exploitation. The figures include both adults and minors who are believed to be a potential victim of human trafficking.

Table 1: Referrals to NRM from Northern Ireland 2014-19 all³⁸

	2014	2015	2016	2017	2018*
Northern Ireland	45	53	33	31	52

* figure calculated under new Home Office Counting Rules

³⁷ Data from PSNI provided by email 10th September 2019.

³⁸ Data for years 2014-2016 from *2017 UK Annual Report on Modern Slavery* (Department of Justice, 2017); Data for years 2016-17 from *2018 UK Annual Report on Modern Slavery* (Department of Justice, 2018).

We can see from the data in Table 1 that the spread of referrals from Northern Ireland has remained broadly consistent from 2014 apart from a small spike in 2015 and another one in 2018. The 2018 increase is largely the result of a change to Home Office Counting Rules (HOCR) which means that this figure cannot be directly compared to preceding years (see National Crime Agency, 2019: 4). The 2015 figure is contemporaneous with the implementation of Article 64A, so it is highly improbable that the law would have had any effect on referrals for this particular year.

5.2.2 Broadly speaking, the referrals from Northern Ireland to the NRM have remained fairly constant. The very small numbers from Northern Ireland involved in the NRM make it problematic in social scientific terms to infer that Section 64A has had any impact on referrals with any degree of statistical significance.

5.2.3 Referrals to the NRM from Northern Ireland 2018

This part of the chapter will focus on data from 2018 because it incorporates the new HOCR and shows the most up-to-date data for a full year period from the National Crime Agency. This highlights the number of referrals from Northern Ireland to the NRM of potential victims of human trafficking, whether for labour exploitation, sexual exploitation or domestic servitude. In Northern Ireland the PSNI was the largest referring agency to the NRM (19) followed by the UK Visas and Immigration Agency (18).

5.2.4 Data from Table 2 illustrates that 52 potential victims of human trafficking were uncovered in Northern Ireland during 2018, with 14 of these for adult sexual exploitation and 6 for the sexual exploitation of a minor. For informational purposes the total number of NRM referrals in Northern Ireland increased from 31 in 2017 to 52 in 2018 which is a percentage increase of 67.7%. However, owing to changes in Home Office Counting Rules comparing statistics across the years needs to be treated with some considerable caution. As such, it is impossible to say whether Article 64A has had any effect on human trafficking cases since the percentage increase in potential victims of human trafficking recorded in Northern Ireland in 2018 may be the result of better recording, better policework or simply more victims. However, none of the cases prosecuted under Article 64A in Northern Ireland have related to human trafficking. In any case, we should bear in mind the caveat mentioned in 5.2.2 (above) that there are so few cases of human trafficking involved in the Northern Ireland data that it is impossible to draw any conclusions from indicated trends with any degree of accuracy.

Table 2: Referrals to the National Referral Mechanism from NI in 2018

Claimed exploitation type	Location of Claimed Exploitation										Total 2018	Total 2017
	Female				Female Total	Male				Male Total		
	UK	UK and Overseas	Overseas	Not Known		UK	UK and Overseas	Overseas	Not Known			
Adult – Domestic Servitude	1	0	1	0	2	0	0	0	0	0	2	1
Adult – Labour Exploitation	2	0	2	3	7	5	1	4	0	10	17	10
Adult – Sexual Exploitation	7	1	5	0	13	1	0	0	0	1	14	8
Adult – Unknown Exploitation	1	0	0	0	1	0	0	0	1	1	2	2
Minor – Domestic Servitude	0	0	1	0	1	0	0	0	0	0	1	1
Minor – Labour Exploitation	1	0	0	0	1	1	0	2	0	3	4	4
Minor – Sexual Exploitation	4	0	2	0	6	0	0	0	0	0	6	2
Minor – Unknown Exploitation	1	0	0	0	1	3	0	0	2	5	6	3
Total	17	1	11	3	32	10	1	6	3	10	52	31

5.2.5 It should be noted that the data in Table 2 refers to *potential* victims of human trafficking who are awaiting a positive or conclusive grounds decision. Data on positive or conclusive grounds decisions are not presented regionally. From the UK-wide dataset in 2018 only 16% (1,151) of referrals out of a total of 6,993 received a positive or conclusive grounds decision of human trafficking (National Crime Agency, 2019). Part of the problem here is undoubtedly the length of time that it takes the NRM to make a determination. Nevertheless, it is not possible from the current data to indicate how many of the 52 potential cases of human trafficking uncovered in Northern Ireland received a positive or conclusive ground determination in 2018.

5.2.6 By a small margin labour exploitation provided the largest category of referrals to the NRM with 14 referrals in 2017 and 21 in 2018. Sexual exploitation was the next largest category with 10 referrals in 2017 and 20 in 2018. Domestic servitude represented the smallest category, with 1 referral in 2017 and 2 in 2018.

5.3 NPCC guidelines on human trafficking for sexual exploitation

The new *National Policing Sex Work and Prostitution Guidance* issued by the NPCC in January 2019 to all UK police services (NPCC, 2019) has formalised the distinction between coerced and consensual prostitution and emphasised that not all prostitution related activities involve human trafficking for sexual exploitation. As a consequence, prostitution needs to be seen on a continuum of vulnerability with police resources dedicated to those elements that involve coercive control.

5.4 Conclusions

5.4.1 Data from the National Crime Agency indicates that in the context of the UK as a whole Northern Ireland has the fewest referrals to the NRM which reflects the small size of the population. Compared to other UK regions Northern Ireland has by far the smallest reported instances of human trafficking whether for forced labour, sexual exploitation or domestic servitude.

5.4.2 It is not obvious that Article 64A has had any effect on human trafficking for sexual exploitation given that neither of the two cases that have thus far been prosecuted have involved prostitution or human trafficking for sexual exploitation. Furthermore, the small numbers of cases involved in the Northern Ireland data make it difficult to suggest that the law has had any effect on human trafficking with any degree of statistical accuracy.

5.4.3 It is noted that labour exploitation not sexual exploitation has formed the largest source of referrals to the NRM in 2018, albeit by a small margin, and has targeted unskilled migrant workers. As such, it is unclear whether Article 64A has focused undue attention on trafficking for sexual exploitation at the expense of labour exploitation and the predicament that some of these migrant workers find themselves in.

CHAPTER 6: A TREND ANALYSIS OF PROSTITUTION IN NORTHERN IRELAND

6.1 Introduction

6.1.1 Since prostitution is an exchange relationship based on supply and demand economic characteristics (Hernæs, Jakobsson and Kotsadam, 2014) this chapter together with Chapter 7 focuses on the supply of prostitution services in Northern Ireland. It also links to the DOJ specifications that ask the research team to provide estimates of the number of sex workers currently working in Northern Ireland and the changes that have occurred following the implementation of Article 64A in June 2015. The chapter is divided into two parts: Part 1 considers the current state of the on-street sector in Belfast (where this is nearly entirely located) and notes any changes that have occurred in this sector in the aftermath of Article 64A and draws comparisons where necessary with the earlier DOJ research (Huschke et al, 2014). Part 2 considers the off-street, online sector and we draw on advertising data obtained directly from an ASW (Adult Services Website) which we believe to be a more sophisticated methodological approach than data scraping. Given that prostitution in Northern Ireland is transacted almost exclusively on the Internet this section forms the bulk of our analysis.

Assessing data obtained directly from an ASW means that we can determine with some accuracy the numbers of sex workers who are working at a particular time. We can therefore provide a determination of the effects of Article 64A for the pre- and post-law periods in question.

6.2 The on-street sector in Northern Ireland

Historically Northern Ireland has not had a large on-street sector where prostitution occurs. When this has occurred, it has been located mainly in Belfast, the largest urban centre, albeit at a level well below comparable UK and Irish cities (Ellison, 2017; Huschke et al, 2014). Sanders (2006) for example, notes that across the UK street prostitution has been in steady decline over the last two decades and points to the emergence of indoor sex markets. However, in many respects the move to largely indoor and off-street prostitution sector in Belfast predates the emergence of the Internet to a greater degree than in some other jurisdictions. Several factors account for this shift to the off-street sector but the main one relates to the period of socio-political conflict (1968-1998) which meant that using public space was particularly dangerous at night, as well as the high levels of police and army surveillance which would have made solicitation rather difficult.

6.2.1 The first point to note is that we know next to nothing about the dynamics of a protracted period of political violence on sex markets in Northern Ireland and this remains an area for future research. Nevertheless, the on-street sector in Northern Ireland is traditionally small, certainly by the standards of other jurisdictions, with on-street prostitution a fraction of what it is in UK or Irish cities such as Glasgow, Manchester or Dublin (Ellison, 2017). The earlier DOJ research (Huschke et al, 2014) noted there were around 20 female on-street sellers in Northern Ireland with the majority of these concentrated in Belfast (Huschke et al, 2014: 52). However, not all of these sex workers worked regularly and on a weekend evening there may have been only around 5 sex workers on the street at any one time according to a support worker from the Belfast Commercial Sex Worker Service (henceforth BCSWS) which is funded by the Belfast Health and Social Care Trust. The BCSWS operates a weekly drop-in to provide sexual health advice and screening to on-street sex workers. The earlier DOJ research in Northern Ireland (Huschke et al, 2014) noted that the on-street sex workers were largely female, came mainly from Northern Ireland and most were aged in their thirties to mid-fifties. Huschke et al (2014) also noted that many of these female sellers came from socially disadvantaged backgrounds, had low levels of education and had drugs or alcohol dependency issues. However, they also pointed out that ‘it is important to note that not all street-based sex workers fit these characteristics’ (p52). Nevertheless, what is notable about the on-street sector in Belfast / Northern Ireland has been the comparatively small number of sellers and for a long period of time on-street prostitution was not seen as a public nuisance and there were few complaints or indeed prosecutions for prostitution related offences in the jurisdiction.

6.2.2 In terms of the female on-street sector in 2019 the BCSWS support worker noted that the number of females involved in this sector has declined even further from the earlier DOJ study in 2014 to around 5-10. However, it is difficult to say with any certainty whether the legislation and in particular the implementation of Article 64A has resulted in a decline in the on-street sector in Belfast. Certainly, in terms of the on-street female sector the comparatively high ages of those sellers identified in the earlier DOJ research (Huschke et al, 2014) may mean that their participation in prostitution has simply peaked and that this has ceased to be a viable income option for some of them. However, finding out why someone decides to exit prostitution in Northern Ireland has proved difficult for the current researchers. There is currently no formal support system for off-street sex workers and the only system in place for the on-street sector is the BCSWS which is focused primarily on sexual health and is not in a

position to monitor individuals over the longer term. Of course, there may exist the possibility that some of these street workers have turned to the Internet, but we cannot confirm this.

6.2.3 In terms of male on-street sellers, an earlier study (Maginn & Ellison, 2014) noted the existence of a very small number of male sex workers who worked in the vicinity of various gay entertainment establishments in Belfast and this was confirmed by an interview with the BCSWS in 2013.³⁹ Nevertheless, male on-street sex workers have remained largely invisible and little is known about their backgrounds and work practices. However, a support worker with the Rainbow Project confirmed to the researchers that he was not aware of any male on-street sellers in Belfast currently (personal communication).

6.2.4 The BCSWS support worker did suggest that presently there may be developing links between homelessness, intravenous drug use and prostitution, although it was stressed that the numbers involved were very small. Certainly, while some on-street sellers in Belfast have had drugs dependency issues this was not to intravenous drugs in the main (Huschke et al, 2014). This is a relatively new development since for complicated reasons, Belfast and Northern Ireland generally have not had the problems with heroin and crack cocaine seen in some other UK cities such as Liverpool and Glasgow, or indeed Dublin in the Irish Republic (for Northern Ireland see McEvoy, McElrath and Higgins, 1998; For elsewhere see Cox and Whittaker, 2005; Cusick, Martin & May, 2003). Indeed, the growing prevalence of hard drugs in Belfast and the potential links to on-street prostitution was also commented upon by one of the PSNI's sex worker liaison officers:

I think that there is a separate issue of intravenous drug use in Belfast that is rising, there is no doubt about that, it's something we are starting to see a bit more of, but really only in the last two years I would say.... A lot of our [homeless] hostels would see a lot more issues with intravenous drug use. So there is no doubt that the drug use is real and that would link into this world [prostitution]... it does everywhere else (Officer 2).

³⁹ This was conducted as part of a larger research study into the policing and regulation of prostitution in four European cities. Graham Ellison and Ronald Weitzer, *The Policing and Regulation of Prostitution: A four-city case study*, British Academy / Leverhulme Trust.

6.3 Prevalence data from an Adult Services Website (ASW)

6.3.1 Introduction

Given the move online of much commercial sex over the course of the past two decades it is now somewhat easier to estimate prevalence data for sex working populations than it was in the past. One of the most commonly utilised methodological techniques for estimating prevalence data for those involved in commercial sex is via web or data scraping (Sanders, Campbell, Cunningham, Pitcher and Scoular, 2018). This can be done by any number of commercial firms who specialise in data scraping or for those forms of data that are not particularly complex, via an extension to a web browser such as Chrome or Firefox.

6.3.2 Nevertheless, as Sanders et al (2018) point out, while data scraping can be undeniably useful in determining general trends in sex working populations it can also *overestimate* the number of sex workers unless steps are taken to control for out of date, lapsed or duplicate profiles. Indeed, in their own analysis of Adultwork data, Sanders, et al (2018: 233) estimate the margin of error in counting forward facing (i.e. all profiles on the internet) compared to active profiles (i.e. those profiles where the sex worker is *really* working) to be as high as 40%. As such, studies relying on data scraping as the sole methodological technique for estimating prevalence rates may overestimate the number of sex workers who are actually active.

6.3.3 Given the DOJ specification for the research it was felt that gaining access to an ASW would be attempted at an early stage in the research process. If this failed, then the research team would resort to conventional data scraping. At the outset, the researchers decided to contact Lazarus Trading S.L., a company headquartered in Spain that owns the domain names for a number of sex work advertising platforms across Europe, including those in Sweden and Norway. Importantly, however, Lazarus Trading S.L. owns the Escort Ireland platform which is a popular sex worker advertiser site on the island of Ireland. Certainly, from our sex worker survey it is clear that Escort Ireland is one of the ASWs sex workers use to advertise sexual services in Northern Ireland along with a number of others including Adultwork, Vivastreet and Locanto.

6.3.4 As Sanders et al (2018: 237) note what is more productive from a methodological point of view is to assess the number of advertisements at source i.e. from the platform's administrators. This approach is more sophisticated than conventional data scraping and holds

a number of advantages. In terms of the current study it obviates the problems with over-estimating the number of sex workers since only those sex workers who place advertisements for a particular time-period are counted. An analysis of advertising data allows us to track individual sex workers over time to see how often they work, where they work, as well as providing basic demographic and biographical information. Finally, analysing such data over a period of years allows for a longitudinal analysis to be undertaken to see with some precision how trends in prostitution change over time.

6.3.5 Since Escort Ireland is a fully commercial site and charges between £300 and £700 per month for advertising, the sex worker will likely be active for the period covered by the advertisement. Indeed, Sanders (2006: 102) argues that since indoor sex markets are highly reliant on advertising this can represent a significant drain on the profits of sex workers. Furthermore, the majority of sex workers in Northern Ireland are ‘touring’ sex workers which also expensive in terms of travel and accommodation costs. Consequently, we would argue that the Escort Ireland data is highly reliable since it is unlikely that a sex worker will pay a considerable sum to an Internet platform and then decide not to work for the period covered by the advertisement.

6.3.6 It is important to note, however, that ASWs have been reluctant to engage with researchers and journalists fearing that they will be portrayed in negative light given the sensitivities around what they do (see Sanders et al, 2018: 237). However, the PI on the project (Ellison) was familiar to Escort Ireland having interviewed three senior managers of the company for an earlier project.⁴⁰ In responding positively to our request, Lazarus Trading S.L. agreed to provide the researchers with advertising data for those sex workers who have worked in Northern Ireland for a seven-year period from 1st January 2012 to 31st December 2018, what we are referring to as the ‘census period’. This was subject to two conditions. First, that the data could only be used for legitimate research purposes and under no circumstances could it be used commercially or passed to any individual or organisation outside of the research team. Second, that lawyers acting for Lazarus Trading S.L. would have the final say in what data to hand over and this was subject to their determination of data protection and GDPR safeguards.

⁴⁰ Graham Ellison and Ronald Weitzer, *The Policing and Regulation of Prostitution: A four-city case study*, British Academy / Leverhulme Trust research award (2013). Three Escort Ireland managers were interviewed, two males and one female.

In line with GDPR regulations the data was screened by Lazarus Trading S.L. lawyers and all personal identifying information was removed.

6.3.7 The researchers agreed to these terms and Lazarus Trading S.L. lawyers forwarded the Principal Investigator (Ellison) an anonymised and encrypted dataset containing details of advertisements placed by all those sex workers who have worked in Northern Ireland during the census period.

6.3.8 In order to allow the researchers to estimate the supply of sexual services with some precision Lazarus Trading S.L provided the researchers with a dataset of 173,460 advertisements placed by 4,717 unique sex workers in Northern Ireland between 1st January 2012 and 31st December 2018. Since this data relates to live advertisements, we can say with near certainty that the sex worker was working in Northern Ireland for the time period covered by the advertisement. As such, an analysis of this data at source provides a far more robust guide to the number of sex workers in a particular area than simply scraping data from a website.

6.3.9 Lazarus Trading S.L. gave the researchers an anonymised version of the unique identifier given to each advertiser which allowed the research team to track the sex worker's business over time. However, it is important to note a caveat to our analysis. Lazarus Trading S.L. changed its data management system on 18th August 2015, so it is not possible to track individual sex workers from before and after this date since the new software meant that they were assigned an ID in a different format. However, Lazarus Trading S.L. did indicate in the dataset whether a sex worker who advertised after 18th August 2015 was a 'new' or 'repeat' advertiser. We therefore have an idea of how many advertisements were placed by new sex workers on Escort Ireland after the software change on August 18th, 2015.

6.3.10 Utilising the data from 1st January 2012 to 31st December 2018 allows us to point to the trends in sex worker advertising in Northern Ireland during this period with a high degree of reliability. In particular, it allows us to assess whether the supply of sexual services decreased in the period following the implementation of Article 64A in line with what advocates of the legislation have proposed.

6.4 Methodology

To conduct statistical analyses on the prevalence of sexual services advertisements in Northern Ireland, advertising data from the Escort Ireland platform provided by Lazarus Trading S.L. was utilised. This amounted to a dataset containing 173,460 separate advertisements that were placed by 4,717 unique sex workers.⁴¹ The data allowed the frequency of advertisements in Northern Ireland, from 1st January 2012 to 31st December 2018, to be examined. The Escort Ireland data was cleaned in Microsoft Excel format. This involved coding the data to ensure there was consistency across variables in the answer categories provided. Statistical analysis was conducted using the software package Stata 15. The Escort Ireland prevalence data provided a total of ten variables for analysis. These were: advert date, anonymised user ID, advertisement location, gender, advertisement type, nationality, ethnicity, birth year, sexual orientation and whether a sex worker was a new or repeat advertiser after 18th August 2015. Descriptive statistics have been executed to examine the trends in advertisements from 1st January 2012 to 31st December 2018. A combination of one-way frequency tables and two- and three-way cross-tabulations were executed as part of this analysis. In addition, variance calculations were performed on the data to illustrate the year-on-year trends in advertising rates.

6.4.1 As the dates provided in the dataset are inclusive of the pre-and post-legislation change, the dataset was split into several files for quantitative analysis. The data was firstly split into two datasets: pre-legislation change (1st January 2012 - 31st May 2015) and post-legislation change (1st June 2015 - 31st December 2018). Following this analysis, the data was split further into seven files, each accounting for a full year of advertisements. This provided an opportunity to examine advertisement trends in more detail for comparisons across years and specific months of interest. The analysis provided in this report is a broad overview of the socio-demographics of those advertising pre-and post-legislative change. The analysis examined both the total number of advertisements and the number of unique advertisements during the census years. To examine the number of unique advertisements, duplications of those advertisers with the same unique ID numbers were removed, meaning a particular individual was only counted once for the year in focus.

⁴¹ We are using the term 'unique' here to signify those sex workers who advertised at least *once* during the census period. Of course, the majority of sex workers advertised more than once.

6.5 Supply of sexual services

6.5.1 Based on our analysis of the 173,460 advertisements an average of 67 sex workers advertise every day across Northern Ireland on the Escort Ireland platform. As we note below, advertisements are subject to a high level of daily and monthly fluctuation. Nevertheless, this figure is not particularly high in comparative terms and has remained broadly in line with that identified in the earlier DOJ research in 2014 which estimated that 70 sex workers advertise daily on the Escort Ireland platform (Huschke et al, 2014: 70)

6.5.2 In terms of overall trends in advertising for sexual services in Northern Ireland if we take 2012 as our baseline there was a slight increase in 2013 and a spike in 2014, the year before the law changed (Figure 1). This spike continued through 2015 (the year the law changed) and into 2016 before decreasing quite dramatically in 2017. From 2017 there was another gradual increase and in the final year of the census period (2018) sex worker advertising rates were higher than they were in 2012 and 2013.

6.5.3 We sub-divided the data for 2015 into pre-law and post-law periods (Figure 2) to see whether the implementation of Section 64A had any immediate effect on advertising rates. We can see that in the period up to 1st June 2015 when the law came into effect there were 13,097 adverts placed on the Escort Ireland platform. After 1st June until the end of 2015, a further 15,398 adverts were placed. There was a 17.5% increase in sex worker advertising between pre and post law change periods in 2015.

6.5.4 Without more information it is difficult to account for the spikes in advertising that occurred in 2014, 2015 and 2016. However, sex workers in the narrative interviews did note a surge in business in the run-up to the legislation and its immediate aftermath and it was suggested that the public debate around Article 64A publicised prostitution to those who had never previously considered it, both for sellers and purchasers. Furthermore, Article 64A was only enforced with a warning or caution for the first 12 months, so perhaps sex workers and clients felt that they would not be subject to the full rigours of the law at this early stage.

6.5.5 More likely, however, the period 2014 to 2016 was simply reflecting a natural growth in high advertising rates which has subsequently declined due to numerous factors. Of course, it could be that Article 64A has slowed this growth. But if this is the case, then the effect has been short-lived and advertising rates have increased again from 2017 to 2018. As such, if

Article 64A has had an effect it may be the rather paradoxical one of reducing prostitution to the level that existed before the law came into operation.

6.5.6 Focusing on yearly fluctuations in advertising rates, however, hides the bigger picture: Namely, that when looked at in the aggregate advertising rates for commercial sexual services in Northern Ireland have increased in the period following the implementation of Article 64A. This increase is from 84,609 advertisements pre-law, to 88,851 advertisements post-law. This is a percentage increase of 5%.

6.5.7 If the deterrence aspects of the sex purchase legislation were operating as suggested then we should have expected to see much more evidence of a tail off in sex worker advertising, but this has not happened in Northern Ireland. On this basis then it is rather difficult to suggest that the law has had any longstanding impact in decreasing the supply of commercial sexual services in Northern Ireland.

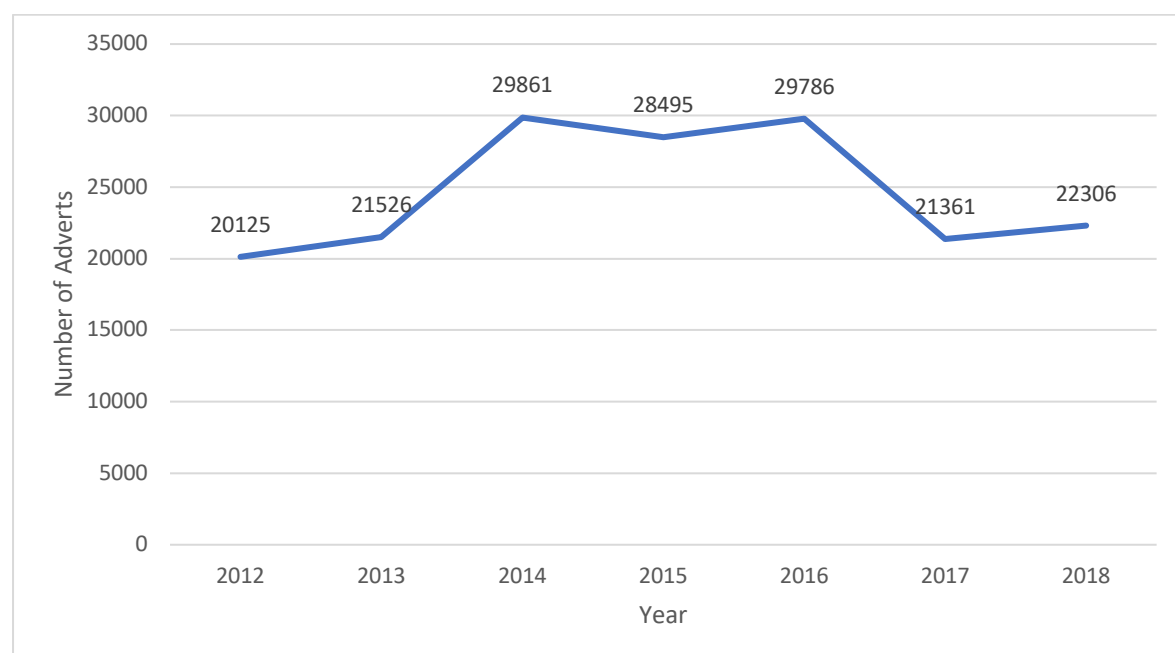


Figure 1: Total number of adverts per year (timeline)

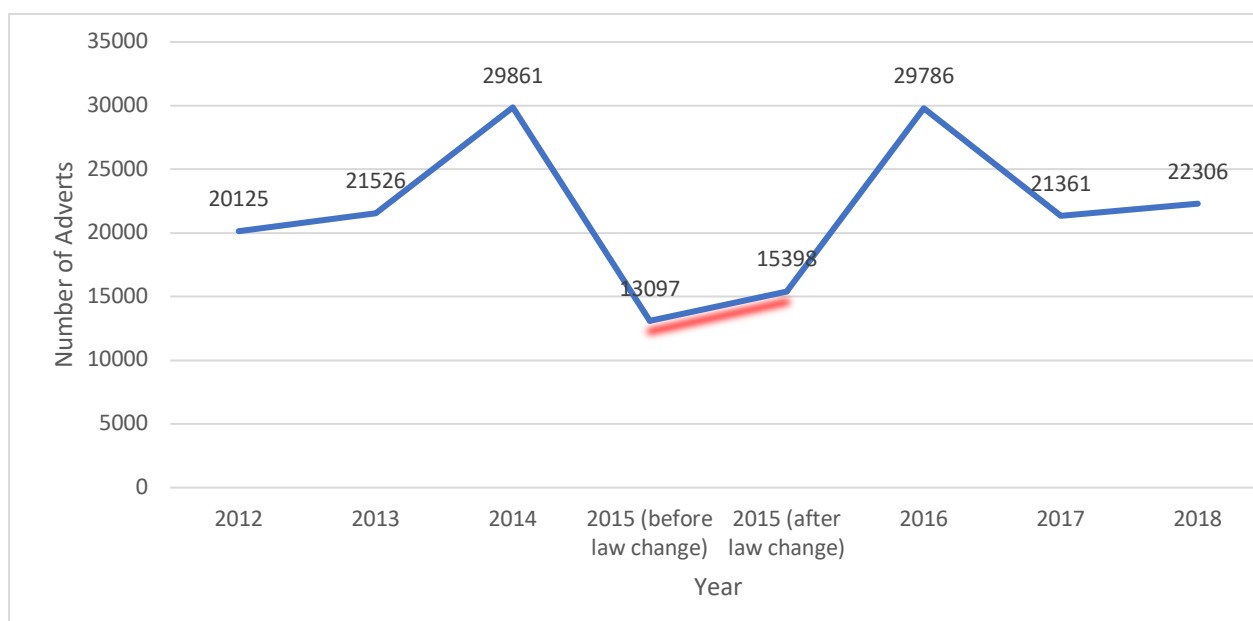


Figure 2: Total number of adverts per year showing pre and post legislation changes (timeline)

6.6 Variance in advertising trends in Northern Ireland

6.6.1 This section of the report explores both the cumulative variance in advertising trends and year-on-year variance in sex worker advertising during the census period. Variance measures the distribution of a dataset between fixed points and allows us to see how advertising is spread out across the census period.

6.6.2 We can calculate the cumulative variance from Figure 1 (above) which mapped the change in the number of advertisements from the previous year, along with the overall change in advertisement trends across years from the starting point of 2012. The figure allowed us to see for any year if there had been an increase/decrease in advertisements from the previous year, as well as compare the total number of adverts in the specific year against the baseline in 2012, or any other year. There were 2,181 more advertisements for sexual services placed on the Escort Ireland platform in the last year of the census period (2018) than for the first year (2012).

6.6.3 Figure 3 illustrates the year on year variance in the total number of advertisements during the census period for consecutive years only. It indicates the yearly increase/decrease in the number of advertisements by sex workers in Northern Ireland from the previous year.

The year 2012 displays a value of zero as there is no previous year within the dataset to compare the change in the number of advertisements to. The figure therefore shows that from 2012 to 2013, there was an increase of 1,401 adverts. From 2013 to 2014, there was an increase of 8,335 adverts. A reduction of 1,366 adverts was evident between 2014 and 2015 and an increase of 1,291 adverts was evident between 2015 and 2016. There was a decrease of 8,425 adverts from 2016 to 2017. The variance data records that the largest swings in advertising occurred between 2013 and 2014 when there was a substantial increase, and between 2016 and 2017 when there was a substantial decrease. However, the period 2017-2018 shows an increase of 945 advertisements for commercial sexual services in Northern Ireland.

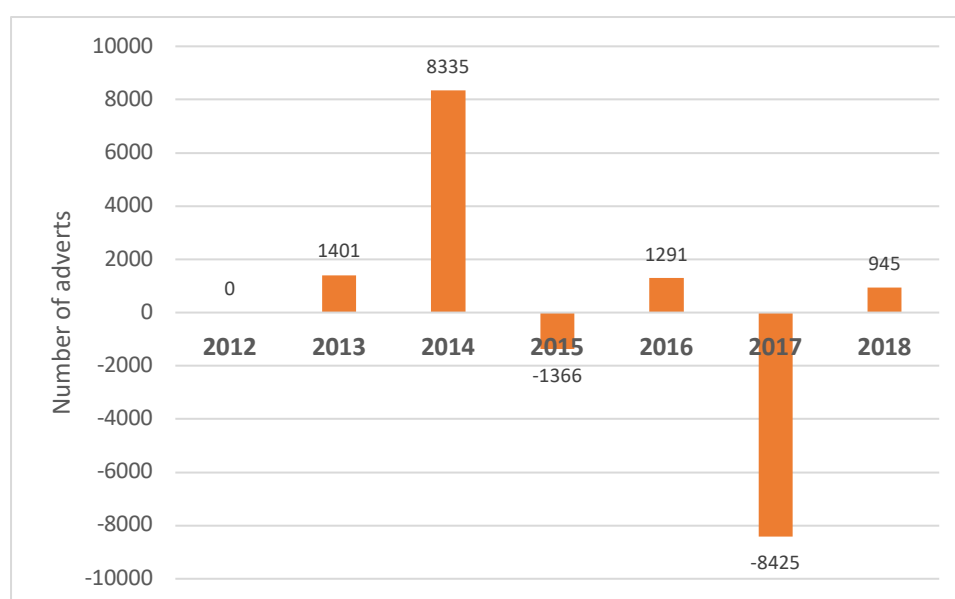


Figure 3: Variance in the distribution of advertisements per year

6.7 Supply of sexual services: Individual sex worker advertising

The discussion thus far has looked at the trends in the overall prevalence of sex worker advertisements in Northern Ireland during the census period. We will now examine the number of advertisements placed by unique sex workers.

6.7.1 From our analysis we were able to identify a total of 4,717 unique sex workers who placed an advertisement during the period 1st January 2012 to 31st December 2018. Escort Ireland does not permit an advertiser to have a duplicate profile (e.g. if they want to advertise

different services) so we can assume that we are not overcounting sex workers and that each sex worker placed at least one advertisement during the census period.

6.7.2 Table 1 presents the total number of unique sex workers advertising each year during the census period in numerical format. In Table 2 we present the same data but with the figures for each part of 2015 listed separately. Figure 4 shows these trends in a graphical format. We can see from the data that the number of unique sex workers on the Escort Ireland platform increased between 2012 and 2018. The peak year was 2015 with 1,270 sex workers which fell to 967 sex workers in 2017. However, the 2017 figure is higher than the 2012 baseline and saw a further increase between 2017 and 2018 of 4.8%. In Table 2 the second part of 2015 (just after Article 64A was implemented) saw a noticeable increase in the number of sex workers advertising with the rate for a seven-month period (1st June 2015-31st December 2015) higher than the full-year figures for 2012 and 2013.

6.7.3 If we aggregate the number of sex workers advertising before and after Article 64A was implemented (Table 2) we can see that more sex workers advertised in the post-law period: There was an increase from 3,351 to 3,973 sex workers. This represents a percentage increase of 18.5% or 622 sex workers. We did not have access to administrator data for the other Internet platforms that we examine in Chapter 7 (Adultwork, Vivastreet and Locanto) so cannot confirm if this increase occurred in these platforms also.

6.7.4 By examining the profiles of those sex workers who advertised in the period after Article 64A came into effect (n=3973) we can see that 1,789 (45%) are new advertisers i.e. their first advertisement appeared after the legislation was implemented on 1st June 2015. Of course, this is not to suggest that the individual was new to sex work simply that they were new to the Escort Ireland platform.

Table 1: Number of sex workers advertising 2012-2018 (all)

Year	Number
2012	823
2013	831
2014	1,060
2015	1,270
2016	1,157
2017	967
2018	1,014

Table 2: Number of sex workers advertising 2012-2018 showing change pre- and post-legislation in June 2015

Year	Number
2012	823
2013	831
2014	1,060
2015 to 31 st May	637
2015 after 1 st June	835
2016	1,157
2017	967
2018	1,014

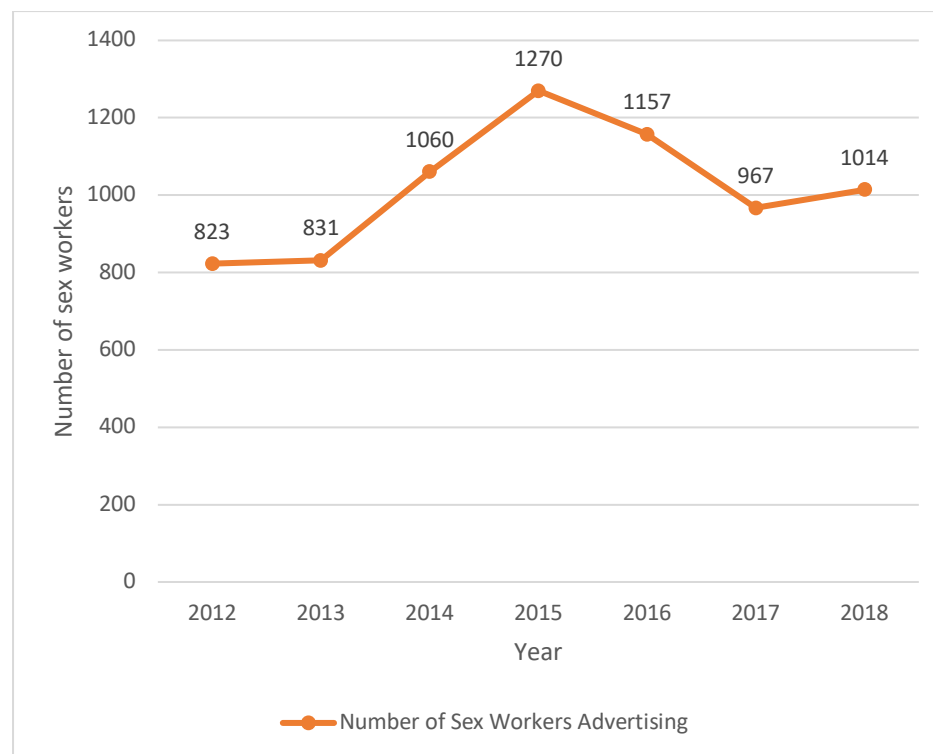


Figure 4: Total number of unique sex workers per year (all genders)

6.8 Demographic characteristics of the sex worker advertisers

The following section will outline the socio-demographic trends in the sex work population in Northern Ireland based on the Escort Ireland dataset and compare these where possible with those identified in the earlier DOJ study on prostitution in Northern Ireland (Huschke et al,

2014). The fact that we have a pre-existing research base allows us to track these demographic changes over time and to note any apparent differences. However, it is important to introduce a caveat at this stage insofar as the sex workers who advertise on Escort Ireland may not necessarily have the same socio-demographic profile as those who advertise on the other Internet websites that appear to be popular with particular categories of seller such as TS/ TV sex workers which we discuss in Chapter 7.

6.8.1 Sex worker advertising by gender

In line with earlier research into prostitution in Northern Ireland (Huschke et al, 2014) and what we know from the sex industry globally (Sanders, O'Neill & Pitcher, 2009; Weitzer, 2012) the majority of sellers in Northern Ireland are female. The data in Table 3 provides a numerical overview of the gender of unique sex workers. Figure 5 provides a comparison of *all* genders in a graphical format. We can see for example, that female sellers were the largest cohort during the census period (86.2%), followed by TS and TV sex workers (combined 10.9%) and male sellers (2.9%) [Figure 5].

6.8.2 The sex worker group that saw the smallest percentage drop following the legislation was female sellers. The number of unique female sellers declined from 1,062 in 2015 to 842 in 2017, a decrease of -20.7% (Figure 6). However, from 2017 female advertising started to increase again on the Escort Ireland platform.

6.8.3 Male sellers formed the smallest cohort of sex workers on the Escort Ireland website (Figure 7) (2.9%) but this is to be expected given that they appear to use alternative ASWs as we discuss in Chapter Seven. Male sex workers are responsible for the largest percentage drop in advertising at -72.9% between 2015 and 2017. Whether this decrease was due to the legislation it is impossible to say, but the category of male sellers in Northern Ireland appears to be extremely small in comparison to females and also falls some way behind TS / TV sex workers. The number of TS / TV sex workers dropped by -32.7% between 2015 and 2017 (Figure 8).

6.8.4 The number of sex workers of *all* genders started to increase again from 2017 to 2018. The largest percentage increases are with male sex workers (80%), followed by TS / TV sex workers (18.2%) and female sex workers (2.1%).

6.8.5 Viewed in the aggregate there were more sex workers of all genders advertising in Northern Ireland in 2018 (1,014) than in 2012 (823) with a percentage increase of 23.2% between the periods (Figure 4 above).

Table 3: Frequency of unique adverts according to gender

Gender	Frequency of adverts (N and %)
	4,066 86.2%
Male	138 2.9%
Transsexual	301 6.4%
Transvestite	212 4.5%
Total	4,717 100%

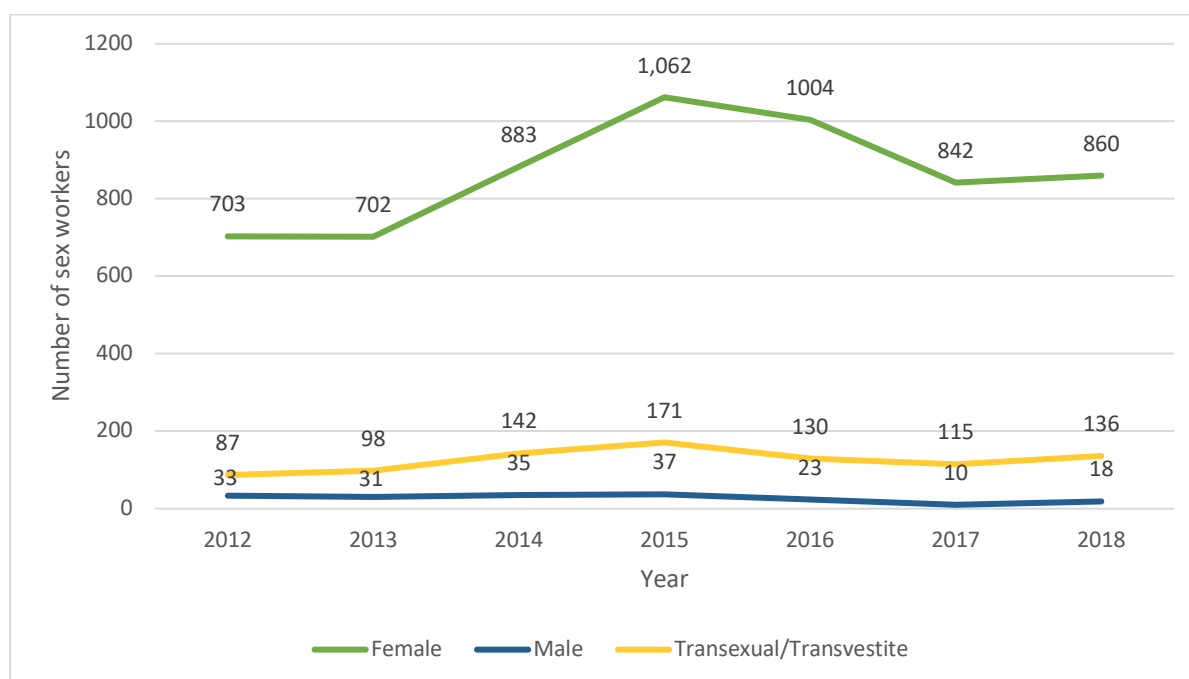


Figure 5: Total number of unique sex workers per year according to gender

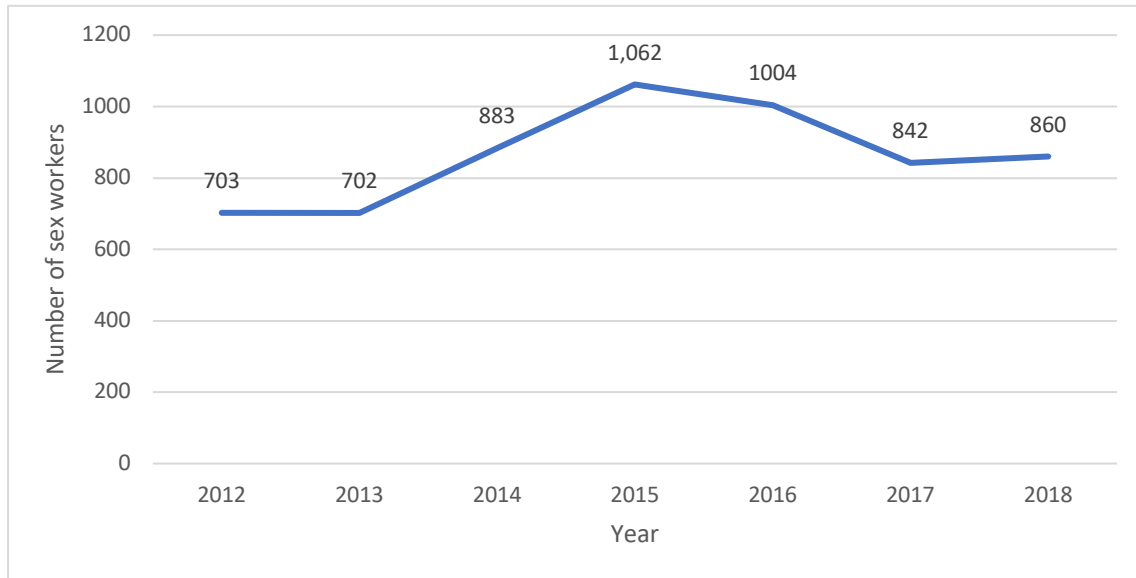


Figure 6: Number of unique female sex workers per year

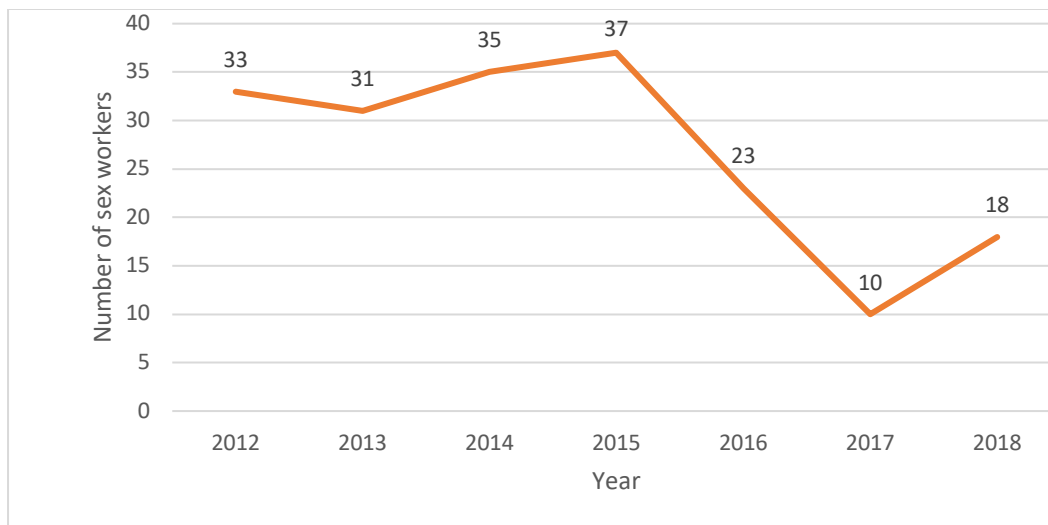


Figure 7: Number of unique male sex workers per year

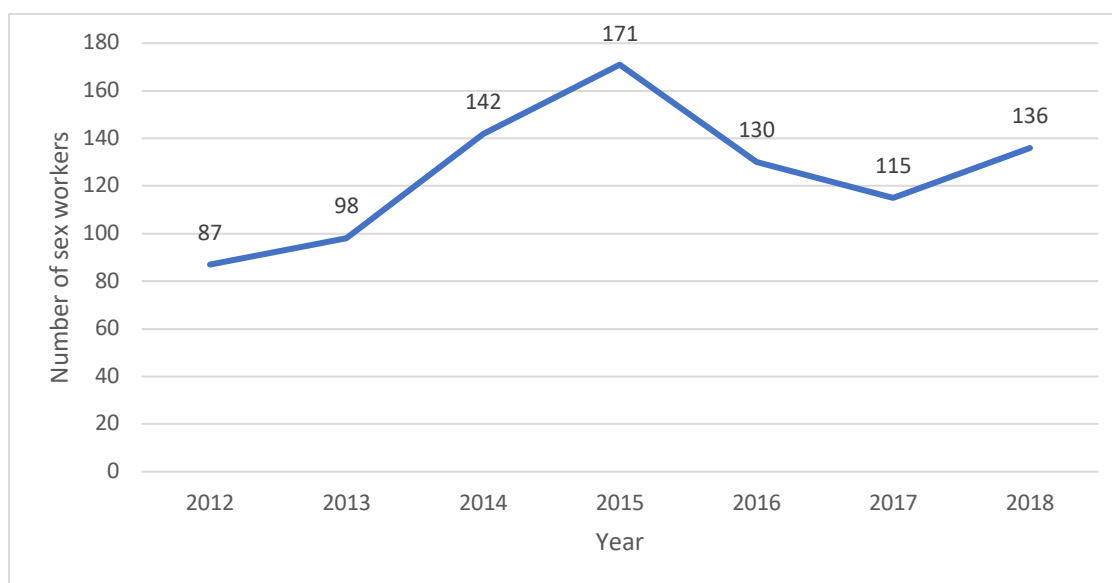


Figure 8: Number of unique transsexual/transvestite sex workers per year

6.9 Frequency of advertising by Gender and Year

6.9.1 We now turn to the frequency of advertising and assess this by gender and year. As we have observed, the overwhelming majority of advertisements are placed by females, followed by TS / TV and finally, male sex workers (Table 4). The peak years for female advertising were 2014, 2015 and 2016 with the number of advertisements hovering around the 25,000 – 26,000 mark. However, the number of advertisements placed by females declined from 26,730 in 2016 to 19,018 in 2017, a percentage decrease of -28%.

6.9.2 Advertisements for all categories of seller have increased from 2017 to 2018. Overall levels of sex worker advertising in Northern Ireland are higher in 2018, the last year of the census period, than they were in 2012. This increase was from 20,125 to 22,306 advertisements, or 10.8%.

Table 4: Number of adverts per year according to gender

Gender	Year						
	2012	2013	2014	2015	2016	2017	2018
Female	17,851 88.7%	18,667 86.8%	26,320 88.2%	25,580 89.8%	26,730 89.7%	19,018 89%	19,449 87.2%
Male	632 3.1%	654 3%	552 1.8%	358 1.3%	273 0.9%	102 0.5%	111 0.5%
Transsexual	1,044 5.2%	1,406 6.5%	1,553 5.2%	1,721 6%	1,635 5.5%	1,206 5.7%	1,595 7.1%
Transvestite	598 3%	799 3.7%	1,436 4.8%	836 2.9%	1,148 3.9%	1,035 4.8%	1,151 5.2%
Total	20,125 100%	21,526 100%	29,861 100%	28,495 100%	29,786 100%	21,361 100%	22,306 100%

6.10 Location where sex is sold

We wanted to see whether advertising for sexual services reduced across Northern Ireland as a whole in the period following the implementation of Article 64A. We can see from the data in Table 5 that during the period 1st January 2012-31st May 2015, a total of 84,609 advertisements were placed across Northern Ireland. In Table 6 a further 88,851 advertisements were placed from the period 1st June 2015 to 31st December 2018. As noted in the original DOJ study (Huschke et al, 2014) the urban centres of Belfast and L/Derry were the main areas where sexual commerce is transacted, and this is a trend that continues in the present study. However, as with the earlier DOJ study Belfast continues to attract the bulk of advertising for commercial sex by some considerable margin over other parts of Northern Ireland.

6.10.1 If we compare data in Table 5 and Table 6, we can see that there were more advertisements placed in the period following the implementation of Article 64A than before it. However, Belfast saw a percentage decrease of 8.5% between the two periods. Nevertheless, this was offset by increases elsewhere, with Armagh, L/Derry⁴², Down and Tyrone all showing increases in sex worker advertising in the post-law period. Tyrone displayed the largest increase with the number of advertisements rising from 4,978 to 11,661, a percentage increase of 134%.

⁴² We are assuming that L/Derry refers to the city rather than the county, but we have no way of checking since this is what is recorded on each advertisement.

Table 5: Advertisements for commercial sex by location 1st January 2012-31st May 2015

Location	Frequency (n)	Percentage
Belfast	59,804	70.7%
L/Derry	10,546	12.5%
Tyrone	4,978	5.9%
Down	3,397	4%
Armagh	2,988	3.5%
Fermanagh	1,687	2%
Antrim	1,209	1.4%
Total	84,609	100%

Table 6: Advertisements for commercial sex by location 1st June 2015 – 31st December 2018

Location	Frequency (n)	Percentage
Belfast	54,709	61.6%
L/Derry	12,412	13.9%
Tyrone	11,661	13.1%
Down	4,057	4.6%
Armagh	3,746	4.2%
Fermanagh	1,141	1.3%
Antrim	1,125	1.3%
Total	88,851	100%

6.11 Nationality of sex workers

We identified sex workers from over one hundred different nationalities in the Escort Ireland data. However, some of these nationalities were fairly marginal with low frequencies such as the twenty Croatian sellers listed over a 7-year period. It is important to note at this stage that what we are referring to here is the *expressed* nationality of the sex worker. Lazarus Trading S.L. does not ask for proof of nationality, just official confirmation of birth date for age verification. As such, the expressed nationality of the sex worker may differ from their actual nationality. This is because a sex worker may adopt a ‘working nationality’ which is designed to have a certain exotic appeal to particular clients or to avoid attention from the police who may associate particular nationalities with human trafficking for sexual exploitation.

6.11.1 The expressed nationality of sex workers in the post-legislative period is broadly similar to that for the period up to 1st June 2015 (Table 7). For example, the three top-ranked nationalities are consistent between the periods, with the most common nationalities

advertising after Section 64A was implemented being Spanish (15.7%), followed by Brazilian (12.5%) and Italian (10.2%). These three groups represent nearly 40% of all sex workers advertising in Northern Ireland from the Escort Ireland data. On the other hand, more 'British' identified sex workers advertised in the post-legislative period moving to 4th place following Article 64A compared to 10th before. Those sex workers who identify as 'Irish' has fallen from 6th pre-Article 64A to 10th thereafter. In the post-legislative period foreign nationals continue to represent the largest group of sex workers who operate in Northern Ireland based on the Escort Ireland data and as such illustrate the globalisation of sex work in the Internet age. As a group, Irish and British nationals are underrepresented in the Escort Ireland data compared to that of other ASWs such as Adultwork for example (See Chapter 7).

6.11.2 The variety of expressed nationalities in the Escort Ireland data resonates with the phenomenon of the 'touring sex worker' identified in the earlier DOJ research (Huschke et al, 2014: 60) whereby it was emphasised that mobility was one of the defining characteristics of sex workers who operate in Northern Ireland. As we discuss later in the report, many sex workers tour between cities in Ireland and Britain and book accommodation and travel often months in advance. For example, they may spend three or four days in Belfast, before moving to Dublin, Cork, Edinburgh and Glasgow and return again to Belfast for the cycle to repeat itself.

6.11.3 It should be noted however, that the percentage of Romanian sex workers in the Escort Ireland data is small at 0.15% pre-legislation and 0.52% post legislation and out of line with the earlier DOJ research (Huschke et al, 2014). However, out of the 199 sex workers who responded to the online survey conducted for this review, nearly one quarter of these were Romanian and 94.2% of this group stated that they advertised under a different nationality. Many Romanian sellers fear that they are likely to be subject to police raids on the pretext of anti-trafficking. Likewise, many clients may intentionally avoid Romanian sex workers for the same reason. This of course means that by advertising their actual nationality a Romanian sex worker may find it difficult to attract clients.

Table 7: Ranking of sex workers by nationality

Nationality	Ranking pre-2015	Ranking post-2015
Spanish	1	1
Brazilian	2	2
Italian	3	3
Czech	4	5
English	5	6
Irish	6	10
German	7	8
Venezuelan	8	7
French	9	9
British	10	4

6.12 The age of the sex working population in Northern Ireland

Across the years, there is little difference in the average age of sex workers in Northern Ireland. On average, female sex workers across the census years have an average age of 31, while male sex workers have an average age of 30. From our data the law change has done little to substantially reduce or increase the average age of sex workers. In Table 8 we have provided the age range for sex workers in the Escort Ireland data. A majority of sex workers cluster in the age range 26-30 years, which is what we should have expected, and which aligns with the age ranges noted in the earlier DOJ study (Huschke et al, 2014).

Table 8: Age range in the Escort Ireland data

Age range	Frequency and %
18 or under	0
19-25	761 16.1%
26-30	2,259 47.9%
31-35	1,003 21.3%
36-40	322 6.8%
41-45	195 4.1%
46-50	100 2.1%
51-55	56 1.2%
56-59	11 0.2%
Over 60	10 0.2%
Total	4,717

6.13 Daily and monthly variation in advertisements

This section of the report will examine the frequencies of sex worker advertising from the Escort Ireland platform in Northern Ireland on a daily and monthly basis. One of the most notable features when we conducted the statistical analysis was the high level of variation on a daily and monthly basis, with advertising trends also demonstrating a high level of seasonal variation. In Table 9 we highlight the monthly average of sex worker advertisements placed by sex workers for every year during the census period. The data suggests that there was a spike in monthly advertising in 2014 which continued through to 2016 and declined thereafter. However, the rates for 2018, after the sex purchase legislation was passed, are 10.7% higher than they were in 2012, three years before the legislation was introduced.

Table 9: Monthly average of all advertisements 2012-2018 (total)

Year	Monthly Advertisement Average
2012	1,677
2013	1,793
2014	2,488
2015	2,374
2016	2,482
2017	1,780
2018	1,858

6.13.1 Another notable feature of the data is that there does not appear to have been a major reduction in daily advertising rates since Article 64A came into effect (Table 10). Indeed, daily advertising rates in both March and September 2018 (three years after the law came into effect) were virtually similar to what they were in the same period in 2012 and 2013.

Table 10: Daily number of advertisements on 1st March and 1st September 2012-2018

	1st March	1st September
2012	71	49
2013	54	55
2014	86	74
2015	85	46
2016	92	75
2017	67	50
2018	74	63

6.14 Conclusions

6.14.1 The chapter focused on prevalence rates for prostitution in two sectors: the on-street sector in Belfast and the online, off-street sector. Our analysis confirms that the on-street sector, which exists mainly in Belfast, has declined even further from the already small number identified by Huschke et al (2014) in the earlier DOJ study. It may be that some of these sellers have exited because of the law or have simply moved online but we have no way of telling because the BCSWS provides sexual health, not exiting services.

6.14.2 We assessed prevalence in the online, off-street sector from an analysis of Escort Ireland data provided by Lazarus Trading S.L. Advocates of the Nordic model have argued that sex purchase legislation leads a tailing off in supply as demand for prostitution services

dry up. However, this was not supported in our analysis and we found supply to be robust both in relation to Escort Ireland and other Internet platforms (discussed in Chapter 7).

6.14.3 A trend analysis of the Escort Ireland dataset indicates that more advertisements were placed for commercial sexual services in the years following the implementation of Article 64A. The increase was from 84,609 to 88,851 advertisements, or 5%.

6.14.4 Sex purchase legislation has not impacted on the number of sex workers offering commercial sexual services in Northern Ireland. More unique sex workers advertised on the Escort Ireland ASW in the post-law period than in the period before the law. This increase was from 3,351 to 3,973 sellers or in percentage terms 18.5%.

6.14.5 Our data confirm that the online, off-street sector is the largest medium for sex worker advertising in Northern Ireland and based on calculations from the Escort Ireland data would estimate that this represents over 99% of the market for commercial sexual services in Northern Ireland.⁴³

6.14.6 All counties across Northern Ireland appear to have some commercial sexual activity but the vast bulk of this is concentrated in the two largest urban centres, Belfast and L/Derry. However, Belfast by some considerable margin has the largest share of commercial sex. We noted in the discussion that there were more advertisements placed across Northern Ireland for commercial sex in the years following the implementation of Section 64A than in the years before it. This raises considerable questions about the effect of Article 64A on stifling demand for prostitution in Northern Ireland.

⁴³ On the basis that we know for a fact that there were 4,717 unique sex workers in the Escort Ireland data and that the on-street sector in Belfast is currently hovering around 10 sellers who are registered with the BCSWS.

CHAPTER 7: PREVALENCE DATA FROM THREE INTERNET ADVERTISING PLATFORMS

7.1 Introduction

7.1.1 In Chapter 6 we considered prevalence data obtained from administrators at Lazarus Trading S.L. which owns the Escort Ireland platform. However, Escort Ireland is not the only website that sex workers use to advertise in Northern Ireland. Data from the sex worker survey conducted for this review confirmed that while Escort Ireland was a popular choice among sex workers, other Internet platforms and ASWs such as Adultwork, Vivastreet and Locanto were also used by sex workers to advertise. In this chapter we consider the results of a data scraping exercise that was conducted into Adultwork, Vivastreet and Locanto. A comparison of these other websites provides a more accurate reflection of the extent of sex worker advertising than would be obtained simply by considering the Escort Ireland data. Since we compare some of the ASWs examined in the original DOJ research⁴⁴ (Huschke et al, 2014) we can see whether the criminalisation of demand has had any effect on reducing the supply of commercial sexual services in the jurisdiction.

7.1.2 Methodology

In the data scraping exercise that we describe below we should be conscious of the point we made in the introduction to Chapter 6 about the risks of overcounting profiles that had lapsed, were out of date or duplicated in any kind of data scraping exercise. However, the data scraping exercise we discuss below is more accurate for some websites (e.g. Adultwork) than for others such as Vivastreet because a search can be tailored to specific time periods which allows old or lapsed profiles to be filtered out of any analysis. Nevertheless, we suggest that the analysis below is useful in providing an indicative picture of sex worker advertising rather than an accurate representation because we are unable to control entirely for out of date and lapsed profiles. For the scrapes it was decided that one member of the research team would do a manual ‘scrape’ counting profiles manually each day and identifying new sex workers, while another would do an automated scrape using a programme called Webscraper which is installed as a browser extension on Chrome. At the end of the period designated for the scrape the research team would compare results for each particular website.

⁴⁴ The earlier DOJ study in 2014 examined Craigslist and Backpage which no longer carry advertisements for commercial sex. However, the current study assesses Locanto which was not considered by Huschke et al (2014).

7.1.3 We settled on a six-day period, Monday – Saturday in April 2019 for the scrape to take place which we refer to here as the census period. Broadly speaking, the results of the manual scrape were slightly more accurate since the researcher proved more adept at identifying duplicate and out of date profiles. Data from each of the scrapes was transferred to a Microsoft Excel file for cleaning and Stata 15 subsequent analysis and graphing.

7.1.4 In the discussion that follows we have tried where possible to identify duplicate profiles, insofar as a sex worker may advertise on Escort Ireland, Adultwork, Locanto and Vivastreet simultaneously. While we were able to identify some duplicates by photograph and by telephone number, we did not encounter as many duplicate profiles as we assumed. Huschke et al (2014: 39) point out that some sex workers in Northern Ireland do not advertise online at all, and instead rely entirely on informal referrals. They suggest that this ‘hidden population is likely to at least make up for any possible multiple counts’ in any data scrape (2014: 39). Nevertheless, we need to be alert to the potential for overcounting and in the data scrape we discuss shortly, we have erred on the side of caution and only included those profiles that we consider to be relatively recent.

7.1.5 It is the case that those more opportunistic sex workers or those that work only intermittently may not necessarily advertise on a pay site such as Escort Ireland. As such, our scraping exercise is perhaps the best mechanism to capture those irregular sex workers who advertise episodically when need and circumstance dictate but who are not a regular sex worker by any means.

7.2 **Adultwork**

7.2.1 Adultwork is one of the more accurate ASWs to scrape data from because it allows a user to search according to various criteria, including when a sex worker had logged in to the website. The shortest time available was within the last 7 days and this ensures with more accuracy that a particular advertisement was live. Indeed, not specifying this parameter can inflate the number of potentially out of date profiles returned in a search by around 28%.⁴⁵ As another marker of a genuine profile we only searched those advertisements where the sex worker submitted a verification photograph to Adultwork.

⁴⁵ Based on the average of a number of random searches with this setting turned off and on.

The following parameters were specified for our search results on the Adultwork platform:

- ❖ Escort service (not webcam, or phone chat)
- ❖ Male, TS/TV and Female sex workers
- ❖ Both incall and outcall services
- ❖ Region searched: all of Northern Ireland
- ❖ Sexual orientation: all
- ❖ Must have verification photograph submitted to Adultwork
- ❖ No preference for any particular service (e.g. domination, role play)
- ❖ Service provided by female sex worker to male client / service provided by male sex worker to male client / service provided by male sex worker to female client
- ❖ All nationalities of sex worker
- ❖ Any age of sex worker
- ❖ Sex worker logged in within last 7 days

7.2.2 Adultwork daily prevalence

In total, 511 advertisements for commercial sexual services in Northern Ireland were viewable on the Adultwork platform during the six-day period chosen for the scrape. The data in Figure 1 shows the daily prevalence for unique sex worker advertisements on the Adultwork website. The data include female, TS/TV and male sex workers who were advertising on each particular day. We can see that the daily average for sex workers advertising on Adultwork in Northern Ireland was 85. The average age of sex workers across the census period was 33. From the data in Figure 1 there is little difference in the number advertising day to day, with a drop of 8 sex workers between the highest (Monday) and the lowest (Saturday).

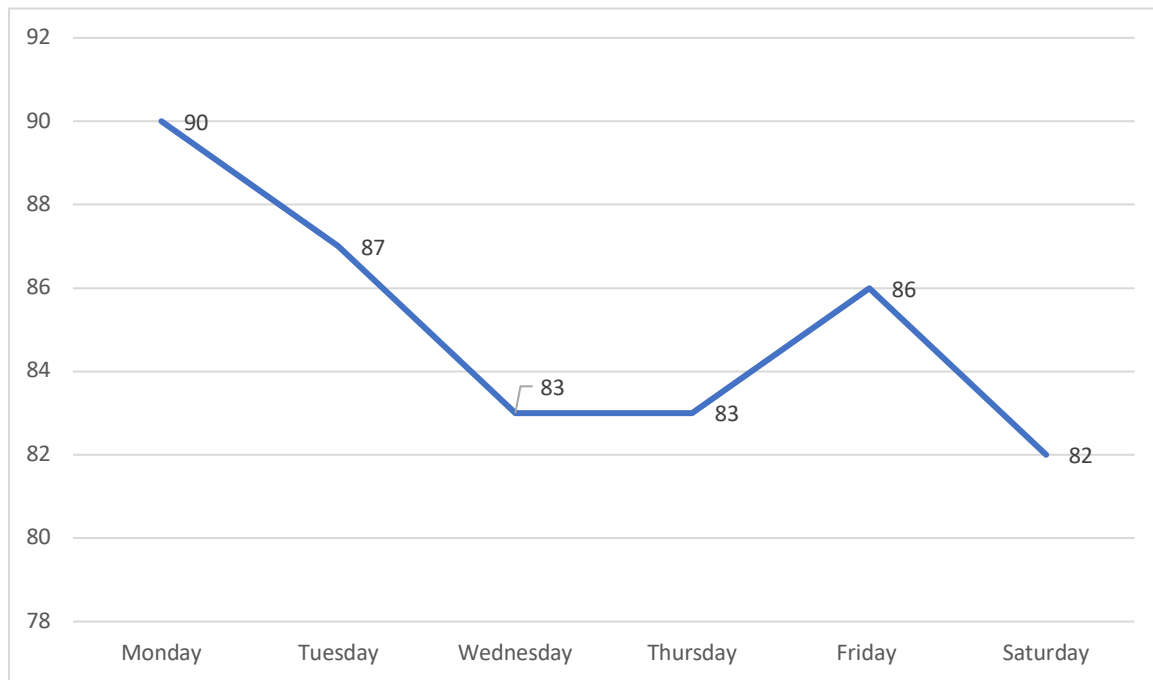


Figure 1: Number of sex workers advertising daily on Adultwork April 2019 (all)

7.2.3 Gender of the sex worker

As was the case with Escort Ireland, the Adultwork data indicates that the vast majority of sex workers who advertise on the platform are female, followed by TS/TV sex workers and lastly, males (Figure 2). While there are more female than male sellers in the Adultwork data, TS /TV and male sellers nevertheless represent a higher *proportion* of the Adultwork data than they do in the Escort Ireland dataset. For example, TS/TV sex workers represent 20.9% of all Adultwork advertisements for the six-day period compared to 10.9% for Escort Ireland, while male sex workers represent 6.4% of the Adultwork dataset, compared to 3% for Escort Ireland. Clearly, Adultwork is the more popular advertising medium for these categories of seller than Escort Ireland.

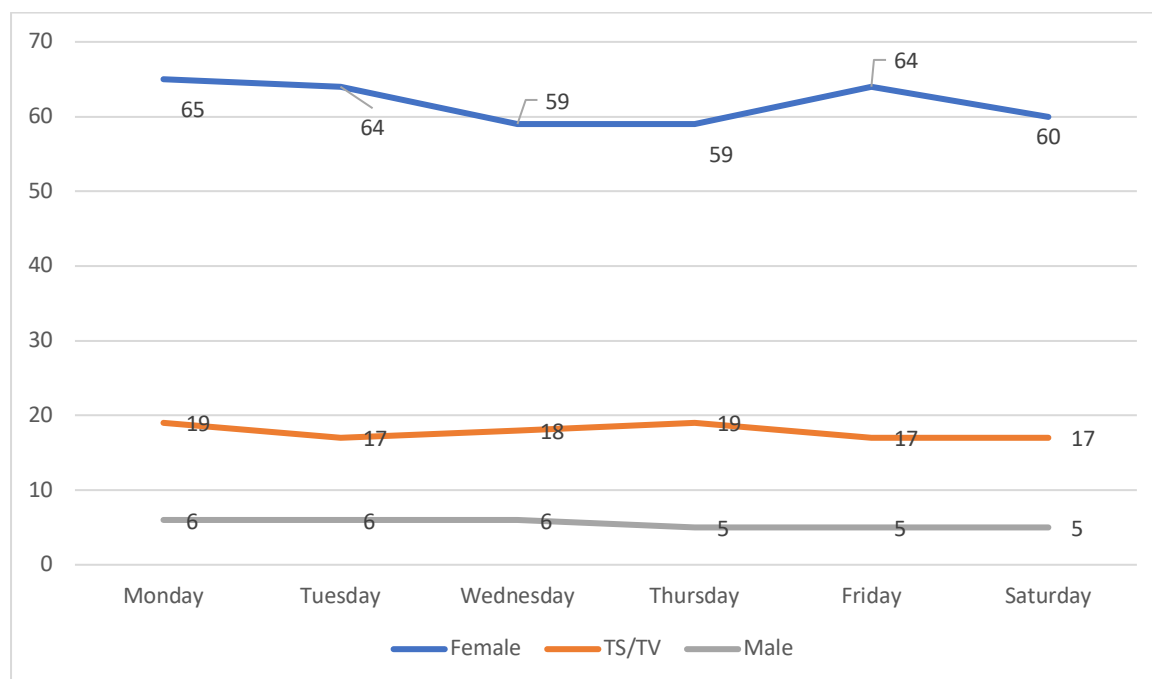


Figure 2: Number of sex workers advertising daily on Adultwork by gender April 2019

7.2.4 Nationality of the sex worker

If we consider the advertised nationality of the sex worker this also presents a slightly different picture to the Escort Ireland data (Table 1). We noted in our earlier discussion of the Escort Ireland dataset that the most common nationalities of sex worker were Brazilian, Italian and Spanish with comparatively fewer sex workers from Ireland or Britain. In the Adultwork data this situation is reversed: Sex workers from Ireland, Northern Ireland and Britain form the largest three groups of sellers. This suggests that the Adultwork platform is perhaps used more by local sex workers and by those touring sex workers who come to work in Northern Ireland from Britain rather than by foreign nationals. The category of ‘British’ represents by far the largest group of sellers on the Adultwork platform, placing 250 advertisements during the census period, this is followed by those who categorised themselves as Northern Irish (62) and Irish (49). There were 49 advertisements on the Adultwork platform where the nationality of the sex worker was not specified. As was the case with the Escort Ireland data, the category of ‘British’ is slightly ambiguous here since it could mean a sex worker from England, Scotland or Wales or a sex worker from a Unionist community background in Northern Ireland. Unfortunately, however, it is impossible to verify which is the more accurate depiction.

Table 1: Nationality of sex worker across the census period (all)

Nationality	Number of adverts placed
British	250
Northern Irish	62
Irish	49
No information provided	49
Brazilian	28
Romanian	15
Hungarian	12
Thai	8
English	6
German	6
New Zealand	6
Portuguese	6
Scottish	6
Spanish	6
Polish	2

7.2.5 Sex Worker Location

A similar situation exists with the Adultwork data as with the Escort Ireland data; namely that Belfast as the largest urban centre is also the site where the bulk of commercial sex takes place. We provide the top-five locations for sexual services across Northern Ireland in Table 2. We can see that in the Adultwork dataset, sex workers placed the largest number of advertisements offering sexual services in Belfast (228), followed by 28 advertisements in Antrim and 18 advertisements in L/Derry during the six-day period that we collected the data. However, a number of areas across Northern Ireland have some commercial sexual activity taking place, albeit at a fairly low level according to the Adultwork data.

Table 2: Location across the census period (top five)

Location	Number of adverts
Belfast	228
Antrim	28
L/Derry	18
Newtownabbey	18
Armagh	12

7.3 Vivastreet

7.3.1 Vivastreet is also a popular Internet platform where users can buy and sell household goods, search for jobs and accommodation and offer particular services. It is also a dating platform and hosts advertisements for the sale of commercial sexual services. According to our sex worker survey Vivastreet is a popular advertising platform among sex workers in Northern Ireland. During the census period a total of 642 advertisements were viewable on the Vivastreet platform. It is important to note, however, that Vivastreet does not provide an indication of when a particular advertisement was placed, although it does provide a check box to sort profiles by 'latest ads'. However, it is not obvious what time period this refers to so we should treat this data as indicative rather than an accurate representation of the prevalence of commercial sexual services. The search parameters on Vivastreet are also more limited than those on Adultwork so in our data scrape we searched for sex workers according to the following criteria:

The following parameters were specified for our search results on the Vivastreet platform:

- ❖ Escort service (not webcam, phone chat, dinner date)
- ❖ Male, TS/TV and Female sex workers
- ❖ Region searched: all of Northern Ireland
- ❖ Gender: All
- ❖ Rates: All
- ❖ Age: All
- ❖ Ethnicity: All
- ❖ Recent advertisements checkbox clicked

7.3.2 Daily prevalence Vivastreet

In total 642 advertisements for commercial sexual services in Northern Ireland were viewable on the Vivastreet platform during the census period. The data in Figure 3 shows the daily prevalence for unique sex worker advertisements on the Vivastreet website and includes female, TS/TV and male sex workers. We can see that the daily average for sex workers advertising on Vivastreet in Northern Ireland was 107. The average age of sex workers across the census period was 29. From the data in Figure 3 the number of sex workers rose from 103 (Monday) to 114 (Saturday).

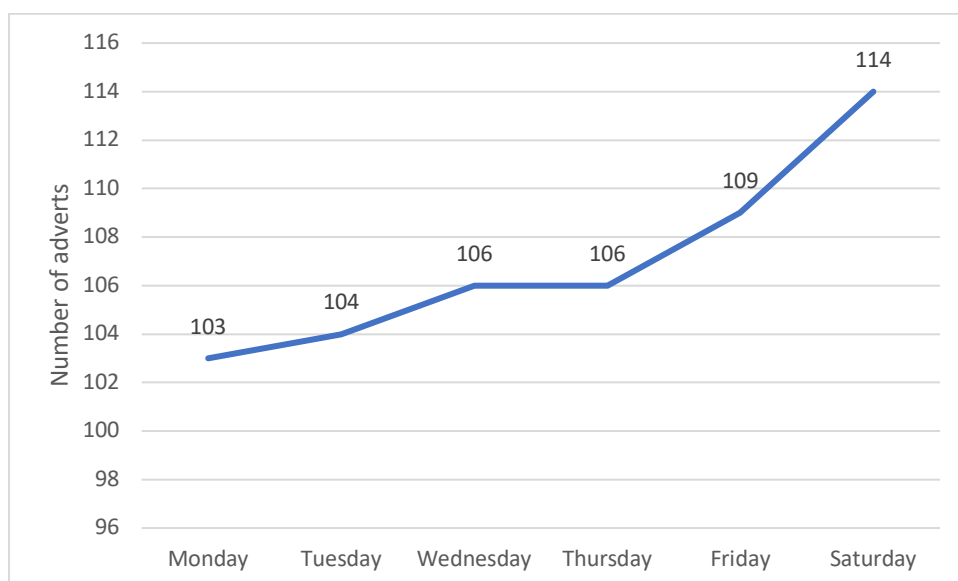


Figure 3: Number of sex workers advertising daily on Vivastreet April 2019 (all)

7.3.3 Gender of the sex worker

As was the case with the Escort Ireland data the Vivastreet data indicates that the vast majority of sex workers who advertise on the platform are female, followed by TS/TV sex workers and lastly, males (Figure 4). More females advertise on the Vivastreet platform compared to Adultwork but there are fewer males and TS/TV sex workers.

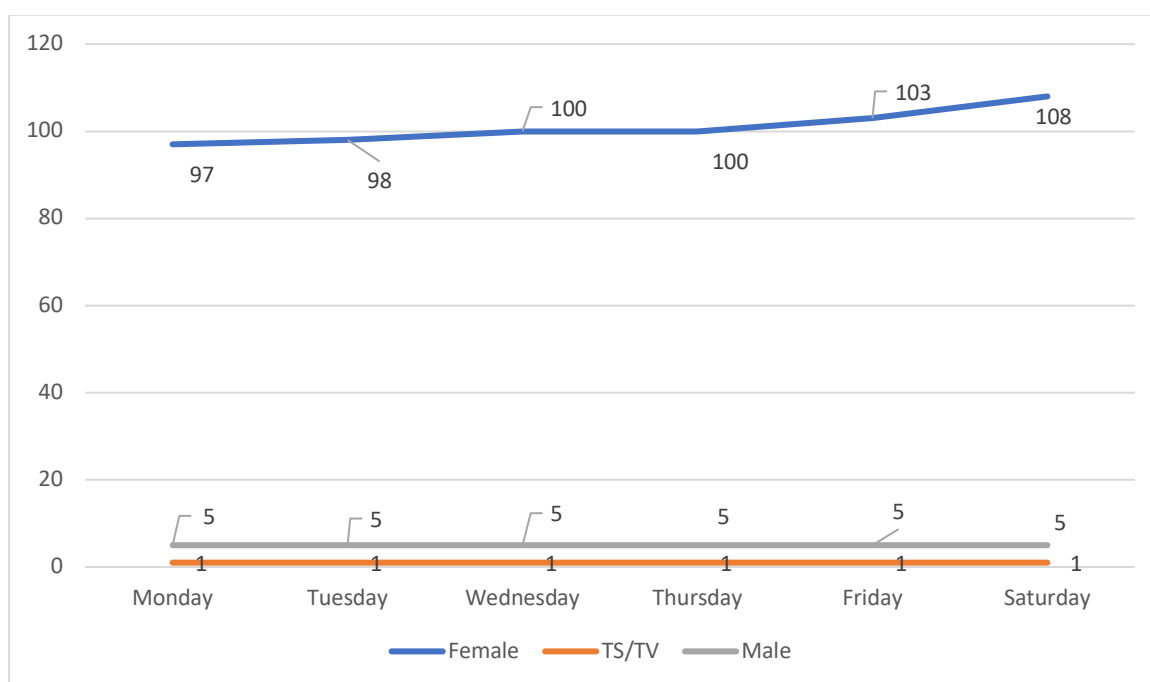


Figure 4: Number of sex workers advertising daily on Vivastreet by gender April 2019

7.3.4 Nationality of the sex worker

It is not possible to provide an indication of the expressed nationality of the sex worker on the Vivastreet profile since this is not a mandatory setting for the advertisement and few sex workers state what country they are from or what nationality they are.

7.3.5 Sex Worker Location

In regard to sex worker location a similar situation exists as with the Escort Ireland and Adultwork data; namely that Belfast as the largest urban centre is also the site where the bulk of commercial sex takes place (Table 3). In the Vivastreet dataset, sex workers placed the largest number of advertisements offering sexual services in Belfast (518), followed by L/Derry at 58. The differential between Belfast and the next largest urban centre (L/Derry) is of some substantial margin. The Vivastreet data also confirms that many areas across Northern Ireland have some commercial sexual activity taking place, albeit at a fairly low level.

Table 3: Location across the census period (top four)

Location	Number of adverts
Belfast	518
L/Derry	58
Armagh	12
Tyrone	12

7.4 Locanto

7.4.1 Locanto is a free Internet advertising website headquartered in Germany that operates in over 60 countries around the world. It contains advertisements for goods and services, dating, properties for rent as well as commercial sexual services. According to our sex worker survey a number of sex workers in Northern Ireland also advertised on this website, although of the four we have discussed it was the least popular. In total 297 advertisements for commercial sexual services in Northern Ireland were viewable on the Locanto platform during the census period. The search parameters on Locanto are slightly more specific than those of Vivastreet and each advertisement also indicates the date it was placed. In the scrape we searched for advertisements that were placed within the previous seven-day period and we discounted anything outside this timeframe.

The following parameters were specified for our search results on the Locanto platform:

- ❖ Escort service (not webcam, phone chat, dinner date, BDSM or fetish)
- ❖ Male, TS/TV and Female sex workers
- ❖ Region searched: all of Northern Ireland
- ❖ Gender: All
- ❖ Incall and Outcall
- ❖ Independent escorts
- ❖ Age: All
- ❖ Ads with pictures only
- ❖ Advertisements within previous 7 days

7.4.2 Daily prevalence Locanto

The data in Figure 5 shows the daily prevalence for unique sex worker advertisements on the Locanto website and includes female, TS/TV and male sex workers. We can see that the daily average for sex workers advertising on Locanto platform was 49. The average age of sex workers across the census period was 30. From the data in Figure 5 there was an increase of 17 advertisements between Monday (the lowest) and Saturday (the highest).

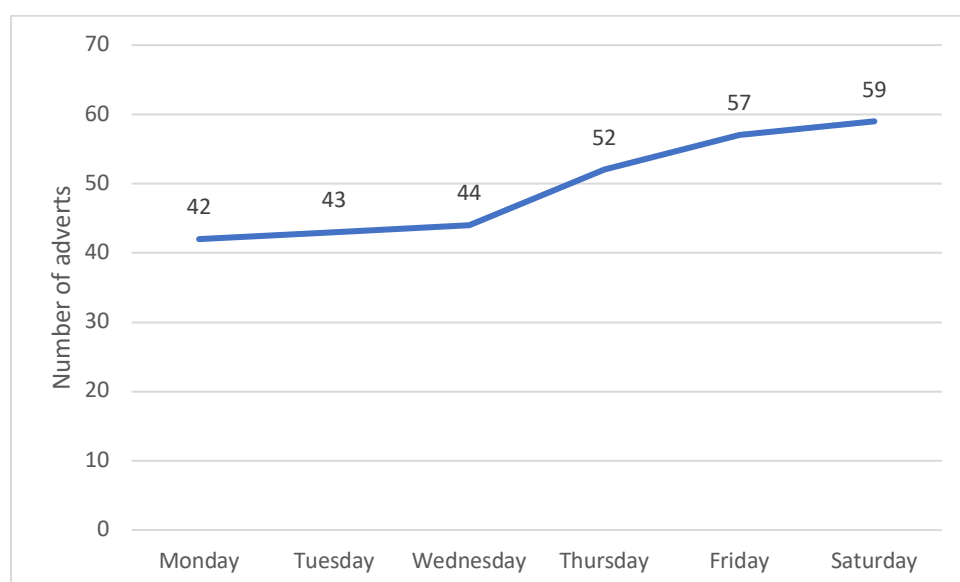


Figure 5: Number of sex workers advertising daily on Locanto April 2019 (all)

7.4.3 Gender of the sex worker

As was the case with the data from the other Internet platforms considered in this chapter, the Locanto data also indicates that the vast majority of sex workers who advertise on the platform are female, followed by TS/TV sex workers and lastly, males (Figure 6). Compared to Vivastreet far more TV / TS and male sex workers advertise on Locanto, and it is second only to Adultwork in the number of advertisements for TV / TS sex workers carried.

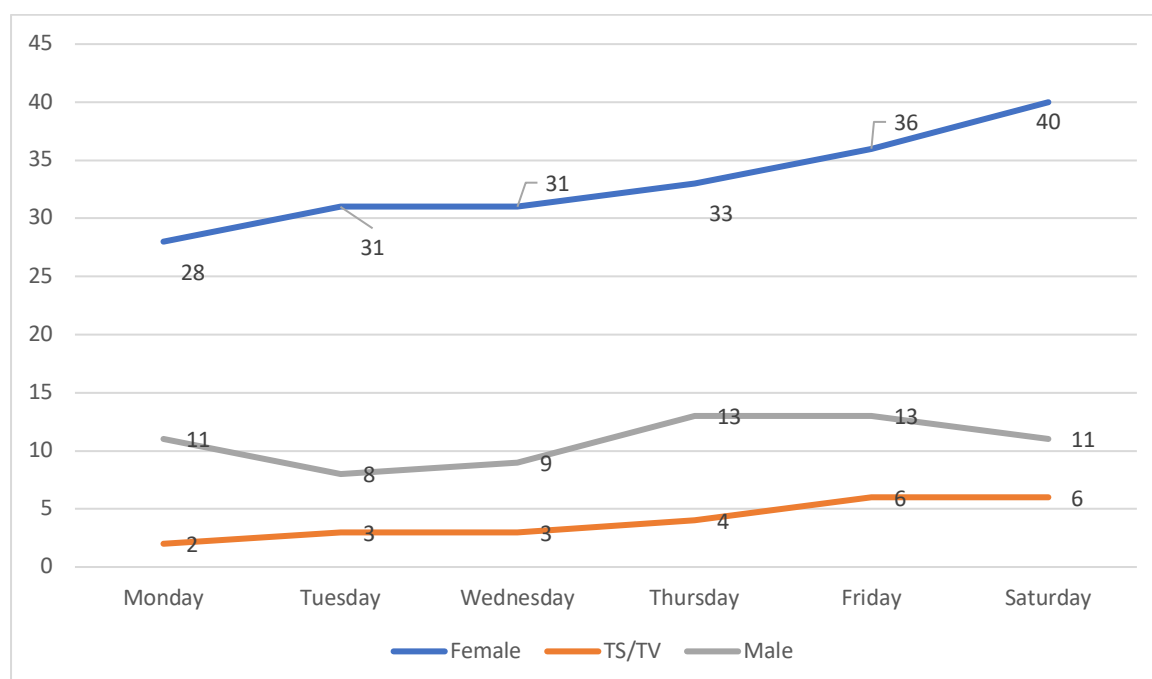


Figure 6: Number of sex workers advertising daily on Locanto by gender April 2019

7.4.4 Sex worker location

As with Vivastreet it was not possible to identify the nationality of sex workers since this was indicated in only a few profiles. The overwhelming majority of advertisements for commercial sexual services in Northern Ireland on the Locanto platform are in the Belfast area (270), followed by a small number in L/Derry (Table 4). The exact location of a further 15 advertisements could not be determined since there was no indication in the sex worker's profile about where the commercial sexual service was offered.

Table 4: Location across the census period (top two)

Location	Number of adverts
Belfast	270
L/Derry	6

7.5 Conclusions

7.5.1 Throughout our discussion in this chapter we feel that we have taken all reasonable steps to mitigate overcounting advertisements although we acknowledge that this remains a possibility. Nevertheless, we have only considered recent advertisements in our calculations and sought to identify duplicates where we could find them. Indeed, in this sense we might also be guilty of *undercounting* and removing valid advertisements that should have been included. However, the point of this chapter was to highlight broad trends in sex worker advertising since the implementation of Article 64A rather than the actual number of sex workers, which of course, is an unknowable figure anyway.

7.5.2 Based on our analysis of these three Internet advertising platforms we should point out that the daily prevalence figure we cite is based on an examination of *fewer* advertising sources than in the earlier DOJ study. The earlier research also examined advertisements in a range of print media which were excluded from our analysis. This might also mean that we have undercounted the actual number of sex workers advertising.

7.5.3 What we have seen from our analysis of the three Internet platforms (Adultwork, Vivastreet and Locanto) is that they remain popular among sex workers in Northern Ireland. During our data scrape we identified 1,450 advertisements for commercial sex across the three platforms with the daily average as follows: Vivastreet 107, Adultwork 85 and Locanto 49. This represents a total figure of 241 across the three websites. If we combine this with the daily average for Escort Ireland (67)⁴⁶ that we discussed in Chapter 6, we reach a figure of 308 for the number of sex workers in Northern Ireland advertising per day. This figure is not dissimilar to the figure of 300-350 noted by Huschke et al (2014) in their analysis of prostitution in Northern Ireland *before* the sex purchase ban came into effect.

⁴⁶ Which is similar to daily average figure for Escort Ireland, 70, cited in the earlier DOJ research.

7.5.4 The Nordic model of criminalisation of demand, on which Section 64A is modelled is based on the premise that it will end demand for commercial sexual services. If this were the case, then we should have expected to see a greater ‘tailing off’ in the supply of prostitution services and sex worker advertising during the period following the implementation of Article 64A. This has not occurred. Certainly, based on our comparison with the original DOJ research (Huschke et al, 2014) our data suggest that there has been no noticeable reduction in sex worker advertising in the period following the introduction of the legislation.

CHAPTER 8: CLIENTS WHO PAY FOR SEX

8.1 Introduction

8.1.1 This section of the report focuses on the current level of demand for paid sex as per the DOJ specification and whether Article 64A is acting as a deterrent to the purchase of commercial sexual services in Northern Ireland. As noted in the Introduction, one of the oft-cited aspects of the Nordic model is that it has considerably reduced the demand for commercial sex in those jurisdictions where it has been introduced. Indeed, in recent years commentators have noted that there has been a ‘moral repositioning’ of the client and ‘the client – primarily intended as a male person – has increasingly been depicted as responsible for the perpetuation and proliferation of the sex market and for its oppressive and victimising effects on sex workers’ (Serughetti, 2013: 36). Certainly, in terms of debates about the efficacy of the Nordic model of criminalisation of demand the (generally male) client features heavily as the symbol *par excellence* of gender subjugation and violence against women (Ekberg, 2004). One of the core features of the Nordic model centres heavily on client culpability in the perpetuation of gender inequality and the aim is to change such behaviours through recourse to a range of legal and punitive penalties as well as changing the normative framework around paying for sex (Claude, 2010). Indeed, this is where the claimed success of the Nordic model of criminalisation is to be found. It is argued by its advocates that the asymmetric model of criminalisation (whereby the sex worker is regarded as a victim) and the (generally) male client is regarded as an offender has been singularly responsible for a massive decline in prostitution in those countries that have operationalised this particular strategy (Ekberg, 2004; Honeyball, 2014; Claude, 2010). Indeed, as Claude argues:

The Swedish law was controversial when it was enacted in 1999 because it challenges and criminalises an age-old male right to look at women’s bodies as if they were goods to be bought and sold. The law cannot be understood without a perspective on Sweden’s equal opportunity policy in recent decades... In a gender-equal society, men do not regard women as merchandise (2010: 6).

8.1.2 The following discussion provides an overview of the demographic profile of sex purchasers in Northern Ireland and as far as we are aware is the first survey of clients in Northern Ireland since the sex purchase legislation came into effect on 1st June 2015. It is also one of the few surveys of clients in any jurisdiction where sex purchase legislation has been

implemented. In what follows we first provide a brief discussion of the methodology underpinning the survey conducted with clients before moving on to provide a profile of the ‘typical’ client in Northern Ireland. We then discuss the attitudes and perceptions of clients in response to the new legal framework and see whether the law has resulted in a decrease in the purchase of sex and whether it has had any effect in shaping new normative frameworks. This Chapter sits with the DOJ specification about how sex purchasers perceive the law and whether it is seen as a deterrent to the purchase of sex.

8.1.3 Methodology

This section of the report deals with the findings of an anonymous client survey conducted in April 2019. Initially the researchers were considering face to face interviews with clients but during the research ethics review, the School of Law’s Research Ethics Committee felt that this was too risky and would be putting the researchers in a potentially invidious position given that they would be interviewing people who had purposely broken the law. Furthermore, in ethical terms the Committee did not feel that it was appropriate to deliberately place a respondent in a position that might have potential legal and criminal consequences. Following guidance from the legal advisor to the project Ciaran Moynagh, Phoenix Law, it was decided instead to conduct an anonymous survey with clients. In any case, it was felt that a survey would capture a wider spectrum of views than narrative interviewing and as such be of more utility to the overall project aims and objectives.

8.1.4 SurveyMonkey was chosen as the survey platform because it is approved by Queen’s University for research and also compliant in GDPR terms. SurveyMonkey holds the survey data on a server based in the United States and the setting to record the IP address of each particular respondent was switched off for GDPR purposes. However, the SurveyMonkey setting that prevents a survey being taken multiple times from the same device was switched on. Not collecting a respondent’s IP address posed a problem insofar as we could not geo-locate them to ensure that they were in fact living in Northern Ireland since initially the plan was to only open the survey to those individuals who were domiciled in Northern Ireland and who had purchased sex in the jurisdiction.

8.1.5 This problem was surmounted in part by opening the questionnaire to all clients on the island of Ireland but using skip logic to direct the respondent to Northern Irish and Republic of Ireland specific questions. There is no advertising platform that is used solely by Northern Irish

sex workers and in the same vein there is no platform that is used exclusively by Northern Irish clients. Since we had no way of controlling who actually took the survey our concern was that if we advertised the survey for Northern Irish clients only then clients from the Republic of Ireland (and elsewhere) might also attempt to complete it and since we had no way of checking where a respondent was from this could have skewed the results considerably. Since sex purchase legislation was also introduced in the Republic of Ireland in 2017, we felt that including respondents from this jurisdiction would also generate useful comparative data.

8.1.6 In total 1,276 respondents took the client survey of which 1,083 respondents were domiciled in the Republic of Ireland and 193 in Northern Ireland. The smaller uptake from Northern Ireland is simply indicative of the fact that Northern Ireland has a smaller population (approximately 1.8 million) and a considerably smaller market for commercial sex. The survey was widely distributed via notices placed on ASWs including Escort Ireland and other platforms. We generated a unique identifier for each survey link which made it possible for the researchers to check what platform or website the survey was completed from.

8.1.7 The survey asked respondents about a number of socio-demographic variables (residence, age, marital status, income etc.) as well questions in relation to where sex is purchased, whether the introduction of Article 64A has made any difference to the frequency with which they purchase sex and whether they have had any contact with a law enforcement agency. The results were exported to Excel and analysed in Stata 15. In the following section we focus mainly on those results that pertain to Northern Ireland since this was the focus of the project specification set down by the DOJ. However, we make some cross-jurisdictional comparisons where appropriate to highlight the operation of sex purchase legislation in both parts of the island of Ireland.

8.2 Profile of clients in Northern Ireland

In Table 1 we can see that from those clients who had purchased sex in Northern Ireland an overwhelming majority (86.5%) were domiciled there (n=167) but a minority travelled to Northern Ireland for work or social reasons (11.9%, n=23). All respondents in the Northern Ireland survey were male but a small minority of respondents in the Republic of Ireland survey were female.

Table 1: Where clients who purchase sex in Northern Ireland are domiciled

	Frequency (n)	%
I live in Northern Ireland	167	86.5
I live outside Northern Ireland but travel there for work or social reasons	23	11.9
Other	3	1.6
Total	193	100

8.2.1 Nationality

We can see from Table 2 that in the Northern Ireland subset of the data, a small majority of respondents identified as Irish (38.9%), followed by British (29.5%) and Northern Irish (25.4%) with a smaller proportion identifying as ‘Other EU / Outside EU’ (6.2%). This breakdown broadly reflects Northern Irish political allegiances and voting blocs with Northern Irish Catholics more likely to identify as ‘Irish’ and members of the Protestant community presumably more likely to identify as ‘British’. Members of both ethno-religious communities in Northern Ireland may identify as Northern Irish although slightly more Protestants are likely to do so. Broadly speaking, what this suggests is that paying for sex is not confined to one ethno-national group in Northern Ireland.

Table 2: Nationality of clients in Northern Ireland

	Frequency (n)	%
Irish	75	38.9
British	57	29.5
Northern Irish	49	25.4
Other EU/Outside EU	12	6.2
Total	193	100

8.2.2 Occupational Status and Income

As was the case in the earlier DOJ research (Huschke et al, 2014) a majority of Northern Irish clients are in paid employment. For example, in our data 66.8% of respondents were in full-time employment with a further 15% self-employed. Only, 3.6% of respondents were retired. A small number of respondents were students (4.6%). A majority of respondents (25%) earned between £20,000 and £30,000, with those whose average earnings are in the £30,000 - £40,000 bracket forming the next largest income category (19%). A small number of respondents claimed to earn in excess of £60,000 per annum (10%).

8.2.3 Age profile of clients

The age profile of clients reflects the trends identified in the earlier DOJ research (Huschke et al, 2014). The largest age range for purchasing sex was males aged between 20 and 39 (34.5%). Males aged 18-29 and males aged 40-49 were also represented fairly equally in the data at 22.4% and 21.8% respectively (Table 3).

Table 3: Age profile of Northern Ireland clients

	Frequency (n)	%
18-29	39	22.4
30-39	60	34.5
40-49	38	21.8
50-59	25	14.4
60 or above	12	6.9
Total	174	100

8.2.4 Level of Education

Table 4 shows the educational qualifications of respondents in the Northern Ireland sample. Only a small minority of the sample had no formal educational qualifications (4.8%). The largest group of respondents had completed third level education either at undergraduate (25.7%) or postgraduate level (17.1%).

Table 4: Highest level of education completed Northern Ireland sample

	Frequency (n)	%
Undergraduate degree	48	25.7
CSE, O Level, GCSE or equivalent	37	19.8
A Level or equivalent	36	19.2
Postgraduate degree	32	17.1
A trade, technical or vocational qualification	25	13.4
No educational qualifications	9	4.8
Total	187	100

8.2.5 Relationship status

The data in Table 5 shows that nearly half of the sample are single (48.1%) with the remainder of respondents claiming to be married (27.3%) or in a relationship (16.1%).

Table 5: Relationship status Northern Ireland sample

	Frequency (n)	%
Single	90	48.1
Married/In a civil partnership	51	27.3
In a relationship	30	16.1
Separated or divorced	15	8%
Widowed	1	0.5
Total	187	100

8.3 Jurisdiction where respondents purchase sex

Table 6 suggests that small numbers of respondents have purchased sex only *within* Northern Ireland (20.8%, n=31) and only *outside* Northern Ireland, presumably if they are on holiday or on a business trip somewhere (12.1%, n=18). By far the largest group have purchased sex both *within* Northern Ireland and *elsewhere* (59.1%, n=88). Since the sex purchase ban as it applies in Northern Ireland does not have any extraterritorial application, clients are free to purchase sex outside the borders of Northern Ireland which some seem to do. As such, discussions around the effectiveness of Article 64A need to factor in the issue of displacement and that it might have shifted the purchase of sex to other jurisdictions where such laws do not apply.

8.3.1 For comparative purposes if we consider the situation in the Republic of Ireland which has had a sex purchase law since 2017 a similar pattern emerges (Table 7). Over half the clients in the Republic of Ireland sample pay for sex both inside *and* outside the state (55.3%, n=500). Other respondents only purchase sex inside the Republic of Ireland (32.1%, n=289) with a minority purchasing sex exclusively outside the borders of the state (3.8%, n=34).

Table 6: Jurisdiction where sex purchased Northern Ireland sample

	Frequency (n)	%
Northern Ireland and elsewhere	88	59.1
Northern Ireland only	31	20.8
Outside Northern Ireland only	18	12.1
Other	12	8
Total	149	100

Table 7: Jurisdiction where sex purchased Republic of Ireland sample

	Frequency (n)	%
Republic Ireland and elsewhere	499	55.3
Republic of Ireland only	289	32.1
Other	79	8.8
Outside Republic of Ireland only	34	3.8
Total	902	100

8.4. Demand for sexual services in Northern Ireland before and after the legislation

Respondents were asked whether they purchased sex before and after the legislation and what principal mechanism they used to do so. As noted in earlier chapters the Internet is the most common platform for purchasing sex in Northern Ireland (Figure 1). An overwhelming majority of Northern Ireland respondents (76.4%, n=104) have never transacted business with a street-based sex worker. For those that have, the number has fallen from 19% pre-2015 to 11% in the post-2015 period. As noted in Chapter 6, the number of street sellers in Belfast has seen a further decline from the already low figure of approximately 20 sellers identified in the earlier DOJ research (Huschke et al, 2014). A majority of Northern Ireland respondents (50.3%, n=75) purchased sex online *before* the new legislation came into effect on 1st June 2015 (Figure 1). However, after the law was implemented the number of respondents transacting sex from the Internet rose to 74.5% (n=111). The data suggests that more clients now use the Internet to transact commercial sex than they did before the introduction of Article 64A.

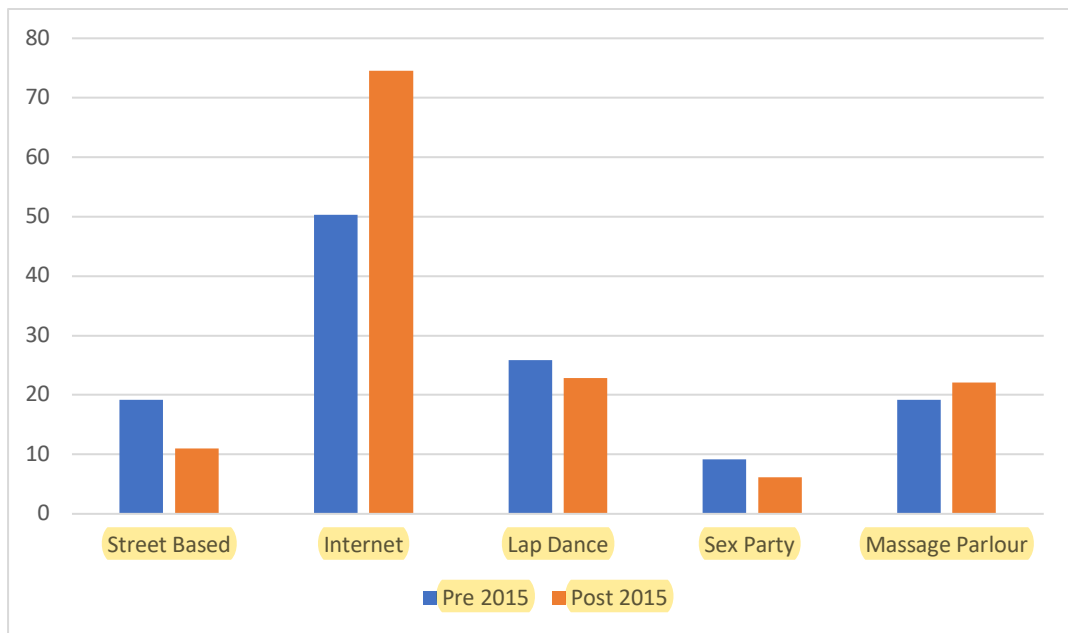


Figure 1: Where clients purchased sex in Northern Ireland (pre 2015 and post 2015) %

8.4.1 If the deterrence effects of the Nordic model are as have been claimed (see Introduction), then we should expect to see a decrease in the number of clients purchasing sex in the period after sex purchase laws had been implemented. Indeed, this deterrence aspect (i.e. the criminalisation of the client) is frequently seen to be at the core of this particular model (Claude, 2010; Ekberg, 2004). However, this deterrence aspect does not appear to be working in the way that it is claimed: More clients stated that they paid for sex online after the law was introduced than before it (see 8.4 above). Presumably, some clients paid for on-street sex workers in the pre-legislation period, but all that seems to have happened is that these clients have switched to the Internet.

8.4.2 In case the Northern Ireland situation is in some way anomalous we can also look at the trends as they have occurred in the Republic of Ireland which had a larger client response to the survey (n=1,083) but which reflects a similar legal environment for the purchase of sex. Sex purchase legislation was introduced into the Republic of Ireland in March 2017 and like that in Northern Ireland, seeks to emulate the asymmetric model of criminalisation inherent in the Nordic model. Like the situation we identified in Northern Ireland, it is the online sector rather than the street that is the preeminent medium for transacting commercial sex in the

Republic of Ireland. The number of clients who paid for a street-based sex worker in the Republic of Ireland also decreased in the period following the introduction of the legislation in 2017. For example, the percentage of clients who had paid for a street-based sex worker in the Republic of Ireland prior to 1st March 2017 was 22.9% (n=189) but this decreased to 7% (n=58) in the period following the introduction of the law. Perhaps the law has had some kind of impact, but this may simply be one of displacement and moving sex workers from the street to the Internet.

8.4.3 Furthermore, the client survey responses from Northern Ireland mirrors the trends in our other data sources. As we saw in Chapter 6 there has been an increase in both online advertising and the number of sex workers in Northern Ireland in the period after the law was introduced. If we triangulate data from our different sources it points in the same general direction (Rothbauer, 2008). Namely, that the supply of prostitution services in Northern Ireland appears to have increased following the legislation, presumably to meet demand.⁴⁷ If these trends are occurring during a period when sex purchase legislation is in operation then we can assume that such legislation has no substantial effect on overall rates of prostitution.

8.4.4 A small number of clients in Northern Ireland also claim to have purchased sex in a lap dancing club and massage parlour (Figure 1) but we assume that this was done outside the jurisdiction because the only lap dancing club in Northern Ireland closed in 2003, and we are not aware of any massage parlours operating that provide sexual services. A very small number of clients also claim to have paid for sexual services at private sex parties that are organised via ‘Swinger’ websites and private social media groups and which occur in private residences up and down the country.

8.5 Client awareness of the law

This final section focuses on those aspects of client behaviour in response to the law itself as introduced into Northern Ireland. It considers aspects of knowledge about the law as well aspects of policing and strategies adopted by clients to avoid detection. Figures for the Republic of Ireland are listed in square brackets for comparative purposes.

⁴⁷ Based on the fact that there are now more sex workers with higher levels of advertising in the post-law period in Northern Ireland (see Chapter 6).

8.5.1 As we can see from the data in Table 8, a majority of clients who have purchased sex in Northern Ireland are aware of the change in the law that occurred in 2015 (55.2%, n=75) [56.2% ROI]. However, given the extent of media and public discourse about the law during its passage through the Northern Ireland Assembly and the media awareness campaign undertaken after the law went on the statute books (June 2015) it is difficult to see how respondents could be left in any particular doubt about this issue. Nevertheless, 27.9% (n=38) of Northern Ireland respondents were *not* aware that the law had in fact changed, while a further 16.9% (n=23) were aware of a change but were not sure what the changes were. The results from Northern Ireland mirror those from the Republic of Ireland about awareness of the law and whether clients understand what it means.

8.5.2 Perhaps this suggests that some respondents do not necessarily watch or listen to the news that closely or are not particularly engaged with current affairs topics, or that they felt the new law to be a restatement of what the legal position was on purchasing sex anyway. At the end of the survey clients were invited to make an additional comment in free text and a number added a statement along the lines of ‘I always thought that buying sex was illegal’ which suggests that if they thought buying sex was *already* illegal then it is difficult to see under what circumstances the new legislation could possibly have any deterrent effect.

Table 8: Awareness of change in the law Northern Ireland and Republic of Ireland

Northern Ireland	Frequency	%
No, I was not aware that the law changed	38	27.9
Yes, I knew exactly what the change in law was	75	55.2
Yes, I knew the law changed but wasn't sure what it meant	23	16.9
Total	136	100

Republic of Ireland	Frequency	%
No, I was not aware that the law changed	196	23.7
Yes, I knew exactly what the change in law was	464	56.2
Yes, I knew the law changed but wasn't sure what it meant	166	20.1
Total	826	100

8.6 Has the law affected demand?

8.6.1 We suggested in an earlier section that the increase in the supply of sex worker services in Northern Ireland following the implementation of Article 64A was illustrative of the demand for commercial sexual services also increasing. We now explore the effect of the law on the sex purchasing decisions of clients in Northern Ireland and to see whether it has had any impact on the decisions that they make (Table 9). According to our data, for the majority of clients in Northern Ireland the law has made no difference to how often they purchase sex with 53.5% (n=69) stating that they will continue to do this with the same frequency as before, with a further 27.1% (n=35) stating that they will continue to purchase sex albeit slightly less frequently. The smallest number of respondents 11.6% (n=15) stated that they had either stopped purchasing sex or the law was likely to make them stop purchasing sex completely. For comparative purposes if we examine data from the Republic of Ireland sample this highlights similar trends and matches almost exactly the percentage distribution in the Northern Ireland data. A majority of clients in the Republic of Ireland indicate that the law will make no difference to how often they purchase sex (54.2%, n=436) with a smaller number saying they will continue to purchase sex with less frequency (28.8%, n=233). Again, the smallest number of clients in the Republic of Ireland stated that the law might make them stop purchasing sex completely (10.8%, n=87).

8.6.2 It may well be the case that proponents of sex purchase legislation can claim some success here insofar as 11.6% of clients in Northern Ireland and 10.7% of those in the Republic of Ireland state they are likely to stop purchasing sex.⁴⁸ Nevertheless, we need to ask serious questions about the ‘type’ of client who is dissuaded from purchasing sex and whether this has further negative or downstream consequences for sex workers themselves. Certainly, there is evidence from the Médecins du Monde study of the French sex-purchase legislation introduced in 2016 that sex purchase legislation has no effect on abusive or violent clients who are not put off by such legislation. Rather it is the clients who are non-abusive and non-violent who seem to be dissuaded (Le Bail, Giametta, & Rassouw, 2018). In this sense, sex purchase legislation might simply be placing sex workers in more danger than previously. This is an issue that we shall return to in Chapter 9.

⁴⁸ But of course, we should emphasise prospective intentions rather than actual behaviour here since the survey links were distributed via Internet advertising websites for sexual services.

8.6.3 From the proportion of clients (n=15 in NI, and n=87 in the ROI) who are likely to stop purchasing sex, concerns about being caught by the police and naming and shaming in the media are the principal reasons given.⁴⁹ For example, 58.3% and 16.6% of clients in Northern Ireland who state they will stop purchasing sex cite police attention and media shaming respectively as the key reasons for making this decision. Comparative figures for the Republic of Ireland are 57.4% (police) and 40.2% (media). Clearly then for some respondents the deterrence effects of sex purchase legislation may influence their decision to stop purchasing sex. The problem, however, is that this is not enough to deter the bulk of clients. Indeed, for substantial majorities of clients in both jurisdictions, police and media attention is something that they do not seem to be unduly worried about, at least in the context of the survey that we have conducted.

Table 9: Impact of law on purchasing sex NI and ROI

Northern Ireland	Frequency (n)	%
I will stop purchasing sex completely	15	11.6
I will continue to purchase sex only not as much as before	35	27.1
The law will make no difference to how often I purchase sex	69	53.5
Other	10	7.8
Total	129	100

Republic of Ireland	Frequency (n)	%
I will stop purchasing sex completely	87	10.8
I will continue to purchase sex only not as much as before	232	28.8
The law will make no difference to how often I purchase sex	436	54.2
Other	50	6.2
Total	805	100

8.7 The ease of purchasing sex under the new law

Respondents were also asked whether purchasing sex was now easier or more difficult in the context of the new laws that had been introduced in Northern Ireland and the Republic of Ireland (Table 10). From the proportion of clients who answered this Likert scale question a

⁴⁹ The lack of prosecutions in both parts of Ireland means that when convictions occur, they are a huge media event, thus naming and shaming in the media is perhaps something of a legitimate fear.

majority of respondents in both Northern Ireland and the Republic of Ireland (NI, 75.9% n=82. ROI, 83.1%, n=576) felt that the law has had no real impact on purchasing sex and the ease with which this could be done was thought to be the same as before the respective laws came into effect. Conversely, only a minority of respondents in Northern Ireland felt that purchasing sex was now ‘much more difficult’ (4.6%, n=5) or ‘a little bit more difficult’ (13.9%, n=15). The figures for the Republic of Ireland mirror these at 3.5%, n=24 and 9.9%, n=69, respectively.

Table 10: The ease of purchasing sex under the new law

Northern Ireland	Frequency (n)	%
A lot easier now	2	1.9
A little bit easier now	4	3.7
About the same as before	82	75.9
A little bit more difficult now	15	13.9
Much more difficult now	5	4.6
Total	108	100

Republic of Ireland	Frequency (n)	%
A lot easier now	16	2.3
A little bit easier now	8	1.2
About the same as before	575	83.1
A little bit more difficult now	69	9.9
Much more difficult now	24	3.5
Total	692	100

8.7.1 The law and avoiding detection

A large number of respondents in both Northern Ireland and the Republic of Ireland now take more precautions to avoid detection by the authorities when they are transacting commercial sex. In Northern Ireland 44.8% (n=48) of respondents take more precautions when they purchase sex compared to 34.5% (n=37) who do not. Around one fifth of respondents in Northern Ireland answered ‘Don’t Know’ to this particular question (20.5%, n=22). Data for the Republic of Ireland shows remarkably similar trends with 45.4% (n=322) of respondents stating that they take more precautions transacting commercial sex, compared to the 35.1% (n=249) who do not. As was the case in the Northern Ireland data there were a relatively large number of ‘Don’t Know’ answers to this question also (19.3%).

8.7.2 Table 11 ranks the top-five cited means of avoiding detection by clients in Northern Ireland, with data from the Republic of Ireland given for comparative illustration. The main means of avoiding detection cited by respondents in both jurisdictions was to only see sex workers who they book online and who have an established reputation with a large number of reviews from other clients. Both Escort Ireland and Adultwork for example, allow clients to leave reviews of each particular sex worker which are then viewable by other prospective clients. The reviews in both cases are partially moderated to remove abusive language and prohibited content but otherwise are left pretty much the way they were written. These reviews are absolutely central to sex work as to any other facet of e-commerce and are often key to a particular sex worker's earning power. For clients in both jurisdictions this was the primary reason they use to avoid detection and was stated by 70.8% (n=34) of respondents in Northern Ireland and 67.9% (n=212) of respondents in the Republic of Ireland. The five most common strategies given by respondents in both jurisdictions to avoid detection can be seen from the information in the following tables:

Table 11: Precautions used by clients to avoid detection

Northern Ireland

Ranking	Reason	%	n
1	I only see sex workers with an established reputation and a lot of online reviews	70.8	34
2	I stick with the same sex worker because I trust them	37.5	18
3	I think some nationalities of sex worker attract the attention of the police and I avoid them	29.1	14
4	I only see sex workers who work alone	27.0	13
5	I have switched to Internet because it is more anonymous	22.9	11

Table 11, cont'd

Republic of Ireland

Ranking	Reason	%	n
1	I only see sex workers with an established reputation and a lot of online reviews	67.9	212
2	I stick with the same sex worker because I trust them	42.3	132
3	I only see sex workers who work alone	41.6	130
4	I have switched to internet because it is more anonymous	26.9	84
5	I have purchased a separate mobile phone to call sex workers	19.2	60

8.8 Client contact with the police

In terms of having contact with the police, an overwhelming majority of respondents in both Northern Ireland and the Republic of Ireland have never been spoken to, cautioned or arrested by the police in either jurisdiction for purchasing sex (Table 12). For example, in Northern Ireland, 97.5% (n=117) of respondents who answered this question never had any contact with a police officer in relation to Article 64A. However, one person each was arrested, cautioned or spoken to informally. In the Republic of Ireland, 92.4% (n=721) respondents never had any contact with an Irish police officer; whereas 5.4% (n=42) were spoken to informally, 0.8% (n=6) were cautioned and 1 person was arrested (0.1%).

Table 12: Contact with police

Northern Ireland	Frequency (n)	Percentage
Never	117	97.5%
Yes, arrested	1	0.8%
Yes, cautioned	1	0.8%
Yes, only spoken to	1	0.8%
Total	120	100%

Republic of Ireland	Frequency (n)	Percentage
Never	720	92.4%
Yes, arrested	1	0.1%
Yes, cautioned	6	0.8%
Yes, only spoken to	42	5.4%
Total	779	100%

8.9 **Conclusions**

8.9.1 What is evident from the above analysis of client responses in Northern Ireland and the Republic of Ireland is that two of the foundational canons of the Nordic model: the deterrent effect of the criminal law and a drying-up of demand appear to have little empirical substantiation (see Scoular 2004 for a critical discussion of the situation in Sweden). While a small number of clients have stated that they are going to cease purchasing sex because of the laws, a large number of clients have no such intention. Clearly such clients are making an actuarial calculation that the benefits to purchasing sex outweigh the risks of getting caught and in this sense they are correct. Few clients that responded to our survey have had any contact with the police. We noted in Chapter 4 that for evidential and other reasons Article 64A is difficult to police and there are remarkably few instances whereby the police are likely to randomly stumble upon a client who is engaged in prohibited activities under the legislation. This law may have had more impact twenty years ago when the bulk of prostitution was located on-street and officers could observe transactions taking place but in the Internet age this is no longer possible.

8.9.2 It was also interesting to note that a majority of clients in both Northern Ireland and the Republic of Ireland have purchased sex outside the borders of their respective state as well as within it. Critics of sex purchase legislation have long maintained that it has a displacement effect and does nothing to reduce overall numbers (see Dodillet, & Östergren, 2011). In this

sense sex purchase legislation may simply exacerbate international ‘sex tourism’ and result in a movement of sex buyers from the global North and West to the global South (and Eastern Europe) that may not necessarily have the resources or infrastructure to actually deal with the issue (Carr, 2015).

8.9.3 Since clients raised the strategy of singling out a lone sex worker in order to avoid detection under sex purchase legislation it is slightly ironic that brothel and co-working laws passed to *restrict* the availability of prostitution are now a chief means by which clients on both sides of the Irish border seek use to avoid detection under each jurisdiction’s sex purchase legislation.

8.9.4 We have found no evidence that sex purchase legislation as introduced in Northern Ireland (and the Irish Republic) has had any major effect in deterring clients from purchasing sex. Indeed, it would appear that clients on both sides of the Irish border have continued to purchase sex with much the same frequency as they did before.

8.9.5 Sex purchase legislation is based on the idea that law can be used to modify behaviour. However, in socio-legal terms this is a hugely problematic aspect and the reasons why people comply with the law (or not) are multitudinous and varied. Several scholars have noted that laws which are perceived as difficult to enforce or that are not based on widespread normative agreement will do little to modify behaviour and we would suggest that this aspect applies to the implementation of sex purchase legislation (Scoular, 2010; Hernæs, Jakobsson and Kotsadam, 2014).

CHAPTER 9: VIOLENCE AND ABUSE TOWARDS SEX WORKERS

9.1 Introduction

9.1.1 This chapter engages with those aspects of the DOJ specification around the safety and well-being of those who provide sexual services and how this has changed in the aftermath of the legislation. The chapter draws upon unique primary data from UglyMugs.ie (henceforth UM) which is an online community resource whereby sex workers can alert each other to incidents of violence and abuse. In relation to violence and abuse there exists a noteworthy ‘dark figure’ in official sources with few crimes against sex workers ever getting reported to the police (Kinnell, 2008; Campbell, 2018). In this sense UM data is considerably more reliable than official data (e.g. from police or government sources) given the fact that UM is trusted by sex workers.

9.1.2 In the chapter we also draw on data from the quantitative survey conducted with sex workers in Northern Ireland and also the narrative interviews held with sex workers. The chapter is structured as follows. We discuss prevalence trends in self-reported crime and other behaviours to UM and the sex worker survey in terms of violent crime and the most common reported offences / behaviours. The chapter then moves to a discussion of fear of crime and the impact of anti-social behaviour on a sex worker’s psychological well-being and asks whether crimes against sex workers should be considered through the prism of hate crime. The final section explores sex workers’ relationships with the police in Northern Ireland and whether or not they would feel confident in reporting a crime to the PSNI. Research has highlighted a problematic relationship between the police and sex working populations, so a consideration of policing is important in this regard (Campbell, 2018; Sanders & Campbell, 2014).

9.1.3 Sex purchase legislation and violence against sex workers

Critics of the Nordic model have long maintained that sex purchase legislation creates a riskier environment for sex workers leading to increases in violence and abuse (Jacobs, 2014; Levy, 2014; Amnesty International, 2016; Wallace, 2019). But empirically speaking it is unclear whether this is applicable to all sectors in which sex work takes place or just the on-street sector. We have no reason to doubt this as a general point, but our concern is whether violence and abuse have increased at the same rate and at the same time in the on-street *and* off-street sectors in those jurisdictions where sex purchase legislation has been implemented. This is important because as we noted in Chapter 6, the vast bulk of *all* commercial sex in Northern

Ireland is off-street and transacted from the Internet. Furthermore, critics of sex purchase legislation argue that it increases the opportunities for crimes to be committed against sex workers principally by forcing them to transact business in remote or out of the way locations. However, the client survey that we discussed in Chapter 6 suggests that in Northern Ireland 77.3% of clients meet at a venue chosen by the sex worker *not* the client. Of course, this does not mean that the encounter cannot be risky for other reasons (e.g. the sex worker being forced to work alone) but in Northern Ireland it is sex workers who choose the venue, not clients.

9.1.4 As far as we can ascertain, the first references to violence and abuse as a direct consequence of sex purchase legislation seem to have originated in Sweden in the aftermath of the *Sexköpslagen* introduced in 1999. This is perhaps understandable given that Sweden was the first country to experiment with sex purchase legislation. But what is ambiguous from the data is whether the studies that have been conducted in Sweden relate to on-street or off-street sex workers. For example, Jakobsson (2015: 6) notes that in a study undertaken by Rose Alliance one quarter of sex workers from the total sample (n=124) indicated that violent attacks had increased in the aftermath of the legislation. But it is unclear whether this sample was on-street or off-street or a combination of the two.

9.1.5 Amnesty International conducted research into the effects of the Nordic model in 2016 and noted that:

As is the case in many countries, sex workers are at high risk of violence and abuse in Norway. The violence they encounter comes at the hands of a range of perpetrators including clients, members of the general public, third parties involved in sex work and organised gangs who prey on them.

The Amnesty International research was based on 50 interviews, including 30 with current or ex- sex workers. Out of this number a majority (n=25) sold sex on the street, whereas only a minority (n=5) were Internet based, off-street sellers (Amnesty International, 2016: 14). Likewise, a critical Vista evaluation of the law in Norway cited in the Amnesty International research appears to be based entirely on an analysis of the on-street market (Amnesty International, 2016: 68). Perceptions of violence and abuse in the context of the law in Norway and Sweden therefore stem disproportionately from a sector that we already know experiences high levels of abuse and violence (Weitzer, 2012; Kinnell, 2008).

9.1.6 The experiences of on-street sex workers, therefore, seem to be over-represented in the extant research literature about abuse and violence in Sweden and Norway. Swedish cities such as Stockholm and Gothenburg continue to have a large number of on-street sellers in spite of the legislation (Häggström, 2016) while the same holds true for Oslo and many of the larger cities in Norway (Amnesty International, 2016). In this sense it may be the fact that sex work is taking place on-street, which we know to be more dangerous anyway, not the sex purchase laws per se that would appear to be the problem. Indeed, the overwhelming bulk of research evidence from the UK and the US notes that in virtually every scenario indoor based sex work is considerably less risky than that undertaken on the street. Weitzer (2012), for example, compared three cities with on-street and off-street sectors and found that levels of abuse and violence were consistently lower in *all* the off-street samples. Similarly, in one of the largest studies ever conducted with Internet based sex workers in the UK, the Beyond the Gaze (BtG) team at the University of Leicester recently noted that:

While certain crimes may be prevalent in online sex work, the BtG study also confirms that levels of violent crime encountered by internet-based sex workers are considerably lower than those reported in studies of street-based sex workers (Beyond the Gaze, 2019b: 12).

9.1.7 In light of this we currently have little data to ascertain whether sex purchase legislation has impacted on levels of violence and abuse in those jurisdictions that have a mainly Internet based, off-street sector such as Northern Ireland. The current study provides a testbed for this since as we noted in Chapter 6 the jurisdiction does not have an on-street sector to speak of. We can therefore assess whether violence and abuse directed towards sex workers has increased in Northern Ireland following the implementation of Article 64A and if it has, what forms this has taken.

9.2 UglyMugs.ie

9.2.1 UM provided the principal researcher (Ellison) with an anonymised dataset containing details of 2,556 separate incidents recorded from 1st January 2012 to 31st December 2018. We can use this to explore whether issues around violence and abuse have increased following the implementation of Article 64A in June 2015. Later in the chapter we supplement this data with that from our own quantitative survey with sex workers.

9.2.2 By way of background, UM is an online community resource which allows sex workers to make instant reports about particular clients or something that has happened to them and facilitates this information being shared among all sex workers registered on the system. A majority of respondents in the sex worker survey used the UM app and most of the sex workers we interviewed also used it. As a data resource it is similar to a self-report study with sex workers selecting a particular incident or incidents from a predefined list on a phone-based app. These are then centrally recorded by UM administrators. Indeed, one interviewee noted that she received a warning notification about a client who was due to come to her home within minutes of receiving it:

I had arranged to meet a client, he was coming to my house, and I think five minutes before he was due to arrive, I got an alert on my phone, with his number, saying he was dangerous, so I was able to cancel seeing him at very short notice, and I really think...what might have happened without it. Interviewee L.

9.2.3 It was suggested above that the data from UglyMugs.ie is more reliable than that from official sources. UM data is self-reported from sex worker victims of criminal, abusive and nuisance behaviour. The nature of sex work, and the stigma surrounding it, may mean that sex workers may not wish to report to the police, for fear of prosecution or being publicly identified as a sex worker. UM follows the convention established by the Macpherson Report into the Stephen Lawrence murder whereby what is recorded is the sex worker's *perception* of a particular event (Home Office, 1999). As such, what a sex worker feels *might* be a crime is not necessarily an incident that would lead to a criminal conviction due to evidential and prosecutorial reasons. The online report form used by UglyMugs.ie is similar to the one used by National Ugly Mugs UK⁵⁰ whereby sex workers record incidents by completing an online pro-forma and ticking a number of boxes relating to predefined categories of offence / behaviour which are then collated by the co-ordinator.

9.2.4 In terms of the data that we discuss below it is necessary to introduce a number of caveats: UM only collects data from those who use the service and who report each incident.

⁵⁰ A major difference between National Ugly Mugs and UglyMugs.ie is where the former was established by the UK Home Office and receives funding from GB police forces, the latter does not.

There may be sex workers who do not use it for whatever reason, for example, they do not have access to mobile phone with internet capabilities, have not heard about the programme, or they simply feel that they do not need to use it. The usage of UM may lend itself to particular demographics of sex workers, for a variety of reasons, including, but not limited to, language barriers, experience with technology, familiarity with the app through communities of sex workers sharing (or not sharing) information about it. However, for the research at hand, the primary data collected by UM does give significant insight into complaints and harms to sex workers over time, allowing comparison between pre-and post-law change, and therefore remains important and relevant to the review of Article 64A.

9.2.5 While UM collects data about criminal activity it is not solely a crime focused reporting mechanism and in many respects the app is seen and used as a ‘work tool’ by individual sex workers. For example, information is shared about those potential clients who are seen as timewasters (e.g. they want to have a sexualised conversation on the phone but do not want to make a booking) or those clients who do not show up for a prearranged booking which of course means that a sex worker has lost a valuable booking slot. As a sex worker interviewed in the qualitative phase of the research notes:

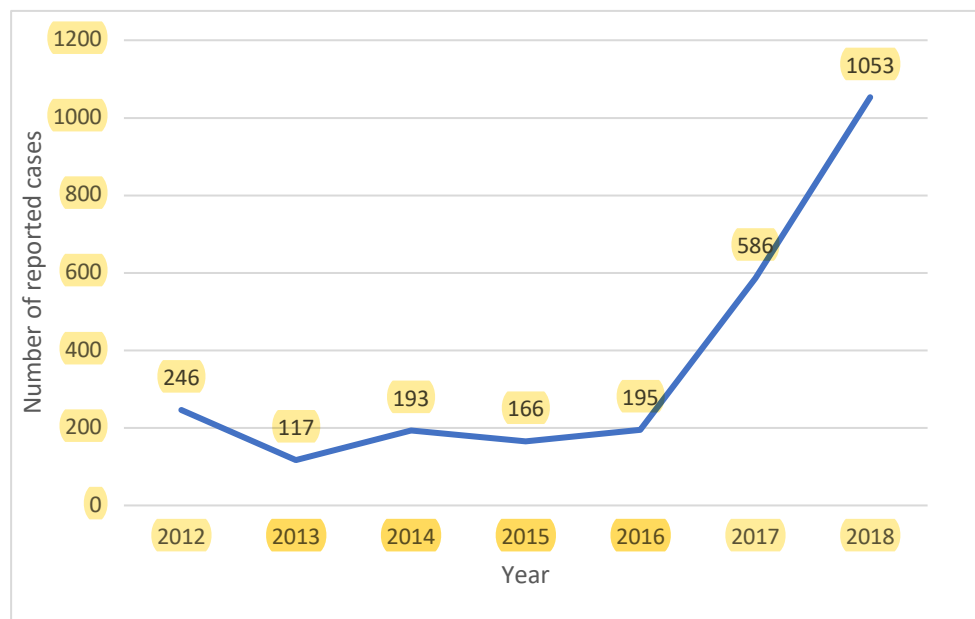
You’ll see a notification about a phone number that will say ‘repeated calls, no booking’, and I would avoid that person, probably just block that number. Things like that are a red flag. Interviewee L

9.2.6 By weeding out ‘bad clients’ in this way the app functions just as much as a device to identify timewasting or nuisance clients than it does to mitigate the dangers and risks of sex work per se. Indeed, in terms of the top ten most reported behaviours on UM many of the most commonly reported incidents do not fall into the category of criminal activity but instead report those nuisance behaviours that have the potential to impact on a sex worker’s livelihood which we discuss below.

9.2.7 Reporting trends to UglyMugs.ie 2012-2018

We were able to disaggregate 47 separate crime and non-crime categories from the UM dataset supplied to us. To highlight reporting trends during the census period (i.e. 1st January 2012 to 31st December 2018) we aggregated these 47 incident types into a yearly total which is presented in Figure 1 below. We can see that reporting trends to the website remained relatively static until 2016 but thereafter show a sudden spike to 2018.

Figure 1: Reporting trends to UM 2012-18 (all)



9.2.8 Serious crimes recorded by UglyMugs.ie

This section focuses on serious and violent crimes in order to assess whether or not there has been any increase or change since the Article 64A was introduced in Northern Ireland in June 2015. Table 1 shows the yearly frequencies of those crimes designated by UM as ‘violent’ and their frequencies over the census period.

Table 1: Frequencies of serious and violent crime recorded per year UM 2012-2018 (all)

	2012	2013	2014	2015	2016	2017	2018
Attempted assault	0	1	2	0	1	1	0
Assault	0	0	3	3	4	13	13
Assault with weapon	0	0	0	0	0	0	0
Attempted rape / sexual assault	1	0	1	0	0	1	3
Vaginal rape	0	1	1	1	1	1	1
Forced oral sex	0	0	0	0	0	0	0
Anal rape	0	0	0	0	0	2	1
Other sexual assault	0	3	1	0	2	4	8
Robbery	4	2	3	3	2	2	9
Strangulation / suffocation	0	1	0	0	0	0	0
Held against will	0	0	0	1	0	2	0
Groping / Kissing without consent	2	1	2	3	1	4	9
Drugging / administered drug or poison on you	0	0	0	0	0	0	0
Removal of condom without consent	0	2	1	2	7	6	6
Total	7	11	14	13	18	36	50

The frequencies from UM in Table 1 suggest that seen in the context of the number of advertisements for commercial sex in the jurisdiction, serious and violent crimes against sex workers in Northern Ireland may not be as prevalent as assumed. Nevertheless, sex workers who experience any of these crimes cannot access the same support systems as any other member of the public for a variety of reasons and as such may be rendered more fearful and powerless (Kinnell, 2008). It is also the case that since 2016, one year after the implementation of Article 64A, there has been a slow and gradual creeping up of certain violent offences, such

as assault, although it should be noted that the overall baseline figure still remain low.⁵¹ Table 2 lists the five offences classified as ‘violent’ by UM that have the highest frequencies in the data.

Table 2: Most prevalent forms of UM violent offending with more than 10 cases 2012-2018⁵²

Offence / Behaviour	No of cases
Assault	36
Robbery ⁵³	25
Removal of condom without consent ⁵⁴	24
Groping or kissing without consent	22
Other sexual assault	18

9.2.9 Certainly, while there have been increases in several kinds of serious offence (assault, other sexual assault, robbery, groping / kissing without consent) the overall figures are small and in the case of robbery the figure is skewed by having 9 reported cases in one year (2018). Given the low prevalence it is therefore very difficult to say with any certainty that the change in the law is responsible here. Any rise may have been the result of the increase in the number of sex workers in Northern Ireland, more sex workers using the UM app, better reporting or recording techniques, a more enhanced awareness of crime amongst the sex worker population in general, or actual increases in crime and anti-social behaviour against sex workers since the implementation of Article 64A.

9.3 Comparing UglyMugs.ie data to the sex worker survey

9.3.1 In the Northern Ireland sex worker survey conducted for this review respondents were asked the following question: *‘Have you ever been the victim of a crime while you were doing sex work in Northern Ireland? This includes things you might see as minor like abusive/threatening phone calls, as well as more serious crime’*. From those who answered the question, just over half of respondents, 51% (n=75) said that they had *never* been the victim of a crime while doing sex work, compared to 49% (n=72) who *had* been the victim of a crime.

⁵¹ For example, in the context of the 173,460 advertisements placed on just one website between 2012 and 2018.

⁵² We are using the UM classification of ‘violent offending’ here.

⁵³ It is not clear from the UM data whether the robbery was aggravated but is included here on the presumption that it may have been.

⁵⁴ Insofar as this behaviour is regarded in some jurisdictions as sexual assault or rape whereby consent was only given for protected sex with a condom.

9.3.2 In a follow-up question the respondent was asked whether they had ever experienced five kinds of victimisation (Table 3). From those sex worker respondents who stated that they had been victimised (n=72) within the past 12 months and past 5 years, the most common offence categories in order of prevalence were:

1. Abusive or threatening phone calls / messages
2. In person threatening or abusive behaviour
3. Assault
4. Robbery
- 5: Rape / sexual assault

9.3.3 Out of these reported offences two have increased in the last 12 months (abusive or threatening phone calls or messages and in person threatening and abusive behaviour) whereas three showed a lower prevalence in the most recent period compared to the earlier one (assault, robbery and rape / sexual assault). Out of the 72 respondents who reported being victimised in some way, 17 stated that they were raped or sexually assaulted during both recall periods, which equates to 8.5% across the survey as a whole. The percentage for rape / sexual assault in the last 12 months (9.3%) in the Northern Ireland data is not dissimilar to the figure of 7.6% reported in the BtG survey also over a 12-month period (Beyond the Gaze, 2019b: 9).

Table 3: Victimisation while doing sex work in Northern Ireland (sex worker survey) N and %*

	In the last 12 months	In the last 5 years	Never
Abusive or threatening phone calls or messages	55 73.3%	12 16.0%	3 4.0%
In-person threatening or abusive behaviour	38 50.6%	18 24.0%	10 13.3%
Assault	13 17.3%	17 22.6%	30 40.09%
Robbery	11 14.6%	17 22.6%	37 49.1%
Rape/Sexual assault	7 9.3%	11 14.6%	36 48.0%

* missing cases for each question are excluded from the calculations.

9.4 Intermediate level crimes, anti-social and nuisance behaviours

9.4.1 It is true that since 2015 there has been an increase in certain serious crimes to UM such as assault and other sexual assault. For example, between 2016 and 2018 instances of self-reported assault to UM have increased by 225%. Instances of ‘other sexual assault’ increased by 300% during the same period. Nevertheless, an analysis of the UM data shows that a far higher proportion of reports relate to low and intermediate level offences (abuse on the telephone and threatening behaviour) as well as a number of anti-social and nuisance activities.

In Table 4 we highlight the top-ten incidents reported by sex workers in Northern Ireland from the UM data presented by yearly frequency. Some examples of the potentially criminal activities that we are referring to in this category include threatening behaviour⁵⁵ and receiving abusive messages.⁵⁶ Anti-social and nuisance behaviours include seeking free sex, turning up without money, not showing up for a booking, bogus outcalls, threatening to call landlord / police, threatening to damage the sex worker’s reputation, drunkenness, illegal drug use, unauthorised photography / video recording, pretending to be a police officer, nuisance text messages and phone calls and so on. Some of these behaviours are undoubtedly disturbing and distressing for the sex worker concerned. This will be even more pronounced if the sex worker is ‘touring’ since they may feel alone in a strange city and do not necessarily have a support network to turn to apart from other sex workers.

9.4.2 It may simply be a coincidence that some crimes and anti-social / nuisance behaviours against sex workers have increased with the change in the legislative framework, but this is something that sex workers claimed would happen before the legislation was implemented.⁵⁷ Certainly, what is not in doubt is that the terrain of commercial sex now seems much riskier and more underground than it was previously with both clients and sex workers taking steps to avoid detection. For a law whose rhetoric is about ending violence against women it is somewhat paradoxical that it appears to have subjected many women (and of course male sex workers) to a highly unsafe work context, resulting in a heightened state of anxiety.

⁵⁵ Which include bodily gestures or verbalised threats which are designed to alarm someone. Threatening behaviour is often a component of other offences.

⁵⁶ Which may constitute harassment (if more than two messages are involved) or malicious communication if a single message is sent.

⁵⁷ See for example, the interview in The Guardian newspaper with the sex worker and activist Laura Lee. Available: <https://www.theguardian.com/society/2016/feb/05/sex-worker-activist-laura-lee-northern-ireland-law-challenge-interview>

9.4.3 We can see from Table 4 that the bulk of the increase in reported incidents to UM that we noted in Figure 1 (above) is accounted for by one kind of client behaviour. Namely, clients who make a booking for a sex worker but who do not turn up for an appointment which is referred to as a 'no show'. Incidents of no-show increased from 73 in 2016 to 449 in 2018 a percentage increase of 515% (Table 4). Between 2016 and 2018, other behaviours that affect the sex worker's earning power such as non-payment have also increased between this period, while the number of clients who feel that they can talk a sex worker around into providing 'free sex' has increased by 1725%. However, behaviours that can be defined as criminal have also risen during this period, including abusive phone calls (+677%) and threatening behaviour (+200%). One sex worker was adamant that the number of abusive telephone calls had increased dramatically since the law changed:

You know, from the law changed, some guys have it in their heads that they can phone you up and be abusive, and you are not going to say anything in return because they feel that you can't go to the police, because, you know, because of the work I'm doing... That I'm not afforded the same rights, as I would, if I was working like, in a garage, or a bar, or whatever. So, yeah, I've had maybe twenty [abusive callers] since the law changed.

Interviewee G

Table 4: Ten most common reports from UM data frequencies by year (2012-2018)

	2012	2013	2014	2015	2016	2017	2018
No show	134	30	81	38	73	230	449
Abusive phone calls	21	15	27	25	18	89	140
Non-payment	23	11	15	15	21	46	65
Suspicious behaviour	8	7	9	4	5	25	72
Looking free sex	2	2	1	9	4	34	73
Threatening behaviour	11	9	8	10	14	19	42
Other suspected danger	3	5	3	7	3	15	33
Reputational damage	5	7	7	5	5	6	22
Sought unsafe sex	3	3	1	6	7	13	16
Threat of police	8	8	5	2	8	11	10
TOTAL	218	97	157	121	158	488	922

9.4.4 Sex workers are certainly aware that there has been a massive increase in the number of ‘no shows’ following the implementation of Article 64A and have various explanations as to why this has occurred. For example:

So, phone calls like, a normal day for me [before the law changed], on a phone call scale, like say I have 30 calls a day, I'd be lucky if two of those turn up, now [since the law has changed] I'm getting probably 80 calls a day and I'm lucky if any of those turn up. Interviewee S.

9.4.5 The increase in nuisance calls is attributed by some sex workers to the reporting of the law itself in the media which has expanded the general public’s knowledge of sex work as an industry in Northern Ireland. This has brought new or at least curious potential clients to

advertising websites and into purchasing sex. This may partially explain the spike in advertisements from 2014 that we discussed in Chapter 6. A sex worker suggested that the debate around the law only served to draw attention to the fact that sex workers existed and where they operated from. This she suggests has simply led to higher levels of nuisance and abusive calls:

Because of the law changing, and [people] becoming more aware [that] there are sex workers out there, there are trans, there's fat ones, there's skinny ones, all sorts, people were like 'now that we are more aware of this', now we can be... 'a pain in the bloody ass'. Interviewee S

9.4.6 A common theme in the interviews with sex workers was that many of them have experienced an increase in nuisance calls since Article 64A came into effect. Some sex workers suggested that since the law there has been an upturn in the number of people who have become aware of how to contact sex workers and do so simply to abuse workers for their own entertainment, or simply to be a nuisance to people they feel cannot, or will not, respond. In some cases, alcohol appeared to be the precipitating factor:

You'll get these ones at 3 in the morning who have a lock [quantity] of drink in them, and they'll think it's okay to leave you voice messages, calling you dirty names and whatever, and they've got a group of friends so they are all sat together, and you hear them tee-heeing in the background. Interviewee G

9.4.7 The abusive attitudes are related to the increased demand for services not advertised or demands for cheaper prices. The refusal for these demands can lead to anger and aggression:

Before [the change in law] people would ring up 'do you do this?' 'no', 'okay then', that's it, they would leave the conversation, like [since the implementation of Article 64A] 'oh go on, [pleading], I'll give you an extra 20 quid, 30 quid', and it is...they are more pushy, like more entitled... It's always been the case, it has been...but it's now the pressure...and then there's the rudeness and the aggression. They realise you won't change your mind, and they snap, and shout down the phone. Interviewee S

There are people who are, what do you say, “trolls”, who go on to the Internet looking for girls, and then if they phone you up, even though on the advertisement, it’ll clearly say you don’t provide a certain service. And they’ll phone you up and ask for that service, and you’ll say ‘no, I’m sorry, I can’t do that, or I won’t do that’, or whatever, they become very abusive, ‘you are nothing but a dirty prostitute, whatever, whatever, you know, and you think...what the hell?’. Interviewee G

9.4.8 Aside from the obvious impacts on the mental well-being of sex workers (discussed below) who are rendered insecure and feel less safe due to constant crank calls and abuse, these forms of behaviour also impact on the sex worker’s business since a telephone frequently engaged because of nuisance calls also blocks calls from genuine clients:

I had somebody who was ringing my phone, letting it ring once, and it cut off; I was having that for an hour and a half, and then I’d turn my phone off, they are blocking my calls anyway, and I’m sick and tired of listening to my ring tone and I’m turning it off, and then I turn it on and it’s happening again, so they are blocking my phone and stuff, so that’s just...[sighs and shrugs]. Interviewee S

9.4.9 It may of course, be argued that some of the incidents we have just described are trivial insofar as they do not involve direct physical danger to the sex worker. Indeed, some may view this as some kind of collateral damage in the broader scheme of things; a kind of occupational hazard. For example, an expert advisor to the Ministry of Justice and Public Security in Norway told Amnesty International that:

It comes back to the question of ‘is it a problem that people in prostitution are in trouble’? No one has said at a political level that we want prostitutes to have a good time while we also try to stamp out prostitution (Amnesty International, 2016: 10).

9.4.10 For others who might be opposed to prostitution, nuisance activities and abuse against sex workers may represent a form of victim precipitation (cf. Timmer & Norman, 1984) whereby ‘victims’ are somehow responsible for their own misfortune. Nevertheless, taking such a view is problematic. Advocates of the Nordic model of criminalisation have sold the ‘model’ on the basis that the (usually female) sex worker is never under any circumstances penalised or disadvantaged under the legislation and that the burden of risk and criminalisation

falls entirely on the (usually) male purchaser (Ekberg, 2004). Furthermore, while the Nordic models seeks to exit sex workers, this is never done through coercion but only with the cooperation of the sex worker concerned (Claude, 2010). However, the situation as it appears currently, is that through no fault of their own, sex workers are having to contend with higher rates of nuisance and abusive behaviour than they were before Article 64A came into effect. As we indicate below, some of these behaviours can be extremely distressing for the sex worker concerned, particularly if they are a touring sex worker with no support structure to call upon. What is presented as an asymmetric law, bearing more heavily on the purchaser of sex, seems rather symmetric in practice and in many ways impacts more heavily on the seller (Scoular, 2004; Amnesty International, 2016).

9.5 Conceptualising violence against sex workers

9.5.1 This section of the chapter argues that while direct evidence of massive increases in overt violence and abuse against sex workers may not necessarily be evident in Northern Ireland, high levels of nuisance and anti-social behaviour can be every bit as insidious with the potential to impact on a sex worker's mental health in the longer term. By utilising the concepts of fear of crime (Gadd & Jefferson, 2007) and signal crimes (Innes & Fielding, 2002; See also Millie, 2014) we can explore how anti-social and nuisance behaviour interact with factors associated with sex work generally to contribute to a more generalised state of anxiety. We conclude the section with a discussion of conceptualising crimes perpetrated against sex workers as hate crime (cf. Campbell, 2018; Ellison & Smith, 2017). This has implications for reassurance policing among sex working populations and is a development that is underway with the PSNI and the sex worker liaison officers. We consider how further steps might be taken by law enforcement agencies to engage with such a 'hard to reach' group.

9.5.2 Fear of crime

The theoretical conceptualisation of fear of crime was in part a response to the view developed in successive sweeps of the British Crime Survey that while overall crime rates were going down fear of crime amongst the population was increasing. Indeed, in policy terms, fear of crime came to be seen by the UK Home Office as every bit as important as crime itself (Gadd & Jefferson, 2007). Expressed briefly, what the fear of crime research attempted to address was the finding that victimisation rates per se were not an accurate predictor of fear of crime. In this respect the differences in the ways that young adult males and elderly members of the population respond to crime are often cited. Namely, that the group *least* likely to be victimised

(the elderly) is paradoxically the group that is most fearful of crime and the group *most* likely to be victimised (young adult males) is the group that displays the lowest level of fear of crime (see Gadd & Jefferson, 2007). In other words, perceptions of danger and threat are not absolutely related to the risk of becoming a victim.

9.5.3 The survey conducted with Northern Ireland sex workers allows us to test some of the premises of the fear of crime research. In Table 5 for example, we provide a cross-tabulation of sex worker respondents' attitudes to danger since Article 64A became law and whether they were previously victimised. What we find from the data is that a majority of respondents (74.6%) who have been victimised feel that sex work has become more dangerous since the implementation of Article 64A. This is what we might reasonably expect i.e. that those who are fearful of crime have some past experience of victimisation. Similarly, only a minority of sex workers who have been the victim of a crime feel that sex work has become *less* dangerous since Article 64A (7.4%).

9.5.4 What is of more interest for the purposes of the present study concerns the proportion of sex workers who have *not* experienced any crime at all but who also believe that sex work has *become more dangerous* since the implementation of Article 64A (39.3%). Clearly then, and in line with the fear of crime narrative, past victimisation is not necessarily a good predictor of concern or anxiety about crime. So where do these perceptions of danger come from among sex worker respondents? How and why do such perceptions seemingly increase in the absence of direct experience of victimisation?

Table 5: Fear of crime in aftermath of Article 64A by previous victimisation N and %⁵⁸

	I have never been the victim of crime	I have been the victim of crime
Sex work is more dangerous now	26 39.3%	50 74.6%
Sex work is less dangerous now	19 28.7%	5 7.4%
About the same as before	21 31.8%	12 17.9%

⁵⁸ We should of course be alert to the fact that this is a small sample, but the results reflect the thrust of other, larger studies on victimisation and what we know from the fear of crime literature.

9.5.5 Awareness of crime among sex workers

We recognise that UM is a tremendously important resource used by sex workers to mitigate risks and in the traditional absence of a police response to violence and abuse directed at sex workers, it is often the only resource at their disposal (Campbell, 2018; Kinnell, 2008). Nevertheless, like any successful crime prevention strategy, UM may *also* shore up fear of crime among sex workers. Although we fully accept that there is a delicate balancing act between making someone aware of particular risks and unduly worrying them, there is nevertheless a danger with any crime prevention strategy that it can increase fear of crime by highlighting the risks that a person may be subject to (Hope, 2017; Crawford, 1998; Tilley, 2018). In other words, simply telling someone about how to make themselves safe, can paradoxically have the effect of making that person feel more *unsafe*.

9.5.6 Sex workers are exposed to talk about risk and danger for most of their working lives: they constantly monitor UM alerts, they talk to other sex workers because they rarely socialise with anyone outside of sex work in case they are ‘outed’, and they spend time in online forums where the talk invariably turns to threats and risks of victimisation. So, sex workers are perhaps more immersed in what Sasson (1995) terms ‘crime talk’ than the average member of the public. Indeed, as illustrative of how ‘crime talk’ and the experience of low-level victimisation can influence sex workers’ perceptions of more serious crime at the psychosocial level, some sex workers in Northern Ireland have a view of Belfast as a place which is rife with violence and abuse. For example, a sex worker who was interviewed for this study notes:

I do not like to work alone in Belfast. I don’t mind anywhere else. Well, apart from the trans-workers in Dublin, *Belfast is the only place I’m hearing where girls are constantly being robbed, constantly being attacked*. Interviewee S. [emphasis added]

9.5.7 As we outlined above Belfast is comparatively safe for a sex worker to work in or at least safer than most cities, insofar as it is debatable whether sex work can ever be truly safe (Kinnell, 2008). Certainly, the sex worker we have quoted from (above) notes she is ‘hearing’ second hand about the violence and abuse, but not necessarily experiencing it. Indeed, the talk of sex workers ‘constantly being robbed’ and ‘constantly being attacked’ does not sit with the objective self-reported crime data from UM. UM data records that in total 25 instances of robbery occurred against sex workers in Northern Ireland from 2012-2018, whereas there were 36 assaults recorded during the same period. Certainly, any assault on a sex worker (or anyone

else for that matter) is one too many, but it is important to keep this in perspective in the context of the total number of advertisements for sexual services in Northern Ireland that were placed on just one website for this period (173,460) that we discussed in Chapter 6.

9.5.8 The problem with sex purchase legislation that has been identified in other studies (Amnesty International, 2016; Scoular, 2004) is that it contributes to higher levels of stigmatisation of sex workers. The undoubted stigma and fear of being outed as a sex worker can therefore put in place a constellation of anxieties that are amplified by talk of crime and victimisation, reinforcing a ‘scary’ perception of the world (Sparks, 1992). Indeed, Hollway & Jefferson (1997) note that ‘crime’ is not necessarily the *cause* of fear *of* crime and that such fears often stem from other sources entirely. They note how concerns about crime can be used to mask a whole range of anxieties and personal troubles about the nature of modern living that are unrelated to crime per se.

9.5.9 Certainly, many sex workers felt extremely anxious about being outed as a sex worker and discussion of this formed a substantive element of the narrative interviews. This fear affected sex workers in all sorts of ways: from relationships with their families to impacting on whether they could ever have a partner, to trying to hide what they did from neighbours, to worries about being seen or recognised in public and to concerns about being raided by the police. For many sex workers this is an omnipresent source of stress and anxiety and when combined with high levels of nuisance and anti-social behaviour creates the perfect storm for a heightened state of ‘fear’ as the following transcripts illustrate:

The social stigma, it’s the number one...and having to lie to friends and family, it’s the number one burden of the job, nothing to do with the clients. Interviewee T.

Sometimes, it’s just I want a bit of a moan... If you were a builder, or in any other field, you could just go to the pub at the end of the day and go ‘oh, I’ve had this really stressful day’, but we can’t do that with anyone not working in sex work, in case they tell someone else, and it gets out. Interviewee R

Being outed, that’s something all of us fear on a daily basis. Interviewee G

Indeed, a sex worker who was on the verge of forming a relationship ended up having to break this off because there would always be a lack of trust on her part. As she states:

I said, [to him] ‘I could never bring you to meet my family’, because there is always that fear that they could expose me, if they don’t get their own way. Interviewee G

Similar views about anonymity and stigma were also expressed by sex workers in the Beyond the Gaze (BtG) study with nearly 50% of respondents fearing being outed (Beyond the Gaze, 2019b).

9.5.10 We have absolutely no wish to downplay serious crimes against sex workers but the trend analysis of the UM data in Northern Ireland suggests that such instances in Northern Ireland are (thankfully) comparatively rare. There are many reasons for this, including the relatively small client base (compared to Britain and the Republic of Ireland), the relatively small number of sex workers who are active in the jurisdiction, and Northern Ireland’s historically low rate of ordinary crime (Brewer, Lockhart & Rogers, 1997) with the Northern Ireland Crime Survey reporting in 2018 that becoming a victim of crime in Northern Ireland is just over half that for England and Wales at 7.9% compared to 14.4% (Campbell & Rice, 2018). It may also be the case that UM as a strategy for risk management is highly effective in this role by identifying potential offenders before they have a chance to commit an offence. UM in this sense may act as a pre-crime alert mechanism which is effective in screening out perpetrators before they have a chance to act. It may even be the case that deprived of a sex worker victim such individuals will proactively seek out other groups / individuals to victimise or target in some way (Bridgett & Robinson, 1999).

9.6 Signal Crimes

9.6.1 As noted above, sex workers in Northern Ireland display a high fear of crime and are subjectively worried about being the victim of a serious crime and this is the result of a constellation of anxieties around the nature of the job as well as prolonged and sustained online abuse, crank telephone calls and a plethora of intermediate type offences. Article 64A seems to have done little to ease the levels of abuse that sex workers face and from our survey and interview data has contributed to a climate whereby sex workers feel further marginalised and stigmatised. Persistent exposure to anti-social and nuisance behaviour can have severe

psychological consequences for individuals but can have particularly dramatic effects for women leading to gendered fear of crime socialisation (Radar & Haynes, 2011).

9.6.2 Innes & Fielding (2002) developed the concept of ‘signal crimes’ to highlight the ways that anti-social and nuisance behaviours influenced broader perceptions of fear of crime. In this way a ‘signal crime’ carries a semiotic message about the likelihood of more serious victimisation and the potential for harm to the individual. Indeed, signal crimes may not involve ‘crimes’ or behaviours that are particularly serious in criminal justice terms, or indeed be even criminal, but which are nevertheless responsible for generating widespread fear and anxiety (Innes & Fielding, 2002). Anti-social and nuisance behaviours; disordered neighbourhoods, vandalism, litter, graffiti, children hanging around the street, noisy neighbours etc., can all function as ‘signals’ that contribute to a heightened sense of anxiety and worry about the likelihood of future victimisation. As Innes & Fielding (2002) suggest:

This concept [signal crimes] is proposed in order to capture the ways in which different types of crime are important not just in terms of the harm done to the victim, but also in terms of *what they signify and communicate to a wider audience. It is argued that certain crimes are perceived as warning signals by those who experience them either directly, or through media reportage.* Knowledge of these acts may cause a social reaction on the part of the audience, motivated by a desire to manufacture a greater sense of individual or collective security (Section 1.2). [emphasis added]

9.6.3 Innes & Fielding’s (2002) essential point is that a person’s awareness of ‘signal crimes’ should not be seen as irrelevant to their overall perception of safety. Rather signal crimes contribute to high levels of anxiety about the perceived likelihood of victimisation and in another paper Innes, Fielding & Langan (2002), make an important distinction between what they term ‘foreground’ signals and ‘background’ signals. The former relates to direct experience of crime and victimisation, but the latter suggests that people weigh up the likelihood of victimisation from knowledge acquired indirectly, through ‘crime talk’ (Sasson, 1995) which stems from the mass media, friends or other indirect sources.

9.6.4 The persistently high levels of abusive, anti-social and nuisance behaviour that sex workers have to contend with, together with fears of being outed and high levels of immersion in ‘crime talk’ (Sasson, 1995) can all be seen as ‘signals’ that contribute to a risky and scary

worldview. This, of course, is emphatically not to imply that these risks are imagined since sex work as an occupation can be incredibly risky as many commentators attest and much violence and abuse goes unreported (Campbell, 2018; Kinnell, 2008). However, it is to suggest that anti-social and nuisance behaviours interact with other facets of the sex worker's life to reinforce a heightened state of anxiety and concern about broader patterns of victimisation. Indeed, this is something that many sex workers in the narrative interviews felt that Article 64A has contributed in no small measure to.

9.7 Crimes against sex workers as 'hate crime'

9.7.1 Recent research into violence against sex workers (see Campbell, 2018) conceptualises attacks through the prism of hate crime. Such an approach is also given an official imprimatur with the police in Merseyside for example, working closely with the Crown Prosecution Service to designate all crimes and attacks on sex workers as motivated by animus. Campbell (2018) for example, documents how this approach can lead to real improvements in relationships with the police, but perhaps more importantly it has led to major reductions in violence perpetrated against sex workers in Merseyside.

9.7.2 Crimes and other behaviours directed towards sex workers can reflect both a bias motivation that defines the victim as a *legitimate* target (hostility towards a perceived social group) and also as an *easy* target insofar as sex workers can be seen as inherently vulnerable. This reflects Chakraborti & Garland's (2012) assertion that targeting a person or a social group on the basis of their perceived 'vulnerability' and 'difference' are the defining aspects of hate crimes.

9.7.3 Those behaviours that we reported in Table 4 (above) such as threats to report the sex worker to the police or threats of reputational damage are done entirely on the basis of perceived vulnerability and that the sex worker is powerless to fight back. For example, a representative from a sex worker support organisation explained how threats to report the sex worker to the police impact *more* on the sex worker even though it is the client who is committing the actual offence:

If it is a client threatening the sex worker with police, he probably wants something like a sexual service the worker doesn't provide, or perhaps the booking is finished, and he'd like his money back. So, he brings up the threat of the police as leverage to try to get

what he wants. Some workers will stand up to clients like this and refuse to comply due to the fact that the client is supposed to be the one committing the offence, but many others may not know the law and will give in. They will give the client what he wants to avoid problems. That client can cause many problems for the sex worker, if he wishes, and he can do it anonymously too. For example, he can phone an anonymous hotline and report that there is an underage person working at the sex worker's address which will probably prompt a police visit. The sex worker has to fear being recorded as a prostitute in police records, possibly being prosecuted for brothel keeping, losing her accommodation, stuff around immigration and so on. Remember even EU workers can be refused entry at airport/port once they are recorded as a prostitute by police. So generally, the client has not much to fear from police. But the worker has more to fear from police. Threats of reporting to police are just a leverage that some abusive people have learnt they can use with sex workers and, perhaps it will get them what they want (Interview with sex worker support organisation representative).

9.7.4 In many cases it is the sex worker who is manipulated and exploited by a client because of their perceived vulnerability with the latter believing or perceiving that they have the upper hand and that the sex worker is powerless to act. Even in the situation whereby it is the client *not* the sex worker breaking the law, the client has the power to enact considerable harm against the sex worker. Again, this confirms what has been noted about the sex purchase ban in Norway (Amnesty International, 2016; Skilbrei & Holmström, 2013). Namely, that the law in spite of the rhetoric to the contrary disproportionately impacts on the well-being of sex workers, not the clients.

9.8 Perceptions of policing and reporting to the PSNI

9.8.1 This section considers sex workers' experiences of policing in Northern Ireland since this is an issue that has been raised at length in the extant research literature (see Kinnell, 2008; Campbell, 2018) and was discussed in the narrative interviews with sex workers. Many sex workers are wary of the police, or at least are reluctant to report incidents to them which means that crimes committed against sex workers are underrepresented in the crime statistics. The issue of sex workers reporting crimes to the police is a problematic one in sex work research (Klambauer, 2017) and is compounded by the fact that the majority of sex workers in Northern Ireland are likely to be non-nationals, and as such may have negative views of policing in their home countries. It is absolutely not our intention to stereotype particular nations, but it is now

well enough established that some Eastern European nations are characterised by endemic corruption including that of the police (Burtea, 2018). Consequently, impressions of the police in the sex worker's home country are likely to be transferred to the PSNI.

9.8.2 From the sex worker survey conducted for this review (n=199) slightly more sex workers stated that they would not report a crime directly to the PSNI (39.6%) compared to 33% who stated that they would report a crime directly to the police (Figure 2). But what is of interest here is the large category of 'Don't Knows' (27.3%) at nearly one-third of respondents. Presumably this group are undecided and who can be swayed either way. Certainly, the PSNI deserves credit over the last few years in appointing sex worker liaison officers in the Belfast area who are the first port of call for sex workers to contact if they are experiencing any issues. Nevertheless, as we discuss below it is clear that considerable work needs to be undertaken to bridge this reassurance gap.

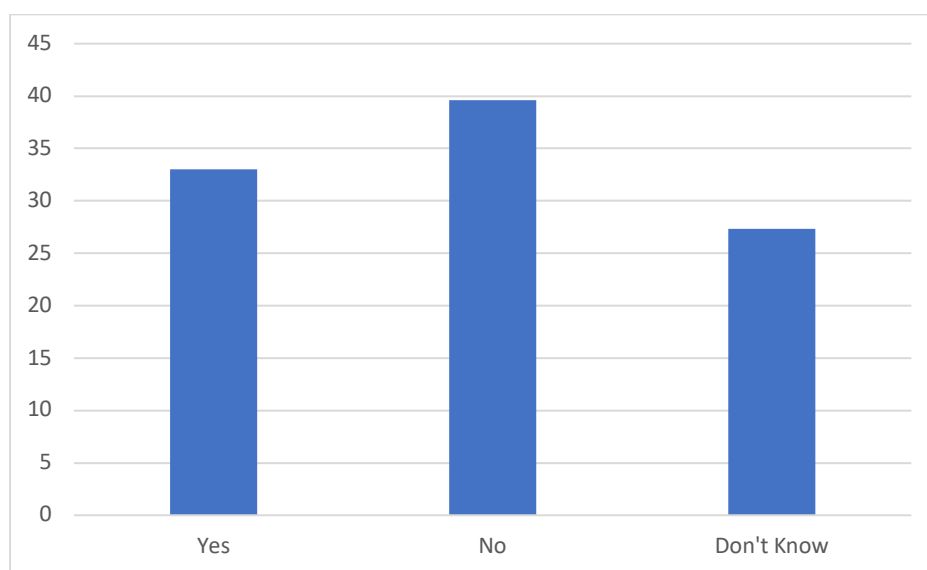


Figure 2: Sex workers who would report a crime to the PSNI (%)

9.8.3 Reasons given for not reporting a crime directly to the PSNI involved concerns about being arrested, reported to a landlord, the police blaming them for what happened and a simple lack of trust. We have listed the principal reasons cited by each sex worker who answered this particular question (n=141) in Table 6. Each respondent could choose up to three reasons. We can see from the data that the principal reasons for not reporting to the police relate to a sense that the police would blame them rather than the perpetrator for what happened (22.6%) or that

the police are not interested in crimes affecting sex workers (21.9%). A small number of sex workers were also concerned that should they report a crime that this would lead to an investigation in which a landlord / mortgage company would be informed and that they could end up losing their accommodation.

Table 6: Reasons for not reporting a crime to the PSNI

	N	%
I would worry that the police would blame me for what happened	32	22.6
I feel the police are not interested in what happens to sex workers	31	21.9
I would worry that the police would arrest me for being a sex worker	25	17.7
I would worry that reporting a crime could result in losing my accommodation	21	14.8
I don't trust the police	21	14.8
I would worry that I would get deported because of my immigration status	9	6.3
I would worry that the police would think I was trafficked and try to deport me	9	6.3
Other reason	7	4.9
I worry that the police are corrupt and would expect me to offer them free sex	6	4.2
I don't know how to contact the police	0	0

The issue of accommodation and potentially being evicted following a police investigation was highlighted by a number of respondents in the qualitative interviews. For example:

I'm fortunate not to have been actually a victim of any sort of assault or anything like that whilst working, but I imagine that if I did report something and the police came out then they would want to contact my landlord possibly, because they might think 'this person is in sex work, in that house, and they don't own it, they are renting maybe the landlord doesn't know'. Interviewee M

That's a worry as well, the police outing you. Interviewee G

9.8.4 Indeed, concerns about being outed means that those interviewees who already publicly identify as sex workers were considerably more likely to report crimes to the police or encourage other sex workers to do so. For example, Interviewee S has gone to the PSNI on behalf of other sex workers who have been the victim of a crime. As Interviewee S commented:

I've sent XXXX [PSNI sex worker liaison officer] screenshots of girls being threatened, like they send them to me and I send them on, because I don't mind contacting them but they don't want to, so I act as a third party, which I know isn't ideal. Interviewee S

9.8.5 Policing Sex Work: Bridging the reassurance gap

It was noted in Chapter 4 that the PSNI alone out of the statutory agencies has probably gone the furthest in providing help and support to sex workers who are in need of assistance through the establishment of two⁵⁹ Sex Worker Liaison Officers who provide a reassurance role and deal with the specific problems that sex workers face in Northern Ireland. This development is a positive one and is fully in line with the NPCC guidance to all police organisations in the UK that we have already discussed. From the survey respondents who answered this question (n=142), 40.8% had heard about the PSNI liaison officers while 50% stated that they had not heard about them. Only 7.7% of sex workers surveyed have had a reason to contact the PSNI's liaison officers. While an awareness figure of just over 40% is reasonable it could nevertheless be higher.

9.8.6 However, there are a number of issues here, not all to do with the PSNI. In the first place, there is no sex worker rights group currently operating in Northern Ireland and the majority of sex workers do not necessarily want to attract the publicity that goes with such a role. Consequently, there is no body outside of SWAI (which operates from the Republic of Ireland) and UM (which is based in London) that can act as a conduit between sex workers and the police and it is rather unfair to expect these organisations to fulfil such a role, particularly since neither are based in the jurisdiction. This means that for new incoming sex workers, including foreign nationals, there is no formal conduit of communication, particularly around issues involving policing and how to report abuse and seek assistance. This is one area where

⁵⁹ Soon to be increased to three.

the PSNI cannot go it alone, it requires the support of sex workers and sex worker support organisations in order to highlight the role of the liaison officers and to respond to issues around violence and abuse.

9.8.7 Nevertheless, the onus is also on the police to engage with sex workers in a way that inspires confidence, which is officially reflected in the guidance issued to police organisations in England, Wales and Northern Ireland by the National Police Chiefs Council (NPCC, 2019). The NPCC further notes that police officers should be sensitive to how the law is enforced when exploitation is absent and that ‘disproportionate enforcement where exploitation is absent is likely to undermine trust and the building of relationships’ (NPCC, 2019: 8). The NPCC guidelines also note that sex workers are more likely to be victims of crime and that police actions which have potential negative impacts on sex workers should be properly risk assessed in terms of what particular outcomes may be for the sex worker(s) concerned (NPCC, 2019: 10). For example, many sex workers interviewed for this study were afraid of contacting the PSNI because they believed that the police would out them to a landlord and get them evicted. In this sense, the police should be sensitive to such concerns, particularly if no crime has been committed. As noted above, this fear of eviction is a key concern cited by sex workers for not reporting crimes to the PSNI.

9.8.8 NPCC guidance also notes that ‘there is a solid base of evidence that confirms that the majority of migrant sex workers are not trafficked’ (2019: 15) and has issued operational guidance to UK police services to ensure they have clear ‘enforcement guidance for action against parties involved in trafficking, coercion and sexual exploitation which does not conflate sex work with trafficking and recognizes that a small minority of sex workers are trafficked’ (2019: 11). As such, the police should be mindful when they conduct anti-trafficking operations that they do not instil fear into sex workers and that such operations should be handled sensitively. Indeed, some sex workers noticed a change in policing since the implementation of Article 64A:

Before [Article 64A] they came to a house I was in, and were just checking I was okay, not like obviously trafficked, or any signs of a pimp, and then left. Since then, raids have happened, and I was in a flat known to be used by sex workers, and I wasn’t even working, I was actually studying, and they came and threatened to break the door down,

take all my things if I didn't answer questions right, and it was really intimidating.

Interviewee T

9.8.9 This of course, highlights tensions between the enforcement and reassurance aspects of policing and how these aspects can be balanced in a way that does not reduce the trust of sex workers in the police even further. It should be noted from the survey that some responses are particular to migrant workers – such as concern that they would be deported, or have their legal status questioned, which potentially makes this group particularly vulnerable to a lack of legal protections if affected by crime. Migrant sex workers are less likely to report crimes to police, due to their immigration status, fearing that they may have issues with visas, or for those living in Northern Ireland illegally, deportation. Interviewee S discussed a migrant sex worker who she has been encouraging to speak to the police about a recent robbery, but who is resistant to do so because of her fear being outed as sex worker. This is compounded by the fear of her (reportedly legitimate) migrant status affecting the type of response she feels she would receive.

My friend was robbed, a few months ago, and I was like ‘go to the police, I’ll go with you’, it happened here in Belfast... There were three or four other girls – it was just before Christmas actually, ‘Look go, I’ll go with you’. They were foreign, so they were a bit worried about that. Interviewee S

9.8.10 Certainly, while the research team has been made aware of particular nationalities of sex worker (e.g. Romanian) feeling that they have been specifically targeted by the police on the grounds that they might be trafficked, it is nevertheless unrealistic to expect a police officer *not* to enquire about someone’s immigration status if this is in doubt. Indeed, this very issue was raised by one of the PSNI’s liaison officers who commented:

On the other hand, if a sex worker phones us and there is a real ongoing emergency, and someone is getting hurt, the police that attend is not going to be me... But they are going to have to check, and if someone is here illegally, we are not in the position of saying ‘oh that’s alright’ [but] there’s more of a support mechanism for people in that situation (Officer 2).

9.8.11 While many sex workers in our qualitative interviews were very positive about the PSNI's liaison officer scheme, some felt that improvements could be made around response times and replies to emails. Sex workers need to know that they will be listened to irrespective of whether they get the desired outcome in policing terms and part of this is dealing with issues quickly and responding promptly. Indeed, the literature on trust in police confirms that victims have a higher regard for the police when they feel that their concerns are acknowledged promptly and when they feel that they are being listened to (Jackson & Bradford, 2010).

9.9 The lone working policy and brothel keeping

9.9.1 Sex worker rights organisations including the Sex Worker's Alliance Ireland (SWAI) have long campaigned for an end to the lone working policy that is characteristic of the legal systems in the United Kingdom and Ireland. Technically, while selling sex is not illegal in the UK, the laws governing brothels in Northern Ireland – which date from the Criminal Law Amendment Act 1885 – effectively make them illegal. A house, apartment, sauna, massage parlour etc., can be defined as a brothel if they are used by more than one person for the purpose of prostitution. A property can still be construed as a brothel if it is occupied by *different* people on *different* days for the purposes of prostitution, even though it is only ever occupied by one person at a time.

9.9.2 Sex worker rights activists and others have argued that forcing sex workers to work alone increases their risks of victimisation since there is no one to assist in the event that the sex worker is attacked or assaulted by a client. In the sex worker survey, we asked sex workers about working with a colleague or friend and whether this would make them feel safer. The responses to this Likert scale question can be seen from the data in Figure 3. A majority of respondents (62.9%) felt that working with a colleague / friend would make them feel safer, while a further 7.4% felt it would make them feel 'a bit safer'. However, 17% of respondents felt that it wouldn't change anything while a further 8.8% did not know.

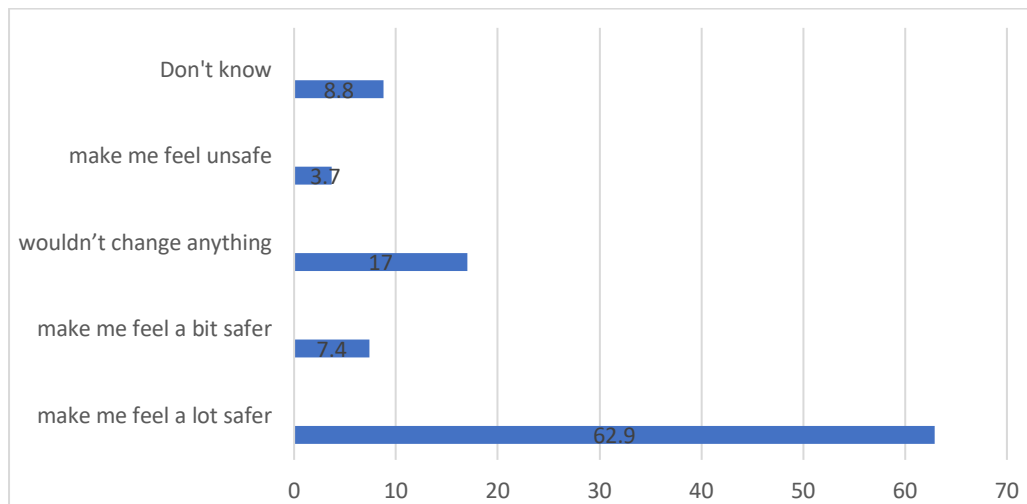


Figure 3: Would working with a friend make the sex worker feel safer?

9.10 Conclusions

9.10.1 This chapter has explored the nature of violence and abuse directed to sex workers and sits with those aspects of the DOJ specification that required the researchers to consider the impact of Article 64A on sex workers in the aftermath of the legislation. Data for this chapter was obtained from the community resource, UM which provided self-report data for the census period. However, we supplemented the analysis with data from the sex worker survey and also the narrative interview accounts from sex workers.

9.10.2 The UM data indicates that incidents of serious and violent crimes against sex workers in Northern Ireland are low in the main. While some violent crimes such as assaults have increased since 2016 whether this is due to the legislation or some other factor(s) remains unknowable.

9.10.3 What the UM data does illustrate more clearly is that there has been an increase in instances of anti-social and abusive behaviours which are far more prevalent since 2016. It was pointed out that while some of these activities may seem relatively minor we used the conceptualisation of signal crimes devised by Martin Innes and Nigel Fielding to suggest that when low level nuisance activities intermesh with other concerns such as the fear of being outed these come together to create the perfect storm of anxiety that may have deep psychological consequences.

9.10.4 Sex workers in the survey and in the narrative interviews noted that Section 64A has increased anxieties and tensions both in terms of being victimised but also express a heightened sense of danger in the aftermath of Article 64A.

9.10.5 The appointment of sex worker liaison officers by the Police Service of Northern Ireland was generally welcomed by sex workers, but the number of sex workers who know about the scheme, is comparatively low. The problem we suggested here was that there is no engaged sex worker support base in Northern Ireland⁶⁰ which can publicise these officers to new and incoming touring sex workers who may be unfamiliar with the jurisdiction. However, some sex workers avoid reporting to the police because they feel that the police may out them, even inadvertently in the course of an investigation.

9.10.6 One of the immediate policy areas that would contribute to an overall feeling of safety among sex working populations would be a revision to the laws governing brothels and lone working. A sizeable majority of respondents in the survey stated that allowing them to work with a friend or colleague would make them feel safer.

⁶⁰ We fully recognise that the Belfast Commercial Sex Workers Service provides invaluable assistance to sex workers but in the main engages with the few remaining on-street sex workers and this service is established to provide sexual health screening. It is not intended to campaign for the rights of sex workers and as such there is no organisation in Northern Ireland that can act as a bridge between sex workers and official agencies.

CHAPTER 10: CONCLUSIONS

This report has followed the project specifications laid down by the Northern Ireland Department of Justice (DOJ) that required the research team to provide information on a number of key areas relating to the supply and demand for prostitution in the jurisdiction, the impact of the legislation on human trafficking and the effects of the legislation on the well-being of sex workers. In this report we have been guided solely by the data including the narrative interviews with sex workers who were able to express at length how the legislative change has impacted upon them.

As noted in the Introduction, Northern Ireland is the only jurisdiction as far as we are aware whereby prevalence data exists from the time *before* the sex purchase legislation was implemented and also in the three years *after* its implementation. The Northern Ireland DOJ study undertaken in 2014 (the year before Article 64A was implemented) surveyed both the on-street sector in Northern Ireland *and* the off-street, online sector and estimated daily prevalence rates for prostitution in the jurisdiction. Contrary to some media reports that incorrectly claimed Northern Ireland had some of the highest rates of prostitution in Europe (BBC, 2011) the earlier DOJ research found that prostitution in Belfast and Northern Ireland generally was comparatively low, at least by the standards of other parts of the United Kingdom and Ireland. This earlier DOJ study also found that the on-street sector in Northern Ireland was fairly marginal, a feature that was confirmed in the present study. Nevertheless, this earlier research established a baseline for prostitution in Northern Ireland from which the effects of the sex purchase legislation, both on the supply and demand for prostitution and also on the working practices and well-being of sex workers can be assessed.

In this report we have assessed both the supply of prostitution (Chapters 6 and 7) and demand for prostitution (Chapter 8) following the implementation of Article 64A. Perhaps the most important data source in estimating supply is the trend analysis of the Escort Ireland dataset which covered a period of three years before the legislation and three years following the implementation of the legislation. The Escort Ireland dataset is based on raw advertising data and as such is not open to interpretation by the researchers. In other words, it points to an actual advertisement for commercial sexual services that was paid for by a sex worker during a specific period of time. As we outline in Chapter 6 this method of estimating prevalence is more reliable than scraping data from a website which has the tendency to inflate duplicate or out of date advertising profiles. By contrast, we can assume that if a sex worker is going to pay between £300 and £700 for an advertisement, they are going to work for the period covered by

the advertisement and in this respect, we would reiterate that the data is accurate in pointing to actual trends. It should also be noted that the sheer number of advertising profiles analysed (173,460) means that we can confirm with a fairly high degree of statistical reliability what these trends are.

The trend analysis of the Escort Ireland dataset suggests that none of the foundational claims of the Nordic model can be supported. We did not find for example, that the assumed reduction in demand that the law would bring has led to a reduction in supply. On the contrary, we found that the supply of commercial sexual services appears to have actually *increased* in the period following the implementation of the legislation. Nor did we find the huge tail off in the number of sex workers operating in Northern Ireland that we were perhaps expecting. While the overall number of sex workers decreased between 2016 and 2017 in percentage terms these decreases were more apparent among male and TS / TV sex workers. However, the number of sex workers in Northern Ireland increased again from 2017 and by 2018 the numbers were higher than in the period before the law was implemented.

One of the strangest findings for the researchers concerns the apparent increases in the supply of prostitution in the post-law period. The advertising data from Lazarus Trading S.L. suggest quite clearly that in the pre-law period, there were 84,609 advertisements for commercial sex placed on the Escort Ireland platform, but in the post-law period this increased to 88,851: an increase of 4,242. Likewise, more unique sex workers advertised in the post-law period, increasing from 3,351 to 3,973, an increase of 622 sex workers. As we saw in Chapter 6, more unique sex workers were advertising in Northern Ireland in 2018, then there were in 2012 and 2013, before the sex purchase legislation came into effect. In addition, we were also able to note from the Escort Ireland data that 1,789 (45%) sex workers who advertised in the post-law period were new to the platform. In other words, a substantial number of sex workers began advertising on the Escort Ireland platform *after* the implementation of Article 64A. Consequently, it is difficult to argue that Article 64A has had any noticeable effect on deterring sex workers from working or limiting their availability in the jurisdiction.

The DOJ specification for the project required us to focus on estimating prevalence post-law rather than addressing the more analytical ‘how’ and ‘why’ questions that some of our findings might throw up. Indeed, these post-law increases in the supply of prostitution are counter-intuitive insofar as they point to a finding that we should not expect i.e. an increase in prostitution activity during a period when sex-purchase legislation is in operation. That being the case, it may suggest that sex-purchase legislation is not particularly effective at reducing either the supply or demand for prostitution and in particular circumstances may actually

increase both. A more detailed statistical analysis of the Escort Ireland dataset may shed some light on these findings, but many sex workers in the narrative interviews also reported a huge surge in business around the time that Article 64A was legislated for which suggests that the Escort Ireland dataset is pointing to accurate trends.

Furthermore, we noted in this report that there have been few arrests, prosecutions and convictions under Article 64A and the two convictions that have ensued have had nothing to do with either human trafficking for sexual exploitation or prostitution. This however, points to a larger problem. Namely, the difficulties in detecting an offence that has been committed online and which remains largely hidden. This is amplified in Northern Ireland by the fact that prostitution in the jurisdiction is almost entirely transacted via the Internet, and we would estimate this to be in the region of 99%. The on-street sector in Belfast, which was marginal to begin with has in 2019 all but disappeared. Indeed, Northern Ireland is probably one of the few jurisdictions in the UK or Ireland that does not have a visible on-street sector in any of its larger towns and cities. However, the online nature of commercial sex in Northern Ireland poses particular problems for the proponents of sex purchase legislation insofar as it is difficult if not impossible for routine patrol officers to detect when and if an offence under the legislation has occurred. Police officers in Northern Ireland are prohibited from using some of the surveillance techniques that the Swedish police apparently have access to, and both PSNI officers and PPS officials interviewed for this study drew attention to the evidential and prosecutorial difficulties posed by Article 64A. The evidence suggests that sex purchase legislation is simply not effective in dealing with prostitution in those scenarios where it is transacted online, and where it remains largely hidden from view.

We noted in Chapter 9 that some critics of sex purchase legislation both in the Nordic regions and elsewhere have claimed that this legislation leads to increases in violence and abuse against sex workers. We were able to empirically test the substance of this view in the current report since we had self-report data from UglyMugs.ie for the pre- and post-law periods, as well as drawing from data in the sex worker survey that we conducted. Contrary to expectation and some of the extant literature we did not find the increases in serious violence and abuse directed towards sex workers in Northern Ireland that we were expecting which remained comparatively low, but in line with other UK based studies of Internet-based sex workers (i.e. see Beyond the Gaze, 2019). However, what we did find was an increase in anti-social, nuisance and abusive behaviours directed to sex workers and we suggested that these contributed to higher levels of fear of crime in the sense that they functioned as ‘signals’ for perceptions of more widespread victimisation. The ways that these forms of abuse impact specifically on women and affect

gendered perceptions of fear of crime remains an important area for future study. Qualitatively, in the narrative interviews many sex workers felt that Article 64A had contributed to a riskier environment for sex work and that they were being asked and forced to perform sexual practices that they would not ordinarily do. On the whole, respondents felt that the law had contributed to the stigmatisation that many sex workers already feel and had contributed to a more unsettled and anxious work environment.

Of course, it may be asked why serious violence and abuse are not higher in Northern Ireland if other studies are pointing to increases elsewhere? The short answer to this is that those studies undertaken (mainly) in the Nordic regions (see Chapter 9) are based largely on the experiences of on-street selling population, which we know attract a higher level of abuse and violence anyway. Critics of the legislation may be correct in what they allege in relation to on-street sellers, but Northern Ireland provides an illustration of violence and abuse in an environment where 99% of sex workers are online with commercial sex occurring almost exclusively indoors. In terms of overall safety, we also noted that a majority of sex workers felt that changes to the lone working and brothel keeping policies would allow them to take even more precautions to keep themselves safe.

In regard to the demand for commercial sexual services explored in Chapter 8 our analysis suggests that sex purchase legislation in Northern Ireland has not significantly altered client behaviour. Our discussion illustrated that for a very small minority of clients the new law may make them stop purchasing sex or reduce the frequency with which they did so but will have little effect on the majority of purchasers. Furthermore, we reported the finding that almost one-third of the Northern Ireland client sample thought that purchasing sex was illegal anyway so it is difficult to see what the deterrent effect of the law would be. We also noted the view reflected in other studies of prostitution that attempting to enforce laws which are difficult to police and around which there exists no normative agreement may render such laws ineffectual as a way of modifying behaviour (see Hernæs, Jakobsson and Kotsadam, 2014). Certainly, as we have alluded to in the report, few clients in Northern Ireland are likely to be apprehended by routine patrol officers given that commercial sex is transacted from the anonymity of the Internet which raises the kinds of evidential and prosecutorial problems identified by the senior PPS officials that we interviewed for the study. In any case, clients in Northern Ireland and the Republic of Ireland appear to have developed a number of strategies to avoid detection which reduces the deterrent effect of the law even further.

It may be disappointing for proponents of this legislation that the research did not uncover more evidence of a reduction in prostitution in Northern Ireland, particularly since this

was hailed as such a success in Sweden, and one of the main reasons why the Nordic model (so termed) has been exported internationally. However, we would respond by suggesting that the evidence base from Sweden and the Nordic countries generally is simply not strong enough to support the proposition that sex purchase legislation has led to the massive decreases in prostitution and human trafficking that are alleged to have occurred in those jurisdictions. We noted in the Introduction that we are not aware of any prevalence studies from the Nordic regions relating to before and after the legislation was introduced, nor are we aware of any trend analyses of administrator data from ASWs that operate in these regions which would provide a clearer indication of prevalence rates. Certainly, the evidence from Northern Ireland based on a comparison of the before and after data suggests very strongly that Article 64A has had minimal to no effect on the demand for prostitution, the number of active sex workers in the jurisdiction and on levels of human trafficking for sexual exploitation.

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