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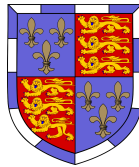


UNIVERSITY OF  
CAMBRIDGE

Sex Trafficking and State Intervention:  
Conflicts and Contradictions  
during the 2012 London Olympics

Charmaine Jelbert

University of Cambridge Centre for Gender Studies  
St. John's College



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## Summary

Charmaine Jelbert

*Sex Trafficking and State Intervention:  
Conflicts and Contradictions during the 2012 London Olympics*

This thesis focuses on the British human trafficking prevention policies adopted for the 2012 London Olympics using mixed methods including participation-observation, qualitative interviews, theoretical analysis and policy evaluation.

I was invited to observe the *Human Trafficking Network and London 2012*, the Mayor of London's official response to the claim that human trafficking would increase at the London Olympics. My presence enabled me to witness first-hand the key policy debates surrounding human trafficking intervention and to conduct a series of in-depth interviews with members of the *Human Trafficking Network* as well as associated professionals such as the United Kingdom Human Trafficking Centre, MPs, governmental and non-governmental agencies, law enforcement officials, anti-trafficking groups, sex workers, sex workers outreach services and academics.

In addition to collecting rich empirical data, I contextualise these policy debates within two relevant theoretical frameworks. First, I draw upon the work of Weitzer (2007) to examine the construction of the four underlying claims that human trafficking increases before and during large sporting events. Significantly, this perspective is built upon an anti-prostitution agenda of the partial criminalisation proponents, which collapses all migration for prostitution together with human trafficking (Weitzer 2005, Kempadoo 2005, Milivojevic and Pickering 2008, Kinnell 2009, Mai 2009, Mai 2012, Weitzer 2014). This same conceptualisation of human trafficking as the nexus of prostitution, migration and crime is replicated within the global anti-trafficking framework (Milivojevic and Pickering 2013), resulting in two approaches to human trafficking prevention policies — Security Governance and Human Rights — which together resulted in preventions measures that target prostitution and control migration.

Finally, I draw upon my empirical evidence to critically examine the effects of the claim that human trafficking increases over the Olympics and, moreover, situate the response by the Mayor of London within the global anti-trafficking framework. This framework highlights the contradictions and, in some instances, failures between the approaches to human trafficking and the stated purpose of the *Human Trafficking Network*. The thesis concludes with two innovative policy recommendations for human trafficking prevention programmes.

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## Introduction

This thesis examines the nexus of human trafficking, migration, prostitution/sex work<sup>1</sup> and state interventions around the 2012 London Olympics. Data was collected from privileged access to the *Human Trafficking Network* that included observations on the anti-trafficking policy decisions and interviews with members of this group, this thesis grounds the prevention policies within the scholarly and policy debates around human trafficking.

In recent years, there has been a growing concern that human trafficking for sexual exploitation has been exacerbated by large sporting events attracting high numbers of male spectators (Hayes 2010; Ham 2011). In London, for instance, it was estimated that 40,000 women would be trafficked for the 2012 London Olympics (The Platform 19 April 2012<sup>2</sup>). In a similar vein, the *Anti-Trafficking Alliance*, stated prior to the London Olympics:

“In 2012, the eyes of the world will be on London as it hosts the Olympic and Paralympics Games. Sport can be a positive force in the lives of Londoners, but major sporting events have also been linked with increases in trafficking” (Anti-Trafficking Alliance 2014<sup>3</sup>)

The concern is based upon four claims. First, that an increase in male spectators would contribute to an overall increase in demand for sex in the host country: “Major sporting events — such as Euro 2012 and the London Olympics — are regularly coupled with a spectacular increase in the demand for sexual services” (Pape 2012<sup>4</sup>; see also BBC News 16

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<sup>1</sup> An important note for this discussion on the use of the terms ‘prostituted women/people’ and ‘sex work’ is that they indicate a particular stance. For those who want prostitution abolished through penal regulation the label is ‘prostituted women/people’ and ‘prostitution’, which as will be discussed in Chapter Three is owing to the perspective that prostitution is not a legitimate form of employment. In the context of the UK this perspective is called ‘partial criminalisation’ as it adds a layer of criminalisation to the activity of selling sex. This is contrasted with the policies in Sweden, where it the term is ‘partial decriminalisation’, as it removes criminalisation from women selling sex, whilst criminalising the men who purchase sex. In this thesis the term will be partial criminalisation as the focus is the British law, unless when referring to the model in Sweden, which is mostly in Chapter Four. Whilst those advocating for the decriminalisation of sex work, I refer to in this thesis as ‘sex work’ proponents, who use labels such as ‘sex worker’ or ‘sex work’, because they consider selling sex to be a form of legitimate employment. In this thesis, I use the particular labels to reflect the particular position within the discussion. However, to avoid confusion when I am not discussing a particular stance of viewpoint, I use the phrase ‘prostituted people/sex worker’ and ‘prostitution/sex work’.

<sup>2</sup> THE PLATFORM. <http://www.the-platform.org.uk/2012/04/19/human-trafficking-and-the-london-olympics/>

<sup>3</sup> ANTI-TRAFFICKING ALLIANCE. <http://www.atalliance.org.uk/index.php/sex-trafficking/2012-olympics>

<sup>4</sup> PAPE. <http://www.publicserviceeurope.com/article/2029/euro-2012-and-olympics-likely-to-see-boom-in-prostitution>

July 2008<sup>5</sup>; BBC News 9 July 2009<sup>6</sup>). The second claim is that the demand for sexual services will be met with a supply of prostituted women (Tacopino 2010<sup>7</sup>). The increase in prostitution/sex work is closely related to the third claim that collapses prostitution/sex work with human trafficking — “[a]ll the research and evidence available shows that when you have large flows of women for sexual purposes, there is going to be trafficking” (John Miller, 10 June 2006 quoted in Milivojevic and Pickering 2008, p. 32; see also Hennig *et al* 2006; Ham 2011; Milivojevic and Pickering 2013). Therefore, these prostituted women are framed as innocent victims who are forced into prostitution against their will (Dagistanli and Milivojevic 2013, p. 237). The fourth claim is that any migration over the period of a large sporting event for the purposes of prostitution has become synonymous with human trafficking (Milivojevic and Pickering 2008; Weitzer 2011).

Yet, there is no conclusive evidence from previous large sporting events to support the claim that human trafficking increases over these large sporting events (Ban Ying 2006; Hennig *et al* 2006; Milivojevic and Pickering 2008; Milivojevic 2008; Gould 2010; Richter and Massawe 2010; Ham 2011).

This thesis situates the claim that large sporting events increase human trafficking within the moral crusade’s framework. The moral crusade is shown to be grounded within the partial criminalisation arguments. Moreover, the UK government’s response to human trafficking over the 2012 London Olympics is contextualised within the global anti-trafficking framework, which conceptions of human trafficking as prostitution/sex work, migration and serious organised crime shape the anti-trafficking interventions.

## **1. Moral Crusade**

These four claims about human trafficking and large sporting events (‘male demand’, ‘prostitution’, ‘link to human trafficking’ and ‘migration’) rest upon the seven claims of the trafficking moral crusade (Weitzer 2007). These seven claims are: first, prostitution is a form

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<sup>5</sup> BBC NEWS. <http://news.bbc.co.uk/2/hi/africa/7509357.stm>

<sup>6</sup> BBC NEWS. [http://news.bbc.co.uk/2/hi/uk\\_news/england/london/8150364.stm](http://news.bbc.co.uk/2/hi/uk_news/england/london/8150364.stm)

<sup>7</sup> TACOPINO. <http://www.nydailynews.com/news/world/40-000-prostitutes-bound-south-africa-2010-world-cup-officials-warn-article-1.162894>



of violence against women; second, violence is present in both trafficking and prostitution; third, customers and traffickers are personifications of 'evil'; fourth, sex workers lack agency; fifth, prostitution and sex trafficking are inextricably linked; sixth, the magnitude of trafficking and prostitution are on the increase; and seventh, the legalization of prostitution makes the situation worse for trafficking victims and prostituted women/people.

Moral crusades construct a social condition as an unqualified 'evil' (Weitzer 2007) that is based upon certain claims put forward by interested groups. However, these claims may not accurately reflect the social order accurately (Weitzer 2007, p. 448). Indeed, often moral crusades rest upon claims that cast the problem "in highly dramatic terms by recounting the plight of highly traumatized victims...intended to alarm the public and policy makers and justify draconian solutions...Moreover, crusade leaders...are not inclined to acknowledge gray areas and are adamant that a particular evil exists precisely as they predict it" (Weitzer 2007, p. 488).

Thus, the relevance that the claim of large sporting events increasing human trafficking is a moral crusade is two fold in terms of the debates around prevention. First, it is important to understand that these core claims are rooted in the position of the partial criminalisation<sup>8</sup> on prostitution. The second point is the moral crusade is an attempt "to redraw or bolster normative boundaries and moral standards" (Weitzer 2007, p. 488). Moreover, as will be argued, these responses are informed by the global anti-trafficking framework that police sex prostitution and restrict migration (Milivojevic and Pickering 2013).

## **2. Partial Criminalisation and Prostitution**

The moral crusade is based upon the core claims of the partial criminalisation proponents. Firstly, these partial criminalisation theorists view women selling sex as victims and slaves within a patriarchal system (MacKinnon 1993), which is perpetuated by the male demand for sex (Bindel 2003; Ekberg 2004; Baptie 2009; Mackinnon 2011). As such, prostituted

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<sup>8</sup> Partial decriminalisation is a type of prostitution regulation that seeks to criminalise men who purchase sex and treat women as victims. It views prostitution as a form of violence against women and a good example of a partial decriminalisation system is the Swedish Model. In Britain it has not adopted the Swedish Model completely and only criminalises men who purchase sex from a women who has been forced, thus it is more aptly named partial criminalisation. In the context of this thesis, as I am referring to the British policy, I use partial criminalisation, unless referring to the Swedish Model.

women are not viewed as making a choice to sell sex, which renders prostitution a form of violence against women (Bindel 2003; Ekberg 2004; MacKinnon 2011). If autonomy (where the individual has the freedom to act without constraints) and welfare (the mental and physical well-being of the individual) are neither present in prostitution nor human trafficking, then they are equivalent. Both prostitution and human trafficking are seen as producing victims in the sex industry — the prostituted women/people and the trafficking victim.

The roots of the partial criminalisation “traces to Western/Euro-American middle-class antiprostitution feminist lobbies in the late nineteenth century around the “white slave trade”, which reemerged in the late 1970s as “female sexual slavery”... this perspective attaches trafficking exclusively to prostitution” (Kempadoo 2005, p. 36). Since, these women are victims, the partial criminalisation perspective argues it is inappropriate to criminalise them (Ekberg 2004). Rather, the model proposes to target and criminalise the men who fuel demand for sex (Ekberg 2004; Baptie 2009), and thus reduce the demand for sex (Ekberg 2004; Baptie 2009), hence it is referred to as partial decriminalisation or partial criminalisation, depending on the particular response of adding or removing criminalisation. By removing the vital component of demand, the partial criminalisation proponents believe will cause the sex industry to lose profitability and to eventually collapse (Bindel 2003; Ekberg 2004; Baptie 2009). Furthermore, targeting demand eliminates the incentive to buy sex or for those to traffic victims for sexual exploitation (Mackinnon 2011).

However, the “transnational” feminist perspective” (Kempadoo 2005, p. 36) or referred to as the ‘sex work’ perspective within this thesis, criticize the lack of distinction between sex work and human trafficking, and the approach of criminalising male buyers. Proponents of the ‘sex work’ perspective argue that selling sex is work and that sex work is distinct from human trafficking, as women may choose to sell sex.

Moreover, the ‘sex work’ proponents argue that to collapse sex work with human trafficking is to overlook the different experiences of sex workers with those who are forcibly trafficked into sex slavery. In particular, it is argued that partial criminalisation perspective constructs human trafficking victims as gendered and racialised stereotypes:

“(1) discount[s] women’s agency, (2) establish[es] a standard for victimization that most trafficked persons cannot meet, and (3) unjustly prioritize[s] the sexual traffic of white women over the traffic of women and men of all races who are trafficked for purposes including, but not exclusive to, the sex trade” (Lobasz 2009, p. 322)

The ‘sex work’ perspective holds a view of trafficking as more complex and of victims as more nuanced. As Kempadoo explains;

“trafficking as both a discourse and practice that emerges from the intersections of state, capitalist, patriarchal, and racialized relations of power with the operation of women’s agency and desire to shape their own lives and strategies for survival and livelihood...women are not simply located as victims of terrifying or paralyzing male power or as a homogenous group. Rather, they are co-located in this perspective as agentic, self-determining, differentially positioned subjects who are capable of negotiating, complying with, as well as consciously opposing and transforming relations of power, whether these are embedded in institutions of slavery, prostitution, marriage, the household, or the labor market” (Kempadoo 2005, p. 36-37)

The ‘sex work’ proponents argue that if women have autonomy to freely choose to sell sex then voluntary sex workers will meet the demand for sex and the sex market can be regulated through laws or sex workers’ unions to eradicate potential harm and ensure overall welfare of sex workers (Levenkron 2007, p. 10-11; Outshoorn 2005). These consenting sex workers can report abuses, without fear of repercussion from the law enforcement officials (Levenkron 2007, p. 10-11). Indeed, by legalising sex work the police will be freer to “focus their attention on more serious crimes, such as trafficking and child prostitution” (Hayes 2010, p. 1118).

The ‘sex work’ proponents are further concerned that nation states response to human trafficking as “the primary provider of benevolent (masculine) protection” (Segrave *et al* 2012, p. xviii):

“[G]iven the history of the use of anti-trafficking measures to police and punish female migrants and female sex workers and to restrict their freedom of movement rather than to protect them from violence and abuse, serious doubts are raised as to appropriateness of the existing anti-trafficking framework” (Weijers 1998, p. 26 quoted in Doezema 1999, p. 46<sup>9</sup>)

Moreover, as Doezema highlighted how anti-trafficking measures target prostitution and as will be discussed within this thesis the contemporary anti-trafficking measures prioritize border security and thus, restrict irregular migration (Milivojevic and Pickering 2013).

### **3. Global Anti-Trafficking Framework**

Milivojevic and Pickering argue that the global anti-trafficking framework rests upon three conceptualisations of human trafficking as prostitution, crime and migration. The results of these conceptualisations are that trafficking is “exploited in a pursuit of other agendas, foremost in regard to immigration policy and the suppression of sex work” (Milivojevic and Pickering 2008, p. 25; see also Anderson and Davidson 2004; Kempadoo 2005).

#### Immigration Policies

The framing of human trafficking as migration is connected to serious organised criminal networks (Spencer 2011, p. 170; see also Lee 2011). Andrijasevic argues that conceptualising human trafficking as an abuse occurring during the migratory process was used to highlight the victimhood (Andrijasevic 2010). However, these conceptualisations have created a ‘moral panic’ about floods of immigrants, which Spencer argues has deflected the attention from the structural causes of abuse (Spencer 2011, p. 3). Indeed, a particular structural cause of trafficking is the state’s tightened employment and immigration regulations that has facilitated the need for intermediaries to assist with overcoming restrictive visa and border controls (Milivojevic and Pickering 2008, p. 28; see also Chapkis 2003; Sanghera 2005; Andrijasevic 2010; Spencer 2011; Lee 2011). These restrictive regimes put migrants into the hands of these intermediaries and into potential situations of

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<sup>9</sup> DOEZEMA. <http://www.walnet.org/csis/papers/doezema-loose.html>

abuse, exploitation and possible human trafficking. Furthermore, these immigration policies have “put migrants at risk of detention and deportation” (Andrijasevic 2010, p. 142-143).

Spencer argues that this particular conceptualisation of human trafficking as migration and serious organised crime concern has prioritised immigration controls over the rights of a victim. Milivojevic and Pickering stated that around the World Cup in Germany 2006 there was a “moral panic about trafficking”, which they argue “was another illustration of merging punitive border protection, the criminalization of women, and the undermining of women’s rights, under the cover of protection of women” (Milivojevic and Pickering 2008, p. 28; see also Dagistanli and Milivojevic 2013).

### Suppression of Prostitution

Trafficking of people, particularly sex trafficking, as a moral crusade, is “firmly located in milieu of sex, gender, women’s sexuality and sex work” (Dagistanli and Milivojevic 2013, p. 237). The result has been paternalistic measures to protect and rescue women, which caused tensions “that arise from women’s acting upon their desire for spatial, labour, affective and social mobility, are all depoliticised through the discourse of ... ‘victims’” (Andrijasevic 2010, p. 143). As discussed above, these tensions are owing to the partial criminalisation beliefs on prostitution. Yet, this understanding of trafficking as integrated into the sex industry “is predominately used by states to legitimise repressive measures against migrants and sex workers rather than to protect them from abuse and secure their rights” (Andrijasevic 2010, p. 142).

In the lead up to the London Olympics, a 2012 report by London City Hall found that in the London borough of Newham, one of the six host boroughs of the London Olympics, the police had closed down 80 brothels in the past 18 months (BBC News London 2 April 2012<sup>10</sup>). “For the last two years we’ve seen a real increase in police activity in relation to sex work in the Olympic host boroughs” said Georgina Perry, Director of Open Doors, which is a publicly funded service and an independent body which supports East London sex workers

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<sup>10</sup> BBC NEWS LONDON. <http://www.bbc.co.uk/news/uk-england-london-17588665>

(Lee 2012<sup>11</sup>; News Inquirer 2012<sup>12</sup>). The women were asked by the police to move on from the areas, being told that “[t]hey’re not wanted there during the Olympic Games” (Lee 2012, see also News Inquirer 2012). The increase of arrests in the first two and a half months of 2012 already exceeded the arrest levels for the whole of 2011 (BBC News London 2 April 2012). “In Tower Hamlets, 48 arrests have been made since January, compared to 44 arrests in the whole of 2011. In Newham, the project found that police made 21 arrests in November and December 2011” (BBC News London 2 April 2012).

In what follows, I outline the thesis structure and explain the relationship between large sporting events, the sale of sex and human trafficking.

#### 4. Thesis Outline

Chapter One sets out the methodological approach of the thesis. I also introduce the main site of analysis — the *Human Trafficking and London 2012 Network (Human Trafficking Network)*. This formal network was established by the Mayor of London, Boris Johnson, as a response to the claim of human trafficking increasing during the London Olympics. The *Human Trafficking Network* consisted of a number of relevant professional organisations and charities charged with the task of devising the optimal human trafficking prevention programme. The data in this dissertation was collected over three years using ‘participation-observation’ within the *Human Trafficking Network*. This included the process of ‘elite interviewing’. I discuss the ethical considerations regarding the process of interviewing. Interviewees were members of the *Human Trafficking Network*, the *United Kingdom Human Trafficking Centre*, MPs, governmental and non-governmental agencies, anti-trafficking groups, sex workers, sex worker outreach services, as well as local and international academics. Finally, I position myself as the researcher both within and without the *Human Trafficking Network*.

Chapter Two provides a deeper exploration of human trafficking. Human trafficking is said to comprise criminal activities of kidnapping, deception, forced labour, sexual exploitation

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<sup>11</sup> LEE. <http://sports.yahoo.com/news/london-prostitutes-cleaned-streets-053158916--oly.html>

<sup>12</sup> NEWS INQUIRER. <http://newsinfo.inquirer.net/234183/olympics-london-prostitutes-cleaned-from-the-streets>

and subjecting people to slave-like conditions (United Nations 2000). Yet, it is a highly contested term that often ignores the nuances and the individual's agency and experiences (Weitzer 2005; Mai 2012). The chapter explores the UN *Palermo Protocol* and breaks the definition down into the three elements of human trafficking — the act, the means and the purpose. There are further contested understandings about the causes of human trafficking, thus, there is a discussion on two important structural cases of trafficking: the immigration policies of countries that make individuals vulnerable to human trafficking and the individual's choice and agency in the migratory project.

The Third Chapter seeks to frame the seven claims of the 'moral crusade' (Weitzer 2007) within the 'sex wars'. Within this discussion, I add one point, which is the partial criminalisation argument of gender inequality being inherent in prostitution. Moreover, I combine two points, which is the presence of violence in both trafficking as prostitution and discuss it within the point that prostitution and sex trafficking are inextricably linked. These claims of the partial criminalisation proponents are aligned with the seven claims of the moral crusaders. There are three claims that focus on the nature of prostitution (gender inequality/no choice/violence), and along the four points that connect human trafficking with prostitution (human trafficking is inextricably linked with prostitution/customers and traffickers are personification of 'evil'/magnitude of prostitution and human trafficking are increasing /legalisation increases human trafficking). The 'sex work' advocates oppose these seven points, arguing there is a choice to sell sex and that the presence of violence is owing to the illegal status of those selling sex. Moreover, they argue that there is a distinction between forced and free sex. Thus, this chapter establishes the moral crusade as rooted within the partial criminalisation perspective, which has ignited the 'sex wars'.

In Chapter Four it is necessary to understand how certain conceptions of human trafficking have shaped the response to trafficking, because "interventions are inseparable from conceptualisations of the problem" (Lee 2011, p. 20). Thus, the chapter introduces the two approaches towards human trafficking prevention: Security Governance and Human Rights. Both these approaches conceptualise human trafficking differently. The Security Governance views human trafficking as threats from migration and serious organised crime. Whilst Human Rights conceptualises human trafficking as prostitution, which is rooted in the partial criminalisation perspective. Thus, each proposes different prevention methods.

However, together they form the global anti-trafficking framework, which was manifest in the British Government's response to human trafficking, in particular, the *Policing and Crime Act 2009*.

Chapter Five applies the moral crusade to the claim that large sporting events see an increase in human trafficking. This framework is applied to three previous large sporting events (Greece, Germany and South Africa) to deconstruct the claim and understand the impact on policies of such a claim. The chapter examines the particular policies implemented over this time that targeted prostitution/sex work and restricted immigration (Milivojevic and Pickering 2008, p. 25; see also Anderson and Davidson 2004; Kempadoo 2005; Andrijasevic 2010).

In Chapter Six, the thesis draws on data collected through the unique access to the UK Government-led human trafficking programme for the 2012 London Olympics, the *Human Trafficking Network*. In the first section, it depicts how the moral crusade galvanised a response, in the form of the *Human Trafficking Network*. Second, there is an examination of how the global anti-trafficking framework that shaped intervention policies of the *Human Trafficking Network's* Action Plan, particularly those targeting prostituted women/sex workers and policing migration. Many members argued vehemently against these proposals, stating that it would negatively impact on sex workers without benefiting the real victims of trafficking. Thus, there is an examination of the 'sex wars' that was played out within the *Human Trafficking Network*. Finally, this chapter examines the outcomes of the Mayor's proposals, particularly around those three issues of sex, migration and serious organised crime.

The final chapter, Chapter Seven, draws together all the threads of this thesis to provide a critique of the UK's human trafficking prevention policy for the 2012 London Olympics and provide recommendations for human trafficking policies.



# Chapter One

## Methodology and Methods

### 1. Research Question

*“Which measures of the British government targeting an increase in sex trafficking at the 2012 Olympics were appropriately and beneficially implemented?”*

The question is an attempt to critically answer the under-researched, but important area of human trafficking at the London Olympics. The linking of human trafficking with large sporting events has gained widespread acceptance, yet, as was noted in the Introduction and will be discussed in more detail in Chapter Five, there is no conclusive evidence from previous large sporting events to support the claim that human trafficking increases (Ban Ying 2006; Hennig *et al* 2006; Milivojevic and Pickering 2008; Milivojevic 2008; Gould 2010; Richter and Massawe 2010; Ham 2011). However, despite this lack of evidence the claim that human trafficking increases over large sporting event has generated policy responses to human trafficking at previous large sporting events, as will be seen in Chapter Five and Chapter Six. Thus, this thesis aims to monitor and assess the British Government’s response to the claim that human trafficking would increase over the London Olympics.

### 2. Research Site

This thesis does not set out to answer whether there had been an increase in human trafficking over the London Olympics, but it sets out to examine the intervention policies adopted for the London Olympics. Therefore, this thesis uses Case Research, which is to intensively study a particular phenomenon over a period of time (Bhattacharjee 2012, p. 93). For this thesis, I observed the London Olympics and the group established by the Mayor of London, Boris Johnson, to tackle human trafficking at the London Olympics, the *Human Trafficking and London 2012 Network* (shortened to the *Human Trafficking Network*) for three years. The *Human Trafficking Network* was formed as a result of the Mayor of London’s violence against women strategy publication entitled *The Way Forward*, which

aimed to “[crack] down on trafficking prostitution ahead of the 2012 Games” (Greater London Authority March 2010, p. 27).

The Diagram below illustrates the structure of the *Human Trafficking Network*. It consisted of a *Human Trafficking Coordination Group* (shortened to the *Coordination Group*); the *Human Trafficking and London 2012 Network*; and two subgroups: *Sexual Exploitation Subgroup* and *Forced Labour Subgroup*. The arrows in the Diagram indicate the flow of authority. The final authority lay with the *Coordination Group* overall, whilst the *Human Trafficking Network* received direction and implemented decisions from the *Coordination Group*. Information and advice pertaining to action points from the subgroups flowed to the *Human Trafficking Network*.



Figure 1: Diagram of Mayor of London’s Human Trafficking and London 2012 Network

## Human Trafficking Coordination Group

The *Human Trafficking Coordination Group* oversaw and directed the activities of the *Human Trafficking Network*: it had final “responsibility for initiating, developing and driving Network activities” (Greater London Enterprise 2013, p. 10).

The *Coordination Group* was not an open group, but consisted of limited representatives: The Mayor’s Office for Policing and Crime (MOPC), Greater London Authority (GLA), Metropolitan Police Service, the London Safeguarding Children Board (LSCB), the United Kingdom Human Trafficking Centre (UKHTC), the Home Office, the Equality and Human Rights Commission (EHRC), and the chairs from the subgroups. The representative for the *Sexual Exploitation Subgroup* was an individual from Eaves, which is a London based charity focusing on gender-based violence and is discussed in below. A representative from Anti-Slavery International was the chair for the *Forced Labour Subgroup*.

Important to note here that the *Coordination Group* was not open and it could drive actions forward. Thus, the members of this group are significant. Particularly important to note was Eaves, who have a very strong position on prostitution:

“Our position on prostitution is not related to any moral or religious approach but is about human rights...and is informed by our work with women in prostitution and exited women in particular... Specifically in view of the high levels of harm women experience entering and in prostitution and given the gendered nature of prostitution, we consider prostitution as compatible with the 1993 Vienna Declaration, as “gender-based violence”” (Eaves 2014, p. 2-3 <sup>13</sup>)

Thus, it is no surprise that anti-prostitution actions were driven forward by the *Coordination Group*.

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<sup>13</sup> EAVES. <http://i3.cmsfiles.com/eaves/2014/03/eaves-amnesty-response-final-a93a5c.pdf>

## The Human Trafficking and London 2012 Network

The *Human Trafficking and London 2012 Network* was open to any organisation or member of the public with an interest in human trafficking. Yeliz Osman for the Mayor of London initially held the *Human Trafficking Network* Chair position. Lynne Abrams of the Mayor's Office for Policing and Crime (MOPAC) eventually assumed the Chair position in 2011. In total about:

“60 organisations, including public authorities, statutory bodies and non-governmental organisations joined the Network to plan, develop and implement a prevention, awareness-raising, and protection strategy that could be replicated in other cities hosting major sporting events” (Greater London Enterprise 2013, p. 3)

There were diverse viewpoints on prostitution around the *Human Trafficking Network's* table. For instance, there were those who collapsed prostitution with human trafficking, by conceptualising of prostitution as harmful. Representatives from the charity End Violence Against Women (EVAW) believed that prostitution “is a reminder of continuing inequalities between women and men...the sexualisation of female bodies in popular culture; histories of violence and abuse in both childhood and adulthood that underpin many women's entry into the sex industry” (EVAW 2014, p. 2<sup>14</sup>). Another member of the *Human Trafficking Network*, Beyond the Streets, works to help women exit prostitution and their stated view on prostitution was that it was not “about sex; it's about inequality, lack of opportunities, poverty, homelessness, drug/alcohol use, abuse of vulnerability and power” (Beyond the Streets 2014<sup>15</sup>). Another member of the *Human Trafficking Network*, Care, viewed prostitution as “a major problem in the UK. With many individuals getting involved at a young age, the chaotic life style, drug dependency and abuse make it difficult to leave without support” (Care 2015<sup>16</sup>).

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<sup>14</sup> EVAW. <http://www.endviolenceagainstwomen.org.uk/data/files/resources/62/EVAW-Submission-on-Amnesty-consultation-FINAL.pdf>

<sup>15</sup> BEYOND THE STREETS. [http://www.beyondthestreets.org.uk/index.php/beyond\\_prostitution](http://www.beyondthestreets.org.uk/index.php/beyond_prostitution)

<sup>16</sup> CARE. <http://www.care.org.uk/our-causes/human-exploitation/prostitution>

There were those who opposed this position on prostitution at the *Human Trafficking Network*, arguing it was harmful to understand sex work in these terms. These members were SHOC, Open Doors, IUSW and Terence Higgins Trust (THT), none of whom supported this understanding of prostitution put forward by the *Human Trafficking Network*. They all viewed women selling sex as having agency and thus, considered sex work, work.

Amnesty International was another member who opposed the “criminalisation or punishment of activities relating to the buying or selling of consensual sex between adults. This policy is based on the human rights principle that consensual sexual conduct between adults — that excludes acts that involve coercion, deception, threats, or violence — is entitled to protection from state interference” (Amnesty International 2014, p. 1<sup>17</sup>). They they argued for the principles of harm reduction (Amnesty international 2014, p. 1). Thus, Amnesty International argued that “legitimate restrictions may be imposed on sex work if they comply with international human rights law” (Amnesty International 2014, p. 1).

The conceptualisation of human trafficking affects the interventions, as will be discussed in Chapter Four, however here it is important to note the prevention measures proposed by members that caused controversy. For instance, a member of the *Human Trafficking Network*, Soroptimist International, had a project, ‘Purple Teardrop’, which sought to prevent human trafficking by “banning “sex for sale” advertising” (Purple Teardrop 2014<sup>18</sup>). At the same *Human Trafficking Network* meetings were those from SHOC and Open Doors, who provided services for sex workers in London Boroughs and that believed that banning sex adverts would not reduce or prevent human trafficking, but harm those selling sex.

These heterogeneous groups were brought together in *Human Trafficking Network*. Some of the members “stressed that the *Human Trafficking Network*, had, for the first time in London, allowed a range of organisations to share information and analyse trafficking data” (Greater London Enterprise 2013, p. 17). The inclusivity provided opportunities to identify possible gaps in the prevention works (Greater London Enterprise 2013, p. 24 - 25), provide a more comprehensive approach that covered law enforcement, policy, and

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<sup>17</sup> AMNESTY INTERNATIONAL. <https://www.amnesty.se/upload/files/2014/04/02/Summary%20of%20proposed%20policy%20on%20sex%20work.pdf>

<sup>18</sup> PURPLE TEARDROP. <http://www.purpleteardrop.org.uk/what-you-can-do/lobbying/>

awareness - raising campaigns, which would maximise the current resources and experience. These individual organisations “planned and initiated their own activities, reported back to the Network in order to avoid duplication, exploited synergies and facilitated coordination” (Greater London Enterprise 2013, p. 10). Yet, with the plethora of stakeholders and perspectives present at the *Human Trafficking Network* meetings meant reaching a consensus on particular prevention programmes was impossible.

### Sexual Exploitation and Forced Labour Subgroups

The *Human Trafficking Network* divided into two subgroups: *Forced Labour Subgroup* and *Sexual Exploitation Subgroup*. Members from the *Human Trafficking Network* joined the relevant subgroups, which would feed suggestions regarding prevention strategies back into the *Network*. It is the *Sexual Exploitation Subgroup* that is relevant to this thesis. I attended the *Sexual Exploitation Subgroup* from its formation, which provided me with updates about the prevention activities and afforded me the opportunity to witness first hand the continual debates around prostitution and sex work.

### Work Programme to Prevent and Respond to Human Trafficking Ahead of and during the London Olympics 2012

All the Mayor of London’s sanctioned prevention activities for the London Olympics are detailed in the *Work Programme to prevent and respond to human trafficking ahead of and during the London Olympics 2012* (this is shortened to the Action Plan). It contained all the human trafficking prevention actions of the Mayor of London focused on sexual exploitation and forced labour. These prevention interventions were focused on reducing the demand for sex and enforcing prosecution of perpetrators who purchase sex.

## **3. Research Type**

A qualitative approach is adopted in this thesis, as it provides the best way to analyse the phenomenon, especially considering there are no conclusive statistics on human trafficking occurring at large sporting events (Strauss and Corbin 1998).

Moreover, the thesis examines three areas to triangulate the results. The first is the empirical, which is the focused research site of the *Human Trafficking Network*. The *Human Trafficking Network* and the Action Plan provide insight into the types of policies that were being formulated to target human trafficking at the London Olympics. The second is the theory, as it was necessary to ground the claim that human trafficking increases over large sporting events within a theoretical plane. The final approach, has been to examine the broader context of developing anti-trafficking policies in Britain, which have targeted prostitution/sex work and migration. Accumulatively, these provide an insight into an under-researched area, the trafficking prevention policies and approaches adopted for the London Olympics 2012.

#### **4. Methods**

##### Participation Observation

I observed the *Human Trafficking Network* spanning a period from October 2010 until the final session in June 2012. The observations over those years focused on the *Human Trafficking Network* and the *Sexual Exploitation Subgroup*.

A potential risk for me was to observe all the anti-trafficking activities over the London Olympics, which would have been impossible. Thus, I used Controlled Observation, which is “typified by clear and explicit decisions on what, how, and when to observe” (Kearns 2000, p. 106). I used observations to gain a socio-temporal contextual understanding of what happened over the London Olympics (Kearns 2000, p. 105-106). I attended the *Human Trafficking Network’s* meetings to observe the discussions and debates around the prevention policies, the policy-making activities, and observe the protagonists, who later become interviewees.

These contextual understandings were grouped into three main points. The first is the political context of the *Human Trafficking Network’s* prevention policies, such as what was the purpose of the *Human Trafficking Network*, what policies were being designed and what was being implemented. The second point were the debates around the anti-trafficking measures that regulated the prostituted people/sex-workers’ bodies and included the debates

around prostitution/sex work. The third point was the practical impact of the *Human Trafficking Network's* trafficking prevention policies.

I restricted my participation within the *Human Trafficking Network* to commenting only on my research experience in South Africa around the World Cup 2010, which I detail fully below under 'Positionality'. I wrote a report on the prevention measures in South Africa implemented by Civil Society over the World Cup, which discuss the lack of evidence to support the claim that large sporting events increase trafficking. I distributed the report to the *Coordination Group* and the *Human Trafficking Network*. Periodically, everyone at the *Human Trafficking Network* meetings would give updates about their particular actions, on which occasions I would explain that I was a PhD student and my research was the human trafficking prevention methods at the London Olympics.

### Interviews

A major component of the data collection process was the interviews, which came chronologically after the observation phase. The rationale behind conducting the interviews after the Olympics is because of the angle of my thesis is to assess whether the British Government implemented measures effectively and beneficially. Second, I was also aware of a practical constraint, which was I knew many of my interviewees could only give one interview.

To identify whom to interview I used 'expert sampling'. 'Expert sampling' is a type of non-probabilistic sampling, as the "respondents are chosen in a non-random manner based on their expertise on the phenomenon being studied" (Bhattacharjee 2012, p. 69). 'Expert sampling' uses the style of 'elite interviewing', which does not refer to individuals' social, economic, or political status, but rather to their perspectives and roles within particular organisations. These individuals provide rich and intense information (Dexter 1970, p. 12) on the individual's particular professional perspective on the issue of human trafficking and the London Olympics, which might not be representative of the broader issues.

I contacted individuals within the *Human Trafficking Network* who opposed particular policies and those who were advocates for particular strategies. Furthermore, I contacted the



politicians and law enforcement officials who occasionally attended these meetings and were responsible for implementing/enforcing those policies respectively. Moreover, I noted those activities within the *Human Trafficking Network's* Action Plan that pertained to the reduction and prevention of human trafficking for sexual exploitation (this is discussed below in the section 'Prerecorded Documents') and contacted those responsible for implementing policies around that particular action point.

In the end, this research interviewed five groups: individuals who were in the *Human Trafficking Network*, individuals familiar with the claim of human trafficking increasing over large sporting events, individuals working with victims of trafficking, sex workers and sex worker organisations, and those who had differing perspectives around the issues of large sporting events being a stimulus for human trafficking increasing. Please see Appendix One to see a full list of the interviewees and their organisations<sup>19</sup>.

For the interviews I adopted a "more straightforward, and more closely analogous to traditional journalists' ethics and rules of engagement" (Hochschild 2009<sup>20</sup>). Prior to each of the interviews I prepared, in order to know as much about my interviewee, particularly their stance on prostitution/sex work, what was their involvement with human trafficking prevention measures around the London Olympics and what work had they done before/after the London Olympics (Hochschild 2009). Thus, I would be able to gauge and draw upon their particular perspective, expertise or experience, such as the particular organisation's perspectives and activities, news articles and press releases. In one instance, I read published articles by an academic and for another interview I read reports and media articles about a politician.

The interviewing style is dependent upon two contingents (Dewalt and Dewalt 2002, p. 121). First, the amount the researchers control and direct the interview, as compared to the amount of control by the informant, such as how much the informant leads the conversation. Second, there is the degree to which stimuli is uniform (Dewalt and Dewalt 2002, p. 121), such as whether the interviewees were asked the same questions. The more uniform the

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<sup>19</sup> Please see Appendix One for list of interviewees

<sup>20</sup> HOCHSCHILD. <http://scholar.harvard.edu/jlhochschild/publications/conducting-intensive-interviews-and-elite-interviews>

interviews the easier the comparison across data. Yet, the less structured the interview the more the data reflects what is important for the individuals. It is necessary to take these two contingents into consideration for the type of information required. For my interviews, I designed semi-structured interviews that allowed me some control of the data being collected by guiding the interviews with my research question.

All of the interviews covered the same broad topics: human trafficking, large sporting events, sex work and human trafficking, migration policies, human trafficking prevention, and governmental response. However, I adapted the questions for the group being interviewed. An example of this was when I asked sex worker organisations or sex workers or service providers to sex workers: “How has the UK Government been responding to the risk of human trafficking around large sporting events?” I reformatted this question for the law enforcement official after I gathered more data and asked “Sex workers and sex worker organisations have been complaining that there is an increase in the arrest and brothel closures around the Olympics - was this part of the UK Government’s strategy?” In all my interviews I developed a general list of questions and focus areas to ensure that all the topics were covered in the interview (Dewalt and Dewalt 2002, p. 122). For a more detailed account of the aide memos please refer to Appendix Two<sup>21</sup>.

Being semi-structured interviews, the interviewees were able to express their own opinions, concerns and experiences. Whilst the interview might lead on a tangent, I was willing and “eager to let the interviewee teach [me] what the problem, the question, the situation, is” (Dexter 1970, p. 6). I listened to my interviewees and allowed them to express their opinions, which enabled me to build a certain level of trust with them. I would return to the questions and topics, after fully discussing the point they raised.

### *Interview Process*

All interviewees were initially contacted via email to explain my research project, ask them for an interview and to inform them of the procedure and their rights as an interviewee.

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<sup>21</sup> Please See Appendix Two for aide memos

Please refer to Appendix Three<sup>22</sup> for the initial contact letter for the specific groups of interviewees. In some instances I telephoned the individuals if there has been no response to the email. The interviews were on average an hour long, sometimes less owing to the interviewee's time constraints and on a few occasions they were longer. The interviews were conducted in a place of the informant's choosing, usually their workspace, but sometimes in cafes and twice over Skype when they lived in another country. When requested a sample of the questions were provided prior to the interview.

At the beginning of each interview I informed the interviewees of their right not be recorded, to remain anonymous, to abort the interview at any stage, not to be quoted, or the right to remove their comments during or after the interview. All interviews were recorded with the interviewees' permission. They all signed a consent form, sometimes they signed a hardcopy and sometimes I was emailed a copy. An example of the consent form is in Appendix Four<sup>23</sup>. This consent form gave me preliminary permission to use their name and data in my thesis with the important understanding of their rights, stated above. Moreover, I emailed the participants once the thesis was finalised with their quotes, which was for them to assess whether their quotes were used appropriately and for me to obtain final permission to use the quote, including their names. One interviewee asked for certain parts of the quotes to be removed and another interviewee asked to be removed altogether. All the remaining participants agreed with the use of their quotes and name. The transcribed interviews have been kept anonymous and protected with a coded system.

### Primary documents

The third component of data collection were documents related to the London Olympics and human trafficking. Already mentioned above was the primary document that is the *Work Programme to Prevent and Respond to Human Trafficking ahead of and during London 2012* (shortened to the Action Plan). The Action Plan was constantly updated over the years and the updated version would be emailed to all the members of the *Human Trafficking Network*, including myself. I have a record of every Action Plan since I joined the *Network*

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<sup>22</sup> Please see Appendix Three for copy of contact letter to the five groups

<sup>23</sup> Please see Appendix Four for copy of consent form

in 2010. The different versions of the Action Plan played a critical role in identifying and recording the changes around specific activities.

The next important documents were my field notes, which were a record of my thoughts, observations and proceedings during the *Human Trafficking Network* meetings for the past three years. These aided my memory about thoughts, questions or details that occurred to me in those meetings.

The final official document pertaining to the *Human Trafficking Network* was the evaluation of the *Network's* activities. This was a report undertaken by the Greater London Enterprise and published in April 2013. The evaluation was based on interviews with members of the *Human Trafficking Network*. The evaluation reflected the member's perceptions and experiences over the period of operation.

### Secondary documents

Other sources of information about the Olympics in London 2012 and human trafficking were from the media, especially newspaper articles and news reports. Some of the articles were written by or about some of my interviewees.

The theoretical discussions on how human trafficking has been collapsed with prostitution/sex work and how migration for prostitution/sex work has been construed as human trafficking, draws upon the work of these theorists: Andrijasevic (2010), Doezema (1995, 2005), Kempadoo (2005), Kinnell (2009), Lee (2011), Lobasz (2009), Mai (2009, 2012), Milivojevic and Pickering (2008, 2013), Sanghra (2005), Spencer (2011), and Weitzer (2005, 2007, 2011, 2014).

Empirical work on prostitution/sex work and human trafficking around the London Olympics comes from MA Andrew Boff, *Silence on the Violence* (Boff 2012) and from Georgina Perry's interviews/articles. Regarding the issue of migration/serious organised crime, this thesis refers to the work of Dr Hales and Dr Gelsthorpe, *Criminalisation of Migrant Women* (Hales and Gelsthorpe 2012).

## 5. Procedures

To understand and to draw some conclusions about the phenomenon of the London Olympics the thesis used a post-positivist paradigm, which is “reasonable inferences about a phenomenon by combining empirical observations with logical reasoning” (Bhattacharjee 2012, p. 18). A positivist paradigm would be unhelpful as it is impossible to restrict the social phenomenon and contingencies of the London Olympics to that which can be observed, measured and tested (Bhattacharjee 2012, p. 18).

The procedures describe how I would interpret and organise the data within the thesis (Strauss and Corbin 1998, p. 12). To analysis the data collected during the London Olympics I undertook two actions: “data reduction (focus on specific questions, coding)” (Dewalt and Dewalt 2002, p. 164) and “conclusion drawing and verification” (Dewalt and Dewalt 2002, p. 164).

### Data Reduction

If the data had not been reduced it would be overwhelming and unmanageable. Therefore, a research question is important to begin navigating the accumulating data.

#### *Focus on Specific Questions*

By asking a specific research question I was able to make decisions about my observations and prioritise observations over others (Dewalt and Dewalt 2002, p. 166). During my own field research I initially observed all the activities of the *Human Trafficking Network* trying to determine the overall response to anti-human trafficking activities over the Olympics. However, when the *Human Trafficking Network* split into two subgroups, *Sexual Exploitation Subgroup* and *Forced Labour Subgroup*, I directed my attention to the *Sexual Exploitation Subgroup*. The rationale behind this move was that human trafficking for sexual exploitation was supposed to increase over large sporting events and not human trafficking for forced labour. This divide enabled me to focus on certain individuals from the *Human Trafficking Network* and particular tasks of the Action Plan.

Another process of streamlining the data was done when I emailed individuals about my research project. Respondents could decide whether they had the correct information or relevant experience to contribute to or participate in the interview. I emailed 112 people explaining my research and requesting interviews. I conducted thirty 'elite interviews'. All of these were transcribed by me except for five I sent out to have done professionally.<sup>24</sup>

### *Coding*

Initially, I had set out to use the Grounded Theory (Glaser and Strauss 1967<sup>25</sup>). The purpose I thought was to build up a theory surrounding large sporting events and human trafficking prevention. Whilst on the research process I discovered that all the discussions and debates were deeply embedded in pre-existing theory. Thus, I had to change my tactic by developing a coding system that sorted and allowed me to retrieve data (Dunn 2000, p. 76).

There were codes from "emergent themes in the research" (Dunn 2000, p. 77). These I drew from the relevant literature, past observations and things I had recorded in my field notes (Dunn 2000, p. 77) and the list was amended throughout. Reading large amounts of transcripts, field notes, meeting-minutes, and other documents was helpful in highlighting particular repeated points. I transcribed interviews, highlighting the different and relevant pieces of information in three different colours<sup>26</sup>.

Throughout the coding process it was important for me to realise that the claim of human trafficking increasing over large sporting events incorporated two planes, the theoretical and the empirical planes. The first plane is the theoretical debate around prostitution/sex work regulation that is discussed in Chapter Three. Yet, this theoretical debate was reflected in the

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<sup>24</sup> I sent out five interviews, owing to time constraints. I was aware that I engaged more deeply with those that I transcribed myself. Therefore, to ensure that I countered any potential bias or did not miss any important data I read through every transcript sent back to me. I re-checked the interviews for parts that did not make sense or a name that was incorrectly typed. The process of checking helped me to engage with the interview material. I then re-listened to the thirty interviews. This was important when I used a quote, at which point I listened again to that part of the interview to ensure I was correctly interpreting and relaying what they were saying. Thus, I do not believe having these five interviews professionally transcribed affected the data as I was checking and listening to the interviews throughout this analysis phase.

<sup>25</sup> See Glaser & Strauss, *The Discovery of Grounded Theory*, 1967

<sup>26</sup> Blue represented the comments, perspectives and debates around prostitution; green was for the personal expectations and experiences over the London Olympics; and the final colour yellow was the discrepancies between what was said by one interviewee and what occurred. I put these completed pieces into an Excel worksheet that was organised according to colours, similarities in themes and interviewees.

*Human Trafficking Network* debates and actions at the London Olympics, which represents the empirical level that is discussed in Chapter Six. It was important to move between these two planes to understand the relationship between the theory and the empirical, and how human trafficking had been connected to prostitution and immigration.

## **6. Terminology**

There are many terms used in the prostitution/sex work regulation discussions: abolition, prohibition, criminalisation, decriminalisation, legalisation, regulation, radical feminists, and liberal feminists (Goodyear 2009, p. 2). Of relevance for this thesis there are two prominent camps are known as: “radical feminism and the sex work perspective” (Weitzer 2005, p. 1). The former camp has incorporated human trafficking into the prostitution debate and the latter opposes this framing of sex work and human trafficking, arguing that it is inherently harmful to women.

To avoid confusion in this thesis the term ‘radical feminism’ is replaced with the term partial criminalisation, owing to definitional difficulties around the label radical feminism. Partial criminalisation “does not penalise prostitution per se but does repress any economic exploitation of the prostitution by others; and ... the regulationist model, which recognises prostitution as a profession and a legitimate sphere of market activity” (Andrijasevic 2010, p. 2).

Partial decriminalisation is the name of the Swedish Model, which seeks to criminalise men who purchase sex, and since it views prostitution as a form of violence against women, women in this perspective are viewed as victims. Britain has not adopted the Swedish Model completely and only criminalises men who purchase sex from a women who has been forced, thus it is more aptly named partial criminalisation, as it adds a layer of criminalisation. As the focus of this thesis is on the British law I refer to partial criminalisation, unless I am referring to the Swedish Model and then I refer to partial decriminalisation.

The use of labels ‘prostituted people/women’ and ‘sex work’ indicate a particular stance. In this thesis, those who want prostitution abolished through penal regulation (the partial criminalisation)

the label is 'prostituted women/person' and 'prostitution'. It will be discussed in Chapter Three, that they do not view prostitution as a legitimate form of employment. Whilst those advocating for the decriminalisation of sex work, I refer to in this thesis as 'sex work' proponents and because they consider selling sex to be a form of legitimate employment, the terms adopted are 'sex worker' or 'sex work'. Moreover, I use the relevant labels to reflect the particular position within the discussion. However, to avoid confusion, I use the phrase 'prostituted people/sex worker' and 'prostitution/sex work' when not discussing a particular stance or viewpoint.

## **7. Positionality**

In qualitative research one particular concern is that the researcher is acknowledged as the primary tool for data collection (Harding 1987, Merriman 1998; Dewalt and Dewalt 2002). It raises the objection that this will inhibit objectivity and result in biased research. However, as the qualitative protagonists argue, each and every researcher has a certain 'positionality', factors such as their gender, age, race, class, and ethnicity that might influence what questions are asked, what is studied and how it is studied. Therefore, every "researcher appears to us not as an invisible, anonymous voice of authority, but as a real, historical individual with concrete, specific desires and interests" (Harding 1987, p. 9).

In this section I will situate myself as the researcher, detailing my own experiences and perspectives prior to and within the *Human Trafficking Network*. The aim is produce "understandings and explanations which are free (or, at least, more free) of distortion from the unexamined beliefs and behaviors of social scientists themselves...[this is] the "reflexivity of social science"" (Harding 1987, p. 9).

### Previous Experience

My own experience began in 2006 - 2007 when I was doing historical research on the Trans-Atlantic Slave Trade for an exhibition to commemorate the Bicentenary of the Abolition of the Slave Trade. The exhibition was called *Free at Last?* It was funded by a Christian charity, The Centre for Contemporary Ministry. The anti-trafficking group, Stop the Traffik, was involved with the exhibition to raise awareness about modern human trafficking.



Later, I left to work for a charity called Churches Against Sex Trafficking in Europe (CHASTE), which enlightened me to the contentious areas of human trafficking.

Initially, CHASTE was formed to raise awareness about the issue of human trafficking in Europe, but evolved into a lobbying group. Taking inspiration from the Swedish Model (a partial decriminalised perspective) CHASTE created a petition called *Not for Sale* Sunday to lobby the British Government to change their prostitution laws to criminalise the men who purchase sex from a woman subjected to force. The British Government responded to the different petitions, forming the *Policing and Crime Act 2009*, which I discuss in Chapter Four.

At the time in CHASTE there was a vocal CEO with a strong partial criminalisation stance. Indeed, CHASTE had been accused of using estimates falsely to support their case, for instance using the estimates of human trafficking from the most extreme end of the range, stripping them of their cautionary labels and declaring “[a]n estimated 1,420 women were trafficked into the UK in 2000 for the purposes of constrained prostitution” (Davies 19 October 2009). Clearly, this was problematic, as the use of inflated numbers was to achieve particular goals, namely the *Policing and Crime Act 2009* and for some fundraising efforts.

Prior to my arrival the former CEO had left, owing to some serious allegations of misconduct. I came to CHASTE as a researcher at CHASTE, and my first task was to research the Swedish Model. This I did, which created tension within our small team of four. I found results highlighting that the model was not reducing harm to those selling sex nor did it reduce trafficking, which was contrary to the information that CHASTE was advocating. When we attended a meeting in the House of Commons, there were individuals from New Zealand, who were presenting their findings from having a decriminalised system. Whilst I was given freedom to research this area and did find contrary information, the partial criminalisation stance was the main focus of CHASTE. There were tensions as I found contrary evidence, whilst being in an organisation that supported this model. Whilst the new CEO heard my concerns, I was urged to question whether there was an agenda behind the research of pro-sex work organisations. Thus, I began to feel the tensions, especially as I believed we were misrepresenting the facts about the Swedish Model and

*Policing and Crime Act 2009*. However, in 2009 CHASTE had ceased at this point to be involved with the abolitionist stance and lobbying for demand reduction policies.

The new CEO was keen to take CHASTE in a directions towards research-based projects and evidence based policies, which was a radical directional change from the previous CEO. Thus, I initiated the first research project of CHASTE, which was related to repatriation programmes in East Africa in 2010, in order to prevent re-trafficking. Working with a few agencies who focused on gender-based violence and with a newly established anti-trafficking group, my preliminary research revealed that women were subjected to the same causal factors that created their risk of trafficking in the first instance. The research also identified the complex issue of migration. When victims want to migrate, for instance, but owing to the tight immigration laws in destination countries the illegal avenues are the only option, which makes them vulnerable to trafficking. This was to be my first introduction to some inherently problems in designing human trafficking prevention programmes.

### Large Sporting Events

During my time at CHASTE the interest of large sporting events was gaining momentum, with the impending 2010 World Cup in South Africa. I began researching some previous large sporting events that had been linked with human trafficking. From the research, reviews and reports about human trafficking at previous large sporting events I realised data was scarce, ambiguous and inconclusive. CHASTE funded my field trip to the 2010 World Cup in South Africa with the aim of gaining better data and clearer understanding of the situation. My expectation from the reports and the media articles was that there would be a dramatic increase in the number of human trafficking victims, sex workers and foreign clients demanding sex. The CHASTE CEO and the trustees had no expectations of me, as to what I would discover or who I was to work with whilst in South Africa. I was given free-reign to conduct the research.

In South Africa I partnered with four local non-governmental organisations based in Johannesburg over the World Cup in 2010. Two were focused on anti-trafficking efforts: Justice Acts and Thare Machi Education, and two were working with sex workers: New Life Centre and Salvation Army. My three-month research project with these partners did not

reveal the anticipated increase in human trafficking in the Johannesburg area. Research published after the 2010 World Cup told a similar story about the rest of South Africa's lack of the expected increase in human trafficking (Delva *et al* 2011). It became another informative moment for me about the complexities of human trafficking and the intersections with migration and prostitution.

I reported this information back to CHASTE, who did not respond negatively nor did they expect me to change the results and in some of our meetings we discussed the lack of evidence supporting the claims that human trafficking increases over large sporting events. The CEO at CHASTE directed me to compile a report to be presented to the Mayor of London regarding the London 2012.

However, both personal and professional experiences at CHASTE eventually lead me to enroll for a PhD, as I felt there were some serious misunderstandings about the nature of human trafficking, which were impacting the prevention measures. I wanted to explore these tensions around the nexus of human trafficking and prostitution/sex work. CHASTE agreed to fund me, but after a month after beginning my PhD CHASTE ran out of money and ceased to function in any capacity.

Yet, I was in a unique position with my background in the partial criminalisation positioning of CHASTE and the research I had done in South Africa over the World Cup, to begin questioning of many of these discrepancies, as to whether large sporting events did increase trafficking and to investigate whether criminalising demand was an appropriate response.

### My Involvement with the Human Trafficking Network

Before I went to South Africa I became aware and contacted the newly formed *Human Trafficking Network* about my research project in South Africa. There were obvious overlaps between the two projects. They invited me to be a member of the *Human Trafficking Network* to share my experience about South Africa. On my return from South Africa in 2010 I compiled a report on the preliminary findings, which detailed all the various preventative activities that were designed and implemented for the World Cup in South Africa. It explained the rationale for the particular prevention strategies, the expectations

and the experiences of Civil Society in South Africa, and included the official South African Government's statement indicating that there had been no increase in human trafficking related to the World Cup. I presented this report to the *Coordination Group* in 2011, and then I later submitted to the *Human Trafficking Network* later in 2011.

### Changing Roles

I began my PhD shortly after returning from South Africa in 2010, which changed my role in the *Human Trafficking Network* from being a CHASTE employee to a PhD student. Thus, I was no longer paid by CHASTE but was self-funded and unaffiliated. This altered my activities from a rapporteur on the issue of human trafficking with knowledge and experience pertaining to South Africa's experience, to being an observer of the activities of the *Human Trafficking Network*. I would comment on the experiences in South Africa as a PhD student.

The *Human Trafficking Network* members were aware of my change in status, but this did not affect my membership owing to the open nature of the group. There were constantly members leaving and new members arriving. A potential concern was that the members of the *Human Trafficking Network* would behave differently in my presence as a researcher. However, through my on-going participation in the *Human Trafficking Network* for more than 2 years all the members were accustomed to my presence, which did not alter when I changed to a PhD candidate.

A definite weakness was not being involved in any of the *Human Trafficking Network's* member's prevention activities, as I felt an outsider when the members would discuss their various projects. They formed close ties with each other from working on their various projects together, which excluded me from their discussions. For these reasons, I felt more akin to those who were there opposing the activities of the *Human Trafficking Network*, as they were not involved in any activities. Yet, as I was aware of this feeling I made a conscious effort to engage with those involved with anti-trafficking efforts by making enquiries about their actions.

It was also important that I was seen to be objective within the *Human Trafficking Network* meetings by not commenting on the proposed controversial prevention policies or activities but observing what was being discussed and argued. I limited my participation to the work I had conducted over the World Cup in South Africa.

Perhaps this lack of participation might have made some members of the *Human Trafficking Network* wary of me, wondering what I was doing there. However, I talked openly about my PhD to individual members, as well as at other appropriate moments to the whole *Human Trafficking Network*. However, withdrawing away from the discussions in the *Human Trafficking Network* enabled me to listen and observe the discussions about the human trafficking prevention policies.

Towards the end of the *Human Trafficking Network* meetings, I was approached to write an evaluative report on the *Human Trafficking Network's* activities and to interview the participants about their experiences and expectations. It was a paid offer and I declined it, as I wanted to be unaffiliated with the *Human Trafficking Network*.

My own previous assumptions and ideas about human trafficking, large sporting events, and prostitution were tested by the many differing voices represented in this group. However, when the *Human Trafficking Network* divided into two camps over the issue of prostitution and how it should be regulated, I needed to be careful to ensure my own research was not slanted in either direction. With my background in anti-trafficking charity work I understood the position of those anti-trafficking charities' abolitionist slant. Furthermore, having interviewed women in the sex industry in South Africa I was able to empathise with the pro-sex work perspectives represented at the *Human Trafficking Network*. By being well versed in the literature and arguments of both sides meant that I was able to treat both sides of the argument with impartiality. I did this by continually listening to their side, by questioning their propositions and underlying motives.

## **8. Conclusion**

Above I discuss the methods and methodologies for this research. My research question was to assess whether the British Government's response to the claim that human trafficking

would increase at the London Olympics was appropriately and beneficially implemented. The lack of supporting evidence and the issues around human trafficking in general, has required a deeper examination of the phenomenon. To answer whether prevention measures were beneficially and appropriately implemented I adopt a three-fold approach using theory, policy and empirical evidence. Firstly, by grounding the claim of an increase in human trafficking in a theoretical framework, secondly, by examining how policies are shaped by conceptions of trafficking within Britain and finally, I examine the empirical evidence gathered from the London Olympics.

The data that I gathered was through participation observation of the *Human Trafficking Network* for a period of three years. My participation within this group was limited to my experience in South Africa over the World Cup. Furthermore, I conducted elite interviews: with individuals who were involved with designing and implementing *Human Trafficking Network* prevention policies; with those who opposed these measures; and anyone with a specific expertise in human trafficking and large sporting events.

Finally, I positioned myself within the research, both my experiences at CHASTE, which was strongly anti-prostitution and was an advocate of the partial criminalisation perspective. Yet, I was involved with research at the World Cup in South Africa, which saw no increase in human trafficking. Thus, I was uniquely positioned to question whether these prevention measures implemented over the London Olympics were beneficially and appropriately implemented.

The following chapter is an examination of human trafficking, including the definition, the constitutive elements, the causes, the scale and the different conceptions of human trafficking.

## Chapter Two

### Human Trafficking

The chapter begins with a question: what is human trafficking? A seemingly basic clarification question, however, human trafficking is an “imprecise and highly contested term” (Lee 2011, p. 3). This contention is examined in the first section around the United Nations 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Shortened to *Palermo Protocol*) (United Nations 2000<sup>27</sup>), particularly highlighting the debates at the formation of the UN *Palermo Protocol* that focused on the issues of consent and harm. The next section highlights the imprecision of the term evident within the three constitutive elements of this definition — movement, deception/coercion and purpose for exploitation. The final section examines two relevant causes of human trafficking that contribute to the contention and imprecision in the understanding of human trafficking — structural conditions and migratory agency.

#### 1. Definitions of Human Trafficking

Historically, prior to the United Nations trafficking definition there existed misunderstandings about the nature of human trafficking and confusion with human smuggling (Salt 2000, p. 33<sup>28</sup>; see also Jordan 2010). In 2000 the UN universalised a human trafficking definition entitled the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Shortened to *Palermo Protocol*) (United Nations 2000<sup>29</sup>):

““Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or

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<sup>27</sup> UNITED NATIONS. [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&l](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&l)

<sup>28</sup> SALT. <http://lastradainternational.org/lisidocs/538%20pdf.pdf>

<sup>29</sup> UNITED NATIONS. [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&l](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&l)

benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations 2000, p. 2)

The United Nations *Palermo Protocol* has been widely accepted amongst states<sup>30</sup>, with 117 state signatories (UN 2003<sup>31</sup>). International bodies have adopted it, such as the European Union, the Council of Europe, the Organization for Security and Co-operation in Europe, including all the affiliated United Nation bodies, such as United Nations Office on Drugs and Crime and United Nations Global Initiative to Fight Trafficking. The *Palermo Protocol* has the advantage of being the “first international instrument that addresses all aspects of trafficking and the first instrument to contain an internationally agreed upon, legally binding *understanding* of human trafficking” (Jordan 2010, p. 3, italics in original).

However, the current widespread acceptance of the *Palermo Protocol* definition conceals the deeply divided fractions at the formation of the trafficking definition. There were “arduous multilateral negotiations, during which it was impossible to agree on anything more specific” (Askola 2007, p. 211).

### United Nations Trafficking Protocol Origins

At the UN *Protocol* discussions there were two opposing groups that each included feminists, human rights lobbyists and state delegates. Yet, their differences were centered on “the pivotal term...of ‘consent’” (Doezema 2005, p. 20) within prostitution/sex work. “One lobby group framed prostitution as legitimate labour and the other considered all prostitution to be a violation of women’s human rights” (Doezema 2005, p. 61). The Co-Executive

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<sup>30</sup> The UN definition has 156 countries agreeing and ratifying the Protocol (To view the signing countries please visit: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-12-a&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-a&chapter=18&lang=en)), as well as being assimilated by the British law enforcement agents (Serious Organised Crime Agency), British Non-Governmental Organisations (NGOs), and International Non-Governmental Organisations (INGOs) ( Stop the Traffik (UK); United Nations on Drugs and Crime (UNODC), United Nations Global Initiative to Fight Trafficking (UN. GIFT), International Organization for Migration (IOM), Salvation Army (International); and Not For Sale Campaign (International)).

<sup>31</sup> UNITED NATIONS. [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XVIII-12-a&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XVIII-12-a&chapter=18&lang=en)



Director of the CATW at the time of drafting the UN *Palermo Protocol*, Janice Raymond, remarked on the divisions amongst the Ad Hoc Committee:

“From the beginning of the Ad Hoc Committee’s deliberations, a small group of NGOs supporting prostitution as work, and voluntary trafficking as migration for sex work, lobbied to limit the definition of trafficking to forced or coerced trafficking, to omit any mention of trafficking for prostitution or sexual exploitation” (Raymond 2002, p. 4-5)

This was the view of the *Human Rights Caucus*, who were made up of a number of smaller organisations such as International Human Rights Law Group, Global Alliance Against Trafficking in Women, and the Asian Women’s Human Rights Council. The *Human Rights Caucus* argued that it was important to differentiate between migration for the purposes of selling sex and victims who had agreed to move but subsequently were exploited and trafficked. The *Human Rights Caucus* argued that it was this element of force that differentiated sex work from human trafficking:

“Traffic in persons and forced prostitution are: manifestations of violence against women and the rejection of these practices... must hold within itself the respect for the self determination of adult persons who are voluntarily engaged in prostitution” (GAATW quoted in Doezema 2005, p. 68)

The opposing group consisted of two feminist organisations, Coalition Against Trafficking in Women (CATW) and Movement for the Abolition of Pornography and Prostitution (MAPP), who had organised “140 NGOs into the International Human Rights Network” (Raymond 2002, p. 3). They argued that consent would be misused within the definition:

“A narrow definition focused on such conditions allows traffickers to argue, in their own defence, that their victims were not forced into prostitution but ‘consented’ to migrate for ‘sex work’. Consent is the wedge that allows the sex industry to redefine alleged voluntary trafficking for prostitution as ‘facilitated migration’ or ‘migration for sex work’” (CATW quoted in Doezema 2005, p. 72)

The *International Human Rights Network* argued that by removing consent, the definition would protect all victims of trafficking, including those who could not prove they were forced:

“The [International Human Rights] Network argued that only this kind of principled and inclusive definition of trafficking would take the burden of proof off the exploited and place it on the exploiters and make no distinction between deserving and undeserving victims of trafficking — those who can prove they were forced and those who cannot. It also maintained that a definition protecting all victims of trafficking provides the strongest support to international efforts to end trafficking because it is clear, unambiguous, and offers no loopholes for traffickers” (Raymond 2002, p. 493)

Yet, the ‘sex work’ activists, the *Human Rights Caucus*, raised concerns that the CATW framing of prostitution as ‘trafficking’ would be misused as a tool to target sex workers and sex work by governments and law enforcements officials. Jo Doezema, originally from the Network of Sex Projects, specifically joined the *Human Rights Caucus* as she was “concerned about the impact of a new international trafficking instrument on the lives of sex workers” (Doezema 2005, p. 62). Doezema’s research found that “[h]istorically, anti-trafficking measures have been used against sex workers themselves, rather than against ‘traffickers’” (Doezema 2005, p. 62).

The *Human Rights Caucus* rejected the proposal to remove the term ‘forced’ and opted for a definition that excluded voluntary or consensual migration for prostitution, which they argued was not trafficking. It was an attempt to disentangle migration from prostitution/sex work. They argued that the aim of the law was to protect those who had been trafficked, whilst providing protection for those consensually migrated to sell sex. Indeed, the concept of consent was crucial if human trafficking was to make sense as a crime:

*“Obviously, by definition, no one consents to abduction or forced labour, but an adult woman is able to consent to engage in an illicit activity (such as prostitution, where this is illegal or illegal for migrants). If no one is forcing her*

*to engage in such an activity, then trafficking does not exist*” (Human Rights Caucus 1999, p. 5 quoted in Doezema 2005, p. 21 italics in original)

The *Human Rights Caucus* were also concerned that that UN *Palermo Protocol* was forming a definition that was securing national borders from migration:

“The anti-trafficking framework is inherently problematic in the way it essentializes and separates certain kind [sic] of abuses in the industry which are connected to protection of national borders. Obviously the stakes become slanted for nations that pretend to help ‘women’, defined as ‘good women who don’t want to do prostitution’ . . . when ‘trafficking’ is a target, prostitutes will also become a target” (Carol Leigh, email to HRC lobby group, 20 December 1998 quoted in Doezema 2005, p. 76)

In the end, there was a stalemate about the UN *Palermo Protocol*, as the *Human Rights Caucus* contending the subclause of the definition — “with or without the consent of the victims” (Doezema 2005, p. 72). The UN *Palermo Protocol* eventually formulated a definition of trafficking in keeping with the CATW and the partial criminalisation perspective, with Article 3(b) stating that “[t]he consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used” (United Nations 2000).

## **2. Elements of Human Trafficking**

In spite of the debates around the definition, many organisations have adopted the UN *Palermo Protocol* understandings of human trafficking that comprises of three elements: the act (what is done, i.e. the means of acquisition), the means (how it is done, i.e. what type of movement) and the purpose (why it is done, i.e. what is the intended exploitation) (UNODC 2014<sup>32</sup>).

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<sup>32</sup> UNODC. [https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html#What\\_is\\_Human\\_Trafficking](https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html#What_is_Human_Trafficking)

The Global Alliance Against Trafficking in Women (GAATW) defines trafficking in the following way: “1. the movement of a person (inside a country or across borders); 2. with deception or coercion; 3. into a situation of forced labour, servitude, or slavery-like practices” (GAATW 2001<sup>33</sup>). Some of these highlight the individual’s agency, such that movement can begin voluntarily or forced (GAATW 2001), however, all trafficking involves “deception or coercion — including force, the threat of force or debt bondage” (GAATW 2001). The process of trafficking culminates in the individual being “forced into an exploitative situation such as servitude, forced or bonded labour” (GAATW 2001). GAATW highlights the elements of coercion/deception and exploitation, as it is acknowledged that individuals can consent to migrate, even consent to perform illegal jobs, but it is the deceit and exploitation that differentiates migration for work from human trafficking.

Poppy Project, an anti-trafficking project belonging to the charity EAVES, is a British based service provider for trafficked women, defines trafficking as follows:

“[T]he movement of a person from one place to another for the purposes of exploitation. Women may have been forced, coerced or deceived into coming, or may have come willingly but been deceived about the nature or conditions of work they would experience on their arrival. Victims of trafficking are often subject to high levels of physical, sexual and psychological violence” (Poppy Project 2014<sup>34</sup>)

Poppy Project’s definition is similar to the UN *Palermo Protocol* and GAATW, as they state that individuals may have come willingly and consensually, yet are deceived about the conditions of work renders them victims of trafficking. However, later in this thesis, we return to their definition of human trafficking, which will be shown to be shaped by their beliefs about prostitution.

Anti-Slavery International defines human trafficking as “men, women and children being brought into a situation of exploitation through the use of violence, deception or coercion and forced to work against their will” (Anti-Slavery International 2014<sup>35</sup>). These people are moved “for many different forms of exploitation such as: Forced prostitution, forced labour, forced begging, forced criminality, domestic servitude, forced marriage, forced organ removal” (Anti-Slavery International

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<sup>33</sup> GAATW. <http://www.gaatw.org/faqs/158-frequently-asked-questions/faq/454-understanding-trafficking>

<sup>34</sup> POPPY PROJECT. <http://www.eavesforwomen.org.uk/about-eaves/our-projects/the-poppy-project>

<sup>35</sup> ANTI-SLAVERY INTERNATIONAL. [http://www.antislavery.org/english/slavery\\_today/trafficking/default.aspx](http://www.antislavery.org/english/slavery_today/trafficking/default.aspx)

2014). Stop the Traffik, an awareness-raising charity based in the UK, defines human trafficking in a similar fashion: “People are bought and sold for sexual exploitation, forced labour, street crime, domestic servitude or even the sale of organs and human sacrifice. Men, women and children are trafficked within their own countries and across international borders” (Stop the Traffik 2014<sup>36</sup>).

### The Act

According to the UN definition the first element of trafficking is the act, which is the recruitment phase of trafficking, the transport and transfer, and harbouring and receipt of persons (UNODC 2014). Within this recruitment phase the traffickers use actions to “either to force or to convince their victims to leave their familiar surroundings and to travel with them” (UNODC and UN.GIFT 2008, p. 11). Often there are depictions of traffickers render a “folk-devil stereotype” (Weitzer 2007; Dagistanli and Milivojevic 2013; Weitzer 2014). For instance, Polaris Project describes traffickers on their website:

“Traffickers exploit others for the profit gained from forced labor and commercial sex. They lure and ensnare people into forced labor and sex trafficking by manipulating and exploiting their vulnerabilities. Human traffickers prey on people who are hoping for a better life, lack employment opportunities, have an unstable home life, or have a history of sexual or physical abuse” (Polaris Project 2014<sup>37</sup>)

Whilst traffickers such as those described by Polaris Project may exist, there is little evidence to support this particular perspective on traffickers (Zhang 2009) and certainly, there is “no standard profile of traffickers” (Feingold 2005, p. 28). Traffickers come in different forms from “truck drivers and village aunties to labor brokers and police officers. Traffickers are as varied as the circumstances of their victims” (Feingold 2005, p. 28). Other studies focused on “migrant women working in prostitution have found that few were coercively trafficked and that many recruiters were friends, acquaintances, or family members” (Weitzer 2014, p. 17; see also Vocks and Nijboer 2000; Surtees 2008; Jacobsen and Skillbrei 2010).

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<sup>36</sup> STOP THE TRAFFIC. <http://www.stopthetraffik.org/what-is-human-trafficking>

<sup>37</sup> POLARIS PROJECT. <http://www.traffickingresourcecenter.org/what-human-trafficking/human-trafficking/traffickers>

Furthermore, there is no consistent recruitment pattern, as Weitzer defines how the recruitment process changes according to cultural experiences:

“Surtees reports that most Moldovans in her study were recruited by strangers, whereas 80% of Albanians knew their recruiters, a high percentage of whom were boyfriends, fiancés, or husbands [Surtees 2008, p. 39, 44, and 47]. Another European study, based on interviews with seventy-two women, found that most recruiters were friends, acquaintances, or family members...[Another] example, some Eastern European women who sell sex in Western Europe recruit their girlfriends in the home country to work with them in the West” (Weitzer 2011, p. 1346-1347)

Marcus *et al* describes another common narrative of the recruitment phase: “pimps lure girls into prostitution, then control, exploit and brutalize them in a manner that renders them akin to slaves” (Marcus *et al* 2014). These traffic victims are believed to “be enticed by pimps into a life on the streets” (Kennedy *et al* 2007, 4). However, in data collected from 600 individuals (372 active sex workers of whom 262 were minor and 70 had exchanged sex for money before their 18th birthday) (Marcus *et al* 2014, p. 228-229), the researchers found evidence contrary to this narrative from New York and Atlantic City. For “the roughly 15 percent of teenage sex workers who had been recruited by pimps (across both sex worker studies), even unpleasant recruitment experiences were rarely their biggest problem” (Marcus *et al* 2014, p. 234). For many of the “sex worker respondents who were recruited by pimps had gone into the situation knowing that they were trading an oppressive situation in a shelter, group home, or natal family for a pimp who might prove violent, abusive, or exploitative” (Marcus *et al* 2014, p. 233).

Regarding the actual movement there are many methods of transporting and transferring victims, which may vary from a single mode of transportation or multiple modes of transportation (feet, planes, boats) (Commission of the European Communities 2001, p. 41). The movement may happen once or repeatedly and it may cross borders “overtly or covertly, legally or illegally” (UNODC and UN.GIFT 2008, p.13). Often accompanying the movement of victims are related criminal offences, such as “abuses of immigration and border control laws, corruption of officials, forgery of documents, acts of coercion against the victim, unlawful confinement” (UNODC and UN.GIFT 2008, p. 1). The individual victim may become dependent upon the traffickers in the destination

country, especially if they are without proper papers, documents or financial means (UNODC and UN.GIFT 2008, p. 1).

### The Means

The means are described as the direct and indirect actions that range from “‘threat or use of force’ to coercion through fraud, deception, or abuse of power or a position of vulnerability...to coercion through payments or benefits to achieve the consent of a person” (Kneebone and Debeljak 2012, p. 110). Deceit and coercion can manifest broadly through a range of promises from offers of marriage, to studying or traveling abroad, to working in the catering and hospitality industry, or *au pair* work (UNODC and UN.GIFT 2008, p. 11). Importantly, these individuals are deceived about the possible opportunities open to them, the working conditions, or their new life (UNODC and UN.GIFT 2008, p. 12), as jobs may not exist, or the working conditions are different from those advertised, and involve extreme levels of exploitation inflicted upon the victim (UNODC and UN.GIFT 2008, p. 12; see also Clawson *et al* 2006).

Deception and coercion are difficult to identify at the beginning stages, as trafficking “is deemed a crime only after it has happened” (Sanghera 2005, p. 14). Thus, an individual can consent to migrate, but deception and coercion become apparent only at the destination point in the trafficking process (Sanghera 2005, p. 14). Thus, determining the level of deception and coercion is complicated (Salt 2000).

Furthermore, determining the levels of deception and coercion it is important to ascertain “whether these were sufficient to elevate the situation from one of voluntary undocumented migration, to trafficking” (Salt 2000, p. 34). The range of migratory processes fall along a range of experiences:

“[a]t one end of the continuum are individuals who have been thoroughly deceived about working conditions...[a]t the other end of the spectrum are migrants who operate with full knowledge and agency and who are not deceived or mistreated by facilitators or employers...[i]n some scenarios, one’s initial consent or knowledge about the kind of work he or she will be doing is diluted

by subsequent, unexpected demands or conditions; or the individual “consents” to performing a task that they initially considered distasteful but later define as acceptable because of its economic benefits” (Weitzer 2014, p.15-16)

If an individual is in a country of destination they are sometimes simultaneously a victim and a criminal, which makes coercion and deception less visible. Traffic victims may have migrated owing to the nexus of vulnerabilities (Sanghera 2005, p. 8), but become a victim of trafficking owing to their current circumstances. However, owing to their involvement with criminal activities, they are often viewed as a criminal.

Some concerns have been raised with the definition of exploitation or vulnerability in the *Palermo* Protocol, which defines ‘exploitation’ as ‘exploitation’. Aside from the meaningless repetition, the definition also “fails to define “abuse of power”, “vulnerability,” and “control” (Weitzer 2014, p. 8). In practice this makes identifying such human trafficking cases difficult, especially in comparison to incidences of smuggling that have vulnerability and even possibly exploitation, but are without deceit or coercion (Weitzer 2014, p. 8). Thus, it is important to understand the process of trafficking in context of the individual’s own choices and vulnerabilities, as well as the levels of deception and coercion, to distinguish them from human smuggling and other forms of irregular migration.

### The Purpose

Another element that distinguishes human trafficking from human smuggling is exploitation (Monzini 2005; Kara 2009; Aronowitz 2009; Jones 2012). The exploitation of the victim varies from extreme physical, sexual or mental abuse to the threat of violence, manifesting in various forms including rape, torture, humiliation, drugging, forced labour or sex work (UNODC and UN.GIFT 2008, p. 14 and p. 18). As discussed above, an individual may consent to migrate through illegal or legal means (Jones 2012, p. 491), but “upon arrival to the country of destination debt bondage, threats, or violence are used to coerce this person into forced labour, for example, in sweatshop work or in prostitution” (Askola 2007, p. 207). These victims of human trafficking are not free to move or remove him or herself from the situation (Jones 2012, p. 492 and Commission of the European Communities 2001, p. 40 and p. 311).



Moreover, the purpose of trafficking has been constructed such that it “implicates all sex work” (Weitzer 2011, p. 1344; see also Weitzer 2007; Milivojevic and Pickering 2013). Indeed, the traffic of women and children for the purposes of sexual exploitation has continued to be the “dominant paradigm in the fields of research, enforcement and prevention (Lee 2011, p. 4; Andrijasevic 2010). This construction of human trafficking has resulted in anti-trafficking measures that are “a modern, worldwide moral crusade against prostitution” (Chuang, 2010, p. 1683), which is discussed in Chapter Three.

### **3. Causes of Trafficking**

The three constitutive elements above are used to determine whether the circumstances constitute human trafficking (UNODC 2014). However, understanding the causes of trafficking and irregular migration are necessary to form appropriate interventions (Spender 2011), as will be discussed in Chapter Four. Trafficking is one form of irregular migration, which is propelled by the same “broader dynamics of migration: demographic, democratic and economic disparities that provide powerful reasons to move” (Spencer 2011, p. 159).

Often trafficking is described in terms of ‘pull-push’ factors that pull victims towards a country of destination and push the victim away from the country of origin (Weitzer 2014, p. 16; Andrijasevic 2010). However, Castle and Millers critique this neo-classical theory arguing that it presupposes the “individual decision to migrate [is] based on rationale comparison of the relative costs and benefits of remaining in the area of origin or moving to various alternative destinations” (Castles and Miller 2003, p. 22). If it were so, it would follow that the poorest individuals would migrate for higher wages in another country. However, this fails to appreciate the restraint of the migrant’s resources and the costs associated with crossing borders, securing travel documents, finding accommodation and travel (Castles and Miller 2003, p. 23; see also Andrijasevic 2010), which means economic migration is possible only above a certain threshold of poverty (Rao and Presenti 2012). Furthermore, the neo-classical economic approach to migration, Castles and Miller noted, treats “the role of the state as an aberration which disrupts the ‘normal’ functioning of the market” (Castles and Miller 2003, p. 24). Yet, as will be discussed states play a major role in controlling migration.

Therefore, Castles and Miller propose a new approach to migration, the migration systems theory. Contemporary migrations are understood to be as “the result of interacting macro- and micro- structures. Macro-structures refer to large-scale institutional factors, while micro-structures embrace the networks, practices and beliefs of the migrants themselves” (Castles and Miller 2003, p. 27; see also Spencer 2011). Thus, discussed below are the impacts of state policy interventions and the agency of the individual within the trafficking process and their families, are discussed below (Castles and Miller 2003; Spencer 2011).

### *Structural Conditions*

The macro-structures include the “political economy of the world market, interstate relationships, and the laws, structures and practices established by the states of sending and receiving countries to control migration settlement” (Castles and Miller 2003, p. 27). Within the world markets there are a demand for “low-skilled labour in both developed and developing countries -- in agriculture, food processing, construction, domestic service, labour-intensive manufacturing, home health care, sex work and the service sector in general” (Heyzer 2002, p. 5; see also Kaye 2003; Castles and Miller 2003; Stepnitz 2009; Mahmoud and Tresbesch 2009). If the demand for labour is met by legal migrants, then irregular migrants are confined to informal work sectors, “more precisely, to the care and sex sectors” (Andrijasevic 2010, p. 74). If governments impose a cap on legal migration, with no way of “simultaneously meeting the demand in other ways, the demand for migrants to work without permission will be enhanced” (Spencer 2011, p. 160), which increases an individual’s vulnerability to trafficking.

Importantly, when state’s impose stricter border control, visa regulations and tighter immigration policies, a particular consequence is that migrants are forced to use illegal channels when migrating. Andrijasevic’s research found that the more exclusionary migratory policies and stricter border regimes of the state did not protect migrants from abuse, “but rather [made] them dependent upon third parties to facilitate their migration and travel across international borders” (Andrijasevic 2010, p. 56; see also Castles and Miller 2003; Spencer 2011).

Moreover, the restrictive border and visa regimes left Andrijasevic's participants, who were all women, "vulnerable to abuse and exploitation during the cross-border journey" (Andrijasevic 2010, p. 74). These restrictive measures are designed to keep certain individuals out of the country. Andrijasevic argues that "[n]ot only is being granted a visa a long, troublesome and expensive process...but Consulates also often make the process deliberately more difficult by establishing a number of rules and procedures that make it extremely difficult for certain groups of people to obtain visas" (Andrijasevic 2010, p. 39; see also Castle and Miller 2003; Spencer 2011).

The restrictive migration policies had "a key role in constructing situations of vulnerability and exploitation [which is] confirmed by other studies in Spain, Portugal and the UK" (Andrijasevic 2010, p. 75; see also Mai 2011; Spencer 2011). Paradoxically, the government's restrictive immigration measures aimed at preventing human trafficking, were pushing migrants into illegal channels and into situations of possible trafficking (Andrijasevic 2010, p. 75). Migrants were becoming dependent on third parties for relocation costs, employment opportunities and logistics of arranging travel documents (Andrijasevic 2010).

The illegal channels and the groups, individuals or organisations who mediate between the migrant and the state, are what Castles and Miller describe as the "meso-structures" (Castles and Miller 2003, p. 28), which are the traffickers. These closed borders have "created a breeding ground for smuggling networks and other criminal organisations, which [has] learned to make a profit from people's desire to work abroad" (Mahmoud and Tresbesch 2009, p. 4; see also Aronowitz 2009; Castles and Miller 2003; Spencer 2011). The 'migration industry' (Castles and Miller 2003) has a vested interest in the migration industry surviving, which also confounds any governments' efforts to stop these illegal movements. Indeed, the tighter the immigration restrictions results in an increased profitability "of smuggling and trafficking" (Kaye 2003, p. 3; see also Heyzer 2002; see also Mahmoud and Tresbesch 2009; Spencer 2011).

### *Migratory Projects*

The migratory process is important to note, as often neo-classical understandings of migration that are based on an assumption of rational comparison of costs and benefits (Castles and Miller 2003), which has resulted in policies that attempt to turn migration on and off. These policies are based on the assumption that if an individual is migrating

according to a rational cost/benefit analysis between two countries and that should the costs in the receiving countries increase, then the individual will not migrate. However, Castles and Miller argue migration “may continue due to social factors, even when the economic factors which initiated the movement have been completely transformed” (Castles and Miller 2003, p. 31).

Therefore, it is necessary to note these social factors. Within the migration systems theory, these are micro-structures that aid migration, from the informal networks to “personal relationships, family and household patterns, friendship and community ties, and mutual help in economic and social matters” (Castles and Miller 2003, p. 27). Indeed, as described above, there is a cost associated with migration, which can be provided for by the family network. Thus, often the migratory decisions are formed as “a collective strategy of a family” (Spencer 2011, p. 8; see also Castles and Miller 2003).

People have different reasons to migrate: “manual workers, highly-qualified specialists, entrepreneurs, refugees or as family members of previous migrants” (Castles and Miller 2003, p. 3). Along the migratory process, migrants’ status shifts between permanent and temporary, from illegal to legal status, and possibly between different countries’ regimes. These internal dynamics of the migratory process confound policy makers (Salt 2000).

Further compounding the migratory process are the range of macro-structural situations in the sending countries that lead to economically and politically motivated migration—internal conflicts, civil war, dictatorships, political insecurity, “lack of the rule of law, environmental degradation, youthful populations...the income differential between the developing and developed world” (Spencer 2011, p. 9), “underdevelopment, impoverishment, poor governance, endemic conflict and human rights abuses” (Castles and Miller 2003, p. 32; see also Heyzer 2002; Kaye 2003; Aronowitz 2009; Laczko and Danailova-Trainor 2009; Mahmoud and Tresbesch 2009; Lee 2011).

Poverty is one such motivating factor (Heyzer 2002; Kaye 2003; Stepnitz 2009; Mahmoud and Tresbesch 2009; Laczko and Danailova-Trainor 2009; Andrijasevic 2010).

Andrijasevic’s participants’ put forth ‘poverty’ as their motivation for migrating, understood as “a situation in which the income of the family barely sufficed to cover basic needs such

as food and housing” (Andrijasevic 2010, p. 46; see also Mai 2012). However, Andrijasevic argued that use of ‘poverty’ as a discourse was a means of resisting the concept of selling sex for pleasures and for “resisting the ‘whore stigma’” (Andrijasevic 2010, p. 48; see also Mai 2012). Poverty was used to “conceal the fact that women's migratory projects developed out of a more complex set of factors and desires such as a pursuit of financial independence, an ‘escape route’ from patriarchal social relations... a search for (emotional) autonomy from the family and ultimately a desire for mobility” (Andrijasevic 2010, p. 49). Thus, it was not purely migration for economic necessity, nor were these women’s migration “an abrupt act orchestrated by a third party... [but it] rather evolved out of their social-economic context and their individual needs and desires” (Andrijasevic 2010, p. 30).

Weitzer argues that “[t]here is sufficient evidence, from a growing body of studies, demonstrating that at least some illegal migrants as well as trafficked persons have more agency than the stereotype” (Weitzer 2014, p. 16; see also Commission of the European Communities 2001; Kaye 2003; Andrijasevic 2010; Spencer 2011; Mai 2014). Victims accepted the trafficker’s offer motivated by a desire for adventure (Commission of the European Communities 2001, p. 26, p. 195 and p. 359; see also Kaye 2003, p. 3), which highlights the agency of the individual in their migratory projects.

A migrant might wish to migrate owing to expectations of opportunities in destination countries (Aronowitz 2009, p.12; see also Heyzer 2002; Kaye 2003; Andrijasevic 2010), which are seen to offer potentially higher salaries and better quality of life, with the possibility of acquiring new skills, education, and employment (Heyzer 2002; Kaye 2003; Aronowitz 2009; Andrijasevic 2010). These beliefs are corroborated sometimes by returning migrants or migrant’s families who have profited from the remittances (Aronowitz 2009, p. 12; see also Heyzer 2002; Kaye 2003; Castles and Miller 2003; Andrijasevic 2010). Moreover, the established “migration routes and ethnic, national communities in destination countries” (Aronowitz 2009, p. 12; Castles and Miller 2003), that is coupled with increased ease of model travel (Heyzer 2002; Aronowitz 2009; Castles and Miller 2003) has made migration a convenient option.

## 4. Conclusion

In this chapter, the examination was on what is ‘human trafficking’. It started with an initial examination of the contentious origin of the UN *Palermo Protocol*. There were disagreements around the constructs of prostitution/sex work, traffickers, migration, agency, consent, coercion and vulnerability. The imprecision of the term ‘human trafficking’ was further illustrated by the three elements of the UN *Palermo Protocol* — the acts, the means, the purpose. Moreover, these highlighted the dominant anti-trafficking and anti-prostitution depictions within these elements, which were contradicted by evidence and research.

The chapter highlighted two important causes of trafficking — structural conditions and the migratory projects of individuals. Importantly, the discussion highlighted the role of the state’s repressive migration policies that facilitated trafficking by driving migrants into the hands of intermediaries and traffickers. This is discussed in more detail in Chapter Four, around the development of prevention policies. Whilst, also the chapter acknowledged the agency of trafficking victims in their migratory projects. Thus, these causes highlighted the complexity involved in understanding the crime of human trafficking.

The next chapter examines the claims of the moral crusade, which is rooted in the partial criminalisation proponent’s understanding of prostitution. The ‘sex work’ proponents oppose this framing of trafficking as sex work. These debates, as well as conceptions of human trafficking as prostitution, are contextualised within the ‘sex wars’.

## Chapter Three

### Sex Wars

Chapter Two highlighted the debates in defining human trafficking, which were hinged upon the concepts of consent, coercion, migration, sex work/prostitution, sexuality, and agency. Moreover, the chapter highlights how perceptions of trafficking within the three elements of trafficking were contradicted by evidence by a dominant anti-trafficking and anti-prostitution discourse. Moreover, within this discourse structural causes of trafficking, such as restrictive immigration policies or individual's agency, were ignored. Indeed, the chapter highlighted how trafficking has become so entangled with the prostitution/sex work that the purpose of trafficking as been constructed such that virtually all prostitution/sex work are understood as trafficking (Weitzer 2011, p. 1344; see also Weitzer 2007; Milivojevic and Pickering 2013). These debates have been “raging for decades over prostitution, pornography, and other types of sex work...[s]ometimes referred to as the “sex wars”” (Weitzer 2005, p. 1) and are discussed here.

This chapter seeks to ground the seven claims of the moral crusade (Weitzer 2007) within the key anti-prostitution and anti-trafficking arguments used by the partial criminalisation proponents. As stated in the Introduction the moral crusade's claims are as follows: (1) prostitution is a form of violence against women; (2) violence is present in both trafficking and prostitution; (3) customers and traffickers are personifications of ‘evil’; (4) sex workers lack agency; (5) prostitution and sex trafficking are inextricably linked; (6) the magnitude of trafficking and prostitution are on the increase; and (7) legalization of prostitution would make the situation worse for women of trafficking and prostitution.

These provide the basic framework of discussion within this chapter, with one important point added — gender inequality in prostitution. These are the fundamental anti-prostitution arguments of the partial criminalisation. Also in this chapter, two of the points are amalgamated, which is the presence of violence in both trafficking and prostitution is now discussed under point five that argues prostitution and sex trafficking are inextricably linked. Moreover, the discussion is divided into three anti-prostitution points and four anti-trafficking points.

Thus, alongside these seven points are how these points are contested by the ‘sex work’ perspective, who oppose this framing of prostitution/sex work and oppose the dominant anti-trafficking discourse that collapses migration for prostitution/sex work with human trafficking.

## **1. Anti-Prostitution Points**

The root argument of the partial criminalisation proponents is the gender inequality in prostitution. It is this root cause that the two anti-prostitution points of the moral crusade and the partial criminalisation proponents’ anti-prostitution arguments are based upon. The two points are the presence of extreme harm in prostitution and the lack of agency in selling sex. These viewpoints are contrasted with the points of the ‘sex work’ advocates.

### Gender Inequality

Gender inequality is one of the key arguments put forward by the partial criminalisation proponents, who argue that society is based upon inequalities between the sexes. According to the partial criminalisation proponents the inequality is a result of the construction of individuals as male and female, which enables one to dominate and the other to be subjected. Catharine MacKinnon, feminist scholar and lawyer, describes these gender constructs: “Male and female are created through the erotization of dominance and submission. The man/woman difference and the dominance/submission dynamic define each other” (MacKinnon 1989, p. 635).

Indeed, MacKinnon argues that this gender inequality defines and enables women’s sexual exploitation: “[i]nequality because of sex defines and situates women as women. If the sexes were equal, women would not be sexually subjected” (MacKinnon 1989, p. 215). If there was equality amongst the sexes then “women would not be economically subjected, their desperation and marginality cultivated, their enforced dependency exploited sexually or economically” (MacKinnon 1989, p. 215). Kathleen Barry, academic and author, argues in her book *The Prostitution of Sexuality*, that the gender inequality power dynamic relegates all women to positions of slavery:



“My definition of female sexual slavery breaks away from traditional distinctions between “forced” and “free” prostitution and between wives and whores...Specifically, female sexual slavery is not an illusive condition...Slavery is one aspect of the violation of women and children in prostitution, in marriage and in families...Sexual exploitation and female sexual slavery are each different aspects or dimensions of the sexual relations of power in the patriarchal oppression of women” (Barry 1995, p. 199-200)

The removal of any distinction between forced and free prostitution by the partial criminalisation proponents illustrates that they believe this is a universal condition for women. They argue that women have a limited range of available choices, which all contain some form of prostitution:

“All too often, a women had to choose from an array of dehumanizing alternatives; to sell her body in a loveless marriage contracted solely for economic protection; to sell her body for starvation wages as an unskilled worker; or to sell her body as a “sporting women”. Whatever the choice, some form of prostitution was likely to be involved” (Rosen 1982, p. xvii)

On prostitution specifically, Andrea Dworkin, feminist and writer, describes it as “sexual and social subordination” (1981<sup>38</sup>) noticeable in two ways. First, the prostituted woman is chosen by her client. Whilst she may choose not to go with him, her choice of client is limited to the client approaching her initially. Second, the prostituted woman is paid by the client to fulfil his demands and desires and she can either comply for the financial reward or not and lose the client. Her choice is limited to fulfilling the male’s desires. A prostituted woman’s lack of choice is evident as she has “sex with thousands of men a year under conditions you cannot realistically control” (MacKinnon 2011, p. 286).

Thus, these gender inequalities enable the “global sexual exploitation of women and girls [that] is a supply and demand market. Men create the demand and women are the

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<sup>38</sup> DWORKIN. <http://www.nostatusquo.com/ACLU/dworkin/PornWhores.html>

supply” (Hughes 2000a<sup>39</sup>). For the partial criminalisation proponents prostitution exists because of male demand for sex and access to women’s bodies.

Yet, the ‘sex work’ proponents disagree with the framing of prostitution as the dynamics of subordination/dominance. Rather, they argue that sex work should be seen as “the best possible option for women who [have] to support themselves in a discriminatory labor market” (Hobson 1987, p. 218). Whilst the ‘sex work’ proponents may concur that there are limited choices available for many women, they argue that these stem from the gender discriminatory practices within the labour market based upon a false divide between private and public spaces:

“The legal justification for selecting female prostitutes as the guilty parties rested on the false dichotomies between public and private acts, and between visible and invisible hands in the operations. Essentially, the terms public and visible, when translated into actual policies, were gender and status classifications” (Hobson 1987, p. 213)

The divide between private and public space has reinforced gender inequalities in society. However, sex work violates these boundaries “because it actually challenges the dualism between market transaction and private desire” (Zatz 1997, p. 303). Whilst it is neither entirely a private desire nor completely a market transaction, sex work has removed the private/public nature about love/work. The ‘sex work’ advocates argue that sex work has the ability to break the divide between private/public: “In a society where women are at the threshold of equality with men, beginning not only to enjoy sex but also to decide when and with whom to have it, the prostitute becomes the embodiment of that freedom which until now has been only a fantasy” (Carmen and Moody 1985, p. 80 quoted in Hobson 1987, p. 221).

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<sup>39</sup> HUGHES. [http://www.uri.edu/artsci/wms/hughes/demand.htm#\\_ftn1](http://www.uri.edu/artsci/wms/hughes/demand.htm#_ftn1)

## Prostitution as Violence

The moral crusade argues that prostitution is a form of violence against women. Viewing prostitution as a form of violence against women is a critical element in the arguments against prostitution put forward by the partial decriminalisation and partial criminalisation advocates. Partial criminalisation advocates argue that women are not making decisions about entering the industry, but instead in Britain and “globally women – almost all of [the prostitutes are] poor and racialized – are forced, coerced, beaten and tricked into this industry” (Baptie 2009<sup>40</sup>).

“The abuse that is constant in prostitution, indeed endemic to it, requires dissociation from yourself and the world to survive... Being subjected to constant rape, beaten to stay, prevented from looking into other options, sustaining the trauma of a war zone or a torture chamber, needing drugs to keep doing it—is this what you mean by employment? When you think, “I am going to go get myself a job,” is this what you have in mind?” (Mackinnon 2011, p. 288)

In 1998 partial criminalisation advocates, Melissa Farley and Howard Barkan, produced a report entitled *Prostitution, Violence Against Women, and Posttraumatic Stress Disorder*. They concluded from the study that prostitution was indeed a form of violence against women. Listed below are their participants’ experiences of sexual violence from childhood to adult:

- 57% reported a history of childhood sexual abuse, by an average of 3 perpetrators
- 82% were physically assaulted since entering prostitution
- Of those who had been physically assaulted, 55% had been assaulted by customers
- 88% had been physically threatened while in prostitution
- 83% had been physically threatened with a weapon
- 8% reported physical attacks by pimps and customers which had resulted in serious injury (for example, gunshot wounds, knife wounds, injuries from attempted escapes)

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<sup>40</sup> BAPTIE. <http://sisyphe.org/spip.php?article3290>

- 68% had been raped since entering prostitution
- 48% of the prostituted women had been raped more than five times
- 46% of those who reported rapes had been raped by customers (Farley and Barkan 1998, p. 40-41)

They updated the research in 2003, to document the high levels of violence prevalent amongst the 854 participants from nine countries:

- 71% had been physically assaulted in prostitution
- 63% were raped
- 89% of the respondents were willing to exit prostitution but had no other means of survival (Farley *et al* 2003, p. 40-41)

In a similar study, the Economic and Social Research Council (ERSC) commissioned research in 2000 to determine the level of client violence, which included 240 interviews with prostituted women in the three cities of Glasgow, Edinburgh and Leeds:

“The reported lifetime levels of client violence were high (63%). In the past six months 37% reported having experienced some form of client violation. Women working from the streets reported significantly higher levels of violence than their indoor counterparts and this applied to 12 of the possible 15 types of violence listed on the questionnaire. Incidents of client violence [for street workers] were reportedly of longer duration and were less likely to be interrupted by third parties. Most frequently streetworking prostitutes reported being ‘slapped, kicked or punched’ (47%). Over a third (37%) reported client ‘robbery’ and 28% reported ‘attempted rape’ (vaginal or anal). Indoor prostitutes were most likely to report vaginal or anal ‘attempted rape’” (17%) (Barnard *et al* 2002, p. 2)

Yet, there are methodological concern regarding both of these research projects, as none of the projects disclosed the methodology nor methods used to collect this data. Without any transparency about the methods or methodology, there exists the opportunities for bias. For instance, in the Farley *et al* article there was no inclusion of broader social context regarding

the levels of violence against women in those countries generally nor was there any indication as to the legal status of prostitution in these countries, which could arguably have an impact on the results, as will be discussed below.

In the Barnard *et al* study there was no indication of how the 240 women were sampled, nor any mention of how these interviews were held or questions the women were asked. The concern was that the particular recruitment or interview methods might influence the results. If the women were sampled only from a particular type of prostitution it would skew the data. Weitzer argues that the partial criminalisation proponents' figures "consist mostly of street prostitutes (not escorts, call girls, or other indoor workers) who were approached on the street, contacted service agencies, or were interviewed in jail-that is, unrepresentative convenience samples" (Weitzer 2005, p. 3; see also Sanders 2004; Sanders 2005; Kinnell 2008). Indeed, the lack of transparency around the methods has led to the argument that these research projects are agenda driven, which are designed to "provoke the reader's abhorrence of prostitution. The most disturbing instances of abuse are presented as typical" (Weitzer 2005, p. 3). For instance, Cusick *et al* describe how "problematic drug using sex workers is often misrepresented to suggest that drug problems saturate all sex markets... Yet high levels of drug use and addiction are not found in studies of indoor sex work markets" (Cusick *et al* 2009, p. 707; see also Cusick 1998; Sanders 2004; Sanders 2005).

In spite of the lack of disclosure about the methods, these results have formed the underpinning basis of the partial criminalisation perspective that prostitution is a form of violence against women (Weitzer 2005, p. 2). The 'sex work' advocates argue that framing prostitution as violence against women is an attempt to "generate support for the antiprostitution crusade. Who can support prostitution if it is the quintessential form of violence against women?" (Weitzer 2005, p. 2). Framing prostitution in this way has resulted in actions that are presented as "legitimate means to achieve socially desirable outcomes, uncover serious offences, 'rescue victims' or expose moral turpitude, but their intrinsically violent or abusive nature is ignored" (Kinnell 2008, p. 31).

Thus, the 'sex work' proponents argue there exists a real danger with the partial criminalisation discourse, which fails to distinguish between actions that harm sex workers

without her consent (robberies, abuse, harassment and physical and sexual attacks) and those acts which she does with her consent (Kinnell 2008). If prostitution is inherently a form of violence inflicted upon a woman by a man, then it becomes difficult to differentiate qualitatively from being robbed, beaten or raped by a man. Indeed, the ‘sex work’ advocates argue that the violence described by the partial de/criminalisation proponents “does *not* mean the beatings, rapes and murders inflicted on sex workers. Instead the commodification of women's bodies through charging for sexual acts or performances” (Kinnell 2008, p. 27-28, italics in original). Ultimately, arguing that prostitution is a form of violence “diverts attention from other kinds of societal violence and from other kinds of assailant..by other individuals, groups and institutions” (Kinnell 2008, p. 30).

As an alternative, Kinnell proposes that violence against sex workers be understood as “acts that cause fear, humiliation, manhandling or exposure to danger” (Kinnell 2008, p. 31). From this definition, Kinnell argues that aside from violence by clients there are many instances of violence perpetrated against sex workers: “immigration raids and deportations, policing operations, comment actions against sex workers, evictions, politicians' statements and media exposés of sex workers” (Kinnell 2008, p. 31).

The ‘sex work’ advocates see the harm in sex work not as an inherent trait of prostitution, but rather resulting from the “context within which women engage in prostitution—such as forced prostitution and trafficking, as well as the often bad conditions under which the work is done” (Outshoorn 2005, p. 145). The context includes the legal status of a sex worker, for when sex work is criminalised there is likely to be stigmatisation of those selling sex (Sanders 2004; Sanders 2005; Cusick 2006; Goodyear and Cusick 2007<sup>41</sup>; Day 2007<sup>42</sup>; Mai 2009; Hayes 2010; Lazarus *et al* 2012<sup>43</sup>; Platt *et al* 2013, p. 311). The criminalisation and stigmatisation of sex workers can lead to violent acts against sex workers, as described by the American pro-sex work advocates, COYOTE:

“[T]he incidence appears to be directly related to the legal status of prostitution.

The enactment of the prohibition in this country was followed by an immediate

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<sup>41</sup> GOODYEAR AND CUSICK. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1767242/>

<sup>42</sup> DAY. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1781978/>

<sup>43</sup> LAZARUS. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3359131/pdf/nihms336920.pdf>

increase in the incidence of violence against prostitutes, as well as an increase in prostitutes' dependence on male pimps... We believe that the prohibition of prostitution enshrines into law the view that prostitutes are bad women, and thus legitimate targets for abuse” (COYOTE 2014)

The link between stigma and violence was noted in a World Health Organisation Information Bulletin Series:

“Violence is a manifestation of the stigma and discrimination experienced by sex workers. In all societies, sex work is highly stigmatized and sex workers are often subjected to blame, labelling, disapproval and discriminatory treatment. Laws governing prostitution and law enforcement authorities play a key role in the violence experienced by sex workers. In most countries, sex work is either illegal or has an ambiguous legal status (e.g. prostitution is not illegal, but procurement of sex workers and soliciting in public is illegal). Sex workers are therefore, frequently regarded as easy targets for harassment and violence for several reasons. They are considered immoral and deserving of punishment” (World Health Organization 2005, p. 1)

'Sex work' advocates highlight several accumulative factors that attribute harm experienced by sex workers owing to their illicit status: “Violence from male clients, issues relating to policing” (Sander 2004, p. 1704; Mgbako *et al* 2013) and lastly, removal of economic independency (Mgbako *et al* 2013, p. 1424).

When women selling sex are criminalised and unable to report incidences of violent, their vulnerability to abuse from male clients, and possibly even community members, increases (Sanders 2004, p. 1709-1711):

“During the period 1989-2002, sex workers in Birmingham, the majority of whom worked on the street, reported over 400 separate incidents of physical or sexual attacks by clients to a local health organisation. Of the street workers [Sanders] spoke with, those who had not been attacked were in the minority. In all, 15 women retold their experiences of multiple violence from clients: 7 had

been raped, 14 had been physically beaten; 5 had been robbed at knife-point, 3 had been confined against their will or kidnapped; a further 3 had been robbed at gun-point; and 2 had been drugged by a client” (Sanders 2004, p. 1708-1710)

The ‘sex work’ proponents argue that when sex work is criminalised “[s]ex workers are often afraid to report crimes against them out of fear that they themselves will be prosecuted for breaking anti-prostitution laws” (Mgbako *et al* 2013, p.1429; see also Platt *et al* 2013, p. 311). Compounding this particular harm for sex workers who have experienced violence are the police’s reactions that have created a culture that is tolerant of violence against sex workers (World Health Organization 2005, p. 1-2).

“[W]omen’s safety is seriously undermined as sex workers are deterred from coming forward to report rape and other violence for fear of arrest (and for immigrant women, fear of deportation) – violent men know that and are quick to take advantage” (English Collective of Prostitutes 28 September 2010)

“In addition, when the primary role of police vis a vis prostitutes is to entrap them into soliciting an act of prostitution and then arrest them, their role as enforcers of the laws against rape and other violence is undermined. As a result, police tend to deal with violence against prostitutes less rigorously than other violence, and prostitutes are reluctant to go to police for help when they are assaulted” (COYOTE 2014)

This was supported by the World Health Organization Information Bulletin Series reports:

“Even when they do report, [sex workers’] claims are often dismissed. For example, studies among street-based sex workers in Vancouver, Canada and in New York City show that a majority of incidences of harassment, assault, rape, kidnapping, and murder are not reported to the police. Where they are reported, the police do not register the complaints and in the few instances where they are registered, many of the perpetrators are not convicted” (World Health Organization 2005, p. 1-2)



In one study focused on the five boroughs of New York City, there were 35 prostituted women/sex workers interviewed, and the researchers found evidence highlighting the relationship between lack of a legal status for sex workers with police harassment:

“The overwhelming majority of respondents did not go to the police after they experienced violent incidents. Street-based sex workers described enormous difficulties in their attempts to report prostitution-related violence to the police, many of them laughing and saying “no” or “of course not!” when researchers asked follow-up questions about customer violence with questions about whether they had gone to the police for help. Others who attempted to report violent crimes were told by the police that their complaints would not be accepted, that this is what they should expect, and that they deserve all that they get. When these women experienced further violence, they did not turn to the police” (Thukral and Ditmore 2003, p. 8)

For this study in New York the 35 participants were “arrested within the 12-month period prior to the interview, or had more than ten arrests, with the last arrest within the preceding 15 months” (Thukral and Ditmore 2003, p. 25). Included in the statistics were only 30 who were street-based sex workers and 2 who were indoor sex workers, whilst 3 were not included as they had not been arrested in the preceding 12-month and had low number of arrests. Even within this small sample size there were several incidences of police harassment:

“9 respondents (30 percent) told researchers that they had been threatened with violence by police officers. 8 reported experiencing violence at the hands of police. 5 respondents (17 percent) described sexual harassment by police. 1 respondent reported being raped by a police officer. Another respondent described extreme incidents of sexual harassment. Sexual harassment included officers intimating that they would give arrested women cigarettes in exchange for sex. One woman reported stalking behavior by a police officer” (Thukral and Ditmore 2003, p. 7)

The ‘sex work’ advocates argue there are other forms of harm when sex work is criminalised, because the criminalisation “causes clients to avoid visible locations, requiring sex workers to operate further from police and other services that protect their safety and health, including peer support networks. Sex workers will be more isolated and more vulnerable as a result” (Falconer 2013<sup>44</sup>). Another adverse effect is on their health is because without advertising sex work outreach services have more difficulty in identifying and contacting sex workers, which will have ramifications for their health (UNAIDS 2012; Platt *et al* 2013).

A final consequence of criminalising prostitution is it removes the women’s economic security, as argued by Laura Agustin, an anthropologist who studies migration and sex work and advocates for the decriminalisation of sex work: “they were not selling sex in order to live safely but to earn money and be independent” (Agustin 2007, p. 33). A woman who is unable to support or provide for herself or her dependent/s will have her welfare undermined.

Therefore, the ‘sex work’ proponents argue that harm in prostitution is “fostered by the illicit status of sex work, harm reductionists might tackle that illicit status” (Cusick 2006, p. 8). The ‘sex work’ proponents argue that legalising and decriminalising sex work would make sex workers “less marginalised and better off (both personally and financially)” (Munro and Della Giusta 2008, p. 2). The motivation behind removing all criminalising aspects around sex work is to remove the stigmatisation and marginalisation. Under a decriminalised system sex workers could “report violence to the authorities without fear of arrest; attacks are cleared up more quickly; there has been no increase in prostitution” (English Collective of Prostitutes 28 March 2010). Further harm reduction programmes, Cusick argues, should “exist to address the structural factors underlying sex work careers that begin in the context of poor opportunities to pursue alternatives. Education, training and skills programmes are considered as appropriate interventions” (Cusick 2006, p. 7).

### No Choice in Selling Sex

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<sup>44</sup> FALCONER. <http://www.whfp.com/2013/06/21/criminalising-prostitution-will-increase-harm-to-sex-workers/>

The moral crusaders argue that there is no choice in selling sex (Weitzer 2007), which is similarly argued by the partial criminalisation proponents. The partial criminalisation proponents argue that the presence of inequalities and violence have removed the possibility of consent to sell sex by prostituted women/people: “If prostitution is a free choice, why are the women with the fewest choices the ones most often found doing it?” (Mackinnon 1993, p. 28).

Payment in prostitution is used to distinguish it from rape and human trafficking. However, the partial criminalisation advocates argue that it is impossible to distinguish between an act of sexuality and an act of force, because both are integral to male sexuality. Rape, which is akin to human trafficking, is defined by the partial criminalisation proponents by the same male/female and dominance/submission dynamic and it is something done to women by men when women have lost control over their sexuality. Mackinnon explains:

“Rape is not less sexual for being violent; to the extent that coercion has become integral to male sexuality, rape may be sexual to the degree that, and because, it is violent” (1989, p. 173)

Thus, owing to this perception of male sexuality the partial criminalisation advocates view rape and human trafficking as equivalent to prostitution.

Yet, the ‘sex work’ advocates argue that by characterising sex workers as being unable to consent to sex work over plays the gender-power dynamic. Indeed, it is an “outrageously elitist dismissal of sex workers’ opinions and choices and the totalising assertions about women’s relationships to their bodies” (Kinnell 2008, p. 28). They argue instead that sex work is “a legitimate work choice for women in a capitalist economy” (Hobson 1987, p. 221, see also Abel 2014). The earliest pro-sex group, ‘Call Off Your Old Tired Ethics’ (COYOTE) highlighted this consensual employment element of the sex industry:

“[COYOTE] did not challenge the right of men to have access to prostitutes; nor did [COYOTE] suggest that prostitution was degrading work or harmful to women. On the contrary, [COYOTE] insisted that prostitution was merely a job

for most women, and a lucrative one compared to most women's work" (Hobson 1987, p. 216)

For the 'sex work' proponents sex work provides a survival strategy or an option undertaken by women, "which should be respected" (Outshoorn 2005, p. 14). Furthermore, ignoring their choice, leaves sex workers vulnerable to abuse, as discussed above:

"[S]ome women may choose to sell sex, even where they do not make this choice from an unconstrained range of options and even though they may be left vulnerable by virtue of the conditions (of stigma, illegality, patriarchy, or poverty) under which they make such transactions" (Munro 2008, p. 90)

The 'sex work' proponents view limited options as the reality for many women (and men), thus, without demonising sex work nor glorifying it, they simply view it as a possible employment option.

## **2. Prostitution, Sex Work and Human Trafficking**

This section examines the four core anti-trafficking points of the moral crusade: (1) prostitution and sex trafficking are inextricably linked; (2) customers and traffickers are personifications of evil; (3) the magnitude of trafficking and prostitution are on the increase; and lastly, (4) legalization of prostitution would make the situation worse for trafficking victims. Importantly, these four claims collapse trafficking with prostitution, and as will be discussed are rooted in the partial criminalisation arguments.

### Prostitution and Human Trafficking are Inextricably Linked

Taking the three anti-prostitution points discussed above of gender inequality, violence and lack of choice, this section highlights how prostitution and human trafficking have been collapsed together with the partial criminalisation arguments.

Firstly, the role gender inequality allows men demand for sex from women, is believed to be same root cause for both prostitution and human trafficking (Bindel 2003; Ekberg 2004; Weitzer 2007; Farley 2009; MacKinnon 2011). “Men’s demand for trafficked women cannot be distinguished from the demand for prostitution” (Farley 2009, p. 314). Moreover, as a result of gender inequality, partial criminalisation proponents argue that prostituted women/people and human trafficking victims are exposed to the same vulnerabilities (Eaves 2014).

Secondly, human trafficking is about exploitation, which is extreme violence in the case of human trafficking (Commission of the European Communities 2001; Sanghera 2005; Monzini 2005; Askola 2007; UNODC and UN.GIFT 2008; Kara 2009; Aronowitz 2009; Jones 2012). Similarly, partial criminalisation proponents argue that prostitution is a form of violence that turns women who sell sex into victims, as discussed above (Munro and Della Giusta 2008, p. 2; see also Farley and Barkan 1998; Bindel 2003).

Finally, human trafficking it is explicitly about a lack of choice (Sanghera 2005). The two elements of coercion and deception highlight the lack of consent in a case of human trafficking. Any coercion or deception negates the individual’s consent. Yet, the partial criminalisation proponents argue that prostitution is similarly about force and a lack of choice, as discussed above (MacKinnon 1989; Barry 1995; Weitzer 2007).

Thus, along all three points, the partial criminalisation proponents collapse human trafficking with prostitution (Bindel 2003; Ekberg 2004; Farley 2009; MacKinnon 2011). Moreover, this is the fourth claim of the moral crusade, which highlights how this claim is rooted in the partial criminalisation proponents’ arguments. Moreover, it is argued that the partial criminalisation conflate trafficking with prostitution as a means of eliminating the sex industry (Weitzer 2007).

Yet, the ‘sex work’ proponents state that it is impossible, both “empirically and conceptually...to fuse prostitution and trafficking” (Weitzer 2007, p. 455). There are clear definitional differences, as human trafficking for sexual exploitation is defined “as the use of force, fraud, or deception to procure, transport, harbor and sell persons, within and between nations, for the purposes of prostitution” (Weitzer 2005, p. 4). The x:talk project, a London

based “sex worker-led workers co-operative” (x:talk 2014<sup>45</sup>), argued for the differentiation “between people forced, coerced or deceived into sex work and those migrating to work in the sex industry willingly” (x:talk 2010, p. 3<sup>46</sup>).

The distinction is important in understanding that there is diversity in an individual’s migratory project or their reasons to sell sex abroad. Trafficking is focused on those who are forced to sell sex. Individuals who choose to sell sex, should be understood to enter the global sex industry from varied socio-economic and cultural contexts. These entry points into the sex industry are “embedded in everyday life opportunities...and is the result of careful decisions, rather than of coercion” (Mai 2012, p. 112). The choice for women to sell sex must be allowed according to Weitzer, because this is “the key to all dimensions of trafficking and prostitution” (Weitzer 2011, p. 1347). Women choosing to sell sex make conscious decisions as a part of the “globalisation and ‘objectualisation’ of lifestyles, priorities and material worlds and of its impact on local moralities and gender roles, rather than the consequence of a specific psycho-social profile” (Mai 2012, p. 113; see also Davies 2009).

### Customers and Traffickers are Personifications of Evil

In a moral crusade there is always a “folk-devil” (Weitzer 2007, p. 452). These are individuals who prey upon vulnerable women and children. In the case of prostitution, it is the customer who is the personified ‘evil’: ““sexual predators” that brutalize women” (Weitzer 2007, p. 452), which was seen above that the partial criminalisation proponents argue that male demand is the cause of violence in prostitution. This extends to the case of trafficking, where the traffickers are “vilified as predators, rapists, kidnappers involved in organized crime and sexual slavery” (Weitzer 2007, p. 452).

However, research highlights the customers and traffickers are not homogenous groups. Whilst there are some who act violently, the ‘sex work’ proponents oppose the characterisation of men who pay for sex as being “driven by the desire to dominate and hurt

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<sup>45</sup> X:TALK. [http://www.xtalkproject.net/?page\\_id=2](http://www.xtalkproject.net/?page_id=2)

<sup>46</sup> X:TALK. <http://www.xtalkproject.net/wp-content/uploads/2010/12/reportfinal1.pdf>

they sex worker they pay” (Kinnell 2008, p. 28). This reductionist claim of male demand ignores the research that highlights how “both sex workers and clients frequently perceive the sex worker as controlling the interaction” (Kinnell 2008, p. 29). Indeed, there is more complexity to the relationships between men and women than usually dominates the anti-trafficking discourse. Indeed, often women selling sex were able “to negotiate more consensual relations with their agents and to extricate from these relations when these were no longer acceptable to them (Mai 2012, p. 116; see also Phoenix 2000). Thus, these relationships were not all about male domination and oppression. Another study even indicated that the migrant sex workers were treated well by the recruiters (Chin 2013).

### Magnitude of human trafficking and prostitution are increasing

The scale of human trafficking is examined here, as sex trafficking is said to be on the rise and “mushrooming...globally, while in fact these assertions are based on very few cases” (Weitzer 2007, p. 456). Indeed, “accurate statistics on the magnitude of the problem are elusive and available statistics are notoriously unreliable” (Aronowitz 2009, p. 15; see also Kara 2009; Lee 2011; Jordan 2011). Thus, trafficking is said to affect millions of people across the world (United Nations Office on Drugs and Crime 2012), but some estimates are inflated to “a high 10 times that of the minimum” (Aronowitz 2009, p. 15; see also UNODC and UN.GIFT 2008; Kara 2009). Indeed, the inflated scale is said to be the “staple of the anti-trafficking crusade” (Weitzer 2007, p. 455).

An oft-cited estimate comes from the US State Department’s Trafficking in Persons Report<sup>47</sup>, which stated in 2002, that “700,000 to 2 million women and children are trafficked globally each year” (Lee 2011, p. 17; see also Weitzer 2007). Three year later, however, the range was drastically reduced, “600,000 to 800,00 victims of all types of trafficking” (Lee 2011, p. 17). There was no explanation for the drop in numbers. In 2013, according to the 2014 Trafficking in Persons Report, the number of victims identified were “44, 758 (10,603)” (US Department of State 2014, p. 45<sup>48</sup>). An important caveat was listed below the figure: “The above statistics are estimates only..[t]he numbers in parentheses are those of...

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<sup>47</sup> The US Department of State ranks countries according to their anti-trafficking efforts, which is problematic and is discussed later under the large sporting events section.

<sup>48</sup> US DEPARTMENT OF STATE. <http://www.state.gov/documents/organization/226844.pdf>

victims identified” (US Department of State 2014, p. 45). Thus, the 44, 758 was the estimate and there were 10,603 actual number of victims identified globally.

The International Organization for Migration (IOM) states “numbers of estimated victims of trafficking worldwide vary, they are reported as being in the millions and most importantly, they are constantly on the rise” (IOM 2015<sup>49</sup>). Records from the IOM’s 106 world-wide operational offices reveal that the IOM has assisted “individual trafficked persons on 46,554 occasions from 2000 to 2010, with 5,911 instances of assistance provided in 2010 alone” (Serojtdinov 2011<sup>50</sup>).<sup>51</sup> In the 2011 IOM dataset there were 5,489 assisted cases of human trafficking by the IOM (Serojtdinov 2011, p. 21).

In 1998 two British academics, Liz Kelly and Linda Reagan, attempted to calculate the extent of human trafficking in the United Kingdom (UK). Throughout 1998 they identified 71 women trafficked into prostitution in the UK. They admitted to the difficulties in data collection:

“Trafficking in women for the purposes of sexual exploitation is not amenable to traditional forms of data collection or social research. There are currently no accurate estimates available either nationally or internationally” (Kelly and Regan 2000, p. v)

To arrive at their estimate they doubled the original number of victims identified, which was 71 individuals, and multiplied that number by 10 in order to arrive at their estimate of human trafficking in Britain. Their justification for this particular method was that it was assumed that “there *may have* been between 142 and 1420 women trafficked into the UK during the same period” (Kelly and Regan 2000, p. v, italics my own). Whilst the researchers added their cautions to the figure (Kelly and Regan 2000, p. 7), the number was

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<sup>49</sup> IOM. <https://www.iom.int/cms/countertrafficking>

<sup>50</sup> SEROJITDINOV. [http://www.unric.org/en/images/stories/2012/pdf/IOM%20counter-trafficking%20case%20data\\_May%202011.pdf](http://www.unric.org/en/images/stories/2012/pdf/IOM%20counter-trafficking%20case%20data_May%202011.pdf)

<sup>51</sup> Although the IOM is operational in 137 countries that data was shared by 106 IOM offices; 25 offices confirmed that they have never implemented anti-trafficking project, and 6 offices were still to share information. The data reflects a 96% response rate.



soon picked up by the media and politicians and used as reality (BBC News 2 June 2000<sup>52</sup>). The Kelly and Regan estimate ranged from double to twenty times higher than the original figure, without any other evidence, except a belief that the population numbers were believed to be higher and it was assumed to be a hidden population (Lee 2011, p. 19).

The United Kingdom Home Affairs Committee reported to Parliament on 14 May 2009 that:

“At a conservative estimate, there are at least 5,000 trafficking victims in the UK, although some estimates say there are at least 4,000 trafficked women working in the sex industry alone. The estimates of the number of people trafficked into the EU each year ranges from 100,000 to 800,000” (United Kingdom Parliament 2009<sup>53</sup>)

Yet, the British National Referral Mechanism (NRM) that collects data for the number of referrals of potential human trafficking victims (National Crime Agency 2013<sup>54</sup>) reported between 1 January 2012 to 31 December 2012 in Britain there were 2, 255 referrals made, with 376 Reasonable Grounds Decisions and a total of 402 Conclusive Grounds<sup>55</sup> (UKHTC and SOCA 2013, p. 3 and p. 4).

Another attempt to realistically estimate the number of victims of trafficking within the UK was made by the Association of Chief Police (ACPO). ACPO released research that identified 17,000 migrant women in off-street prostitution (Jackson *et al* 2010, p. 5) and of these it was estimated that 2,600 were trafficked, which is defined as “highly vulnerable people...most are not subject to violence themselves, many are debt-bonded and strictly controlled through threats of violence to family members” (Jackson *et al* 2010, p. 5). Of the

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<sup>52</sup> BBC NEWS. [http://news.bbc.co.uk/2/hi/uk\\_news/773809.stm](http://news.bbc.co.uk/2/hi/uk_news/773809.stm)

<sup>53</sup> United Kingdom Parliament. <http://www.parliament.uk/business/news/2009/05/committee-publishes-human-trafficking-report/>

<sup>54</sup> National Crime Agency. <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

<sup>55</sup> There are two stages to determine if an individual is a victim of trafficking. First, are there reasonable grounds to believe an individual may be a victim (RG Decisions). If this is affirmative, then the second stage is the conclusive decision based upon the probability of being a victim of trafficking from evidence available (CG Decision) (National Crime Agency 2013). If they are determined to be neither the case will be dismissed

remaining migrants 9,600 were considered vulnerable and 5,500 were not vulnerable or considered to be trafficked (Jackson *et al* 2010, p 5-6).

Whilst the ACPO estimates might be sound, there ACPO research included the caveats:

“As with any research into organised crime, a number of important caveats need to be borne in mind. Firstly, human trafficking is a covert crime. Thus means any attempt at measuring or estimating it is inherently difficult. The estimates in this report are therefore just that — estimates — albeit robust ones based on research using open sources, police intelligence, published material and first hand interviews with women involved in prostitution. Secondly, because there are believed to be few migrants in the on-street prostitution sector, the report is focused on the off-street sector... Thirdly, as the report attempts to demonstrate, there is no single story for all victims of trafficking any more than there is one for all women involved in prostitution” (Jackson *et al* 2010, p. 6-7)

As with all human trafficking estimates there are issues around data and in the following I consider why this might be. Historically, prior to the development of the universal definition in the United Nations 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons* there were many misunderstandings about the nature of human trafficking and confusion about human smuggling (Kaye 2003<sup>56</sup>) and irregular migration (Lee 2011). However, there are varying conceptions about trafficking, as discussed in Chapter Two and how the definition is legally interpreted and ratified by individual countries (Weitzer 2005, p. 4; see also Jordan 2010; Lee 2011). These variations impact what research is conducted and which data is collected (Jordan 2011<sup>57</sup>). A focus on human trafficking for sexual exploitation, for instance, will misrepresent the figures on human trafficking for forced labour (Lee 2011, p. 19; see also Jordan 2011).

The lack of ““methodological transparencies” and “source documents”...[extrapolating] from a few cases of identified victims” (Weitzer 2007, p. 456). Often the estimates are

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<sup>56</sup> KAYE. [http://www.antislavery.org/includes/documents/cm\\_docs/2009/t/the\\_migration\\_trafficking\\_nexus\\_2003.pdf](http://www.antislavery.org/includes/documents/cm_docs/2009/t/the_migration_trafficking_nexus_2003.pdf)

<sup>57</sup> JORDAN. <http://rightswork.org/research/issuepapers/>

calculated on secondary information, with reference to cases that are undocumented or not even within the same date or time period. Moreover, often these figures are based “on judgmental considerations or simply derived by applying a fraction to a broader estimate” (Belser 2005, p. 13), as with the Kelly and Regan estimate. As these methodologies are often not declared and the “general lack of methodological transparency has meant that the empirical basis of figures...is not verifiable” (Lee 2011, p. 19).

The illegal nature of human trafficking means that the crime is clandestine, so victims are hidden and consequently, not easily identified by anti-trafficking agents (Weitzer 2007, p. 455). Victims can be misidentified as a criminal, usually because of their illegal status or involvement with criminal activities (Hales and Gelsthorpe 2012, p. 15; see also Anti-Trafficking Monitoring Group 2012<sup>58</sup>). Many of these victims of human trafficking are deported, so these individuals are not included in the official figures on human trafficking (Hales and Gelsthorpe 2012, p. 49). Victims may not report their situation to law enforcement agents for a number of reasons: fear of reprisal from their traffickers, previous bad experiences with law enforcement officials (Newton *et al* 2008, p. 47), or fear of possible deportation (Pearson 28 March 2012<sup>59</sup>; see also Lee 2011).

However, in general more care should be taken with trafficking data, as often knowledge is shaped by “institutional exigencies and research access” (Lee 2011, p. 20). Weitzer argues that the inflated estimates of trafficking are to attract media attention, funding and “attention from policy makers” (Weitzer 2007, p. 455). Trafficking estimates are uncritically repeated in media and by policy makers and have gone unchallenged (Weitzer 2007). The discrepancies between the estimates and actual figures of human trafficking highlight how these figures been used “by politicians and policy-makers, and used as a device for pursuing their own agenda” (Milivojevic and Pickering 2013, p. 596; see also Weitzer 2007). Weitzer argues that there is agenda behind the inflated human trafficking numbers, which is to garner support for the partial criminalisation’s agenda of eradicating the sex industry and pushing

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<sup>58</sup> ANTI-TRAFFICKING MONITORING GROUP. [http://www.antislavery.org/english/what\\_we\\_do/programme\\_and\\_advocacy\\_work/trafficking/anti\\_trafficking\\_monitoring\\_group.aspx](http://www.antislavery.org/english/what_we_do/programme_and_advocacy_work/trafficking/anti_trafficking_monitoring_group.aspx)

<sup>59</sup> PEARSON. <http://www.nydailynews.com/new-york/fear-deportation-stops-immigrants-reporting-crimes-article-1.1051967>

through policies targeting demand for sex (Weitzer 2007; see also Milivojevic and Pickering 2013).

### *Prostitution is Increasing*

Given the assumed link of human trafficking with prostitution, it is also claimed that the sex industry is increasing (Weitzer 2007; Cusick *et al* 2009). Cusick, Kinnell, Brooks-Gordon and Campbell's work updated the estimates of sex workers in Britain (2009). Kinnell's 1999 estimate of 80,000 sex workers in Britain has often been quoted as "a firm figure, often applying only to women and often in the context of claims that the sex industry is expanding rapidly, which cannot be the case if the figure of 80,000 has remained the same for ten years" (Cusick *et al* 2009, p. 706-707).

The updated estimate began with 12, 215 reported sex workers from 38 specialist services listed in the UK Network of Sex Work Project (UKNSWP) Directory. Taking the average of the responding services, this number was multiplied by the remaining 16 non-responsive services listed in the UKNSWP Directory, which gave a total number of 17, 081 sex workers. From the Kinnell study the number of sex workers was multiplied by the previous mean average of the estimated numbers of sex workers in the areas where there were services: a factor of 1:2.1. Thus, the updated estimate was 35, 870 (Cusick *et al* 2009, p. 713). However, there were cautions to this number, as it "does not take account of the lower numbers likely to be in contact with non-specialist agencies, nor address the problem of double counting sex workers who access more than one agency" (Cusick *et al* 2009, p. 714). However, whilst the authors acknowledge the highly speculative nature of the figure, they do state that in "comparison with the widely reported 80,000 sex workers found in the Kinnell study in 1999, there cannot have been a huge increase in the number of sex workers in the UK in the last ten years" (Cusick *et al* 2009, p. 714).

Mai argues that in recent years the estimates of the sex industry have been "manipulated by political actors and anti-sex lobbyists into a moral panic situation in which the majority of migrant sex workers are presented as trafficked" (Mai 2011, p. 1; see also Weitzer 2007; Cusick *et al* 2009).

## Legalisation will fuel human trafficking

The moral crusaders claim that legalising the sex industry would be “a legal welcome to pimps and traffickers” (Farley 2009, p. 314), resulting in an increase in prostitution and human trafficking. This is reflected in the partial criminalisation proponents argument that legalisation will result in an increase in prostitution (Weitzer 2007, p. 456; see also Munro and Della Giusta 2008) and trafficking (Farley 2009). Hughes stated that “evidence seems to show that legalized sex industries actually result in increase trafficking to meet the demand for women to be used in the legal sex industries” (Hughes 2000b, p. 651; see also Weitzer 2007; Farley 2009; Lloyd 2012<sup>60</sup>). Farley argues that:

“[W]herever prostitution is legalized, trafficking to sex industry marketplaces in that region increases...After prostitution was legalized in Germany and the Netherlands, the number of trafficked women increased dramatically. Today, 80%<sup>61</sup> of all women in German and Dutch prostitution are trafficked” (Farley 2009, p. 313<sup>62</sup>)

Thus, this core claim of legalisation increasing prostitution/sex work and trafficking is also a core anti-trafficking argument put forward by the partial criminalisation proponents. Their argument is based upon the “notion of least resistance: legalization removes the constraints on a formerly illegal and circumscribed enterprise and inevitably leads to its proliferation” (Weitzer 2007, p. 457).

The ‘sex work’ proponents argue that there is no evidence to support this supposition (Weitzer 2007). Indeed, ‘sex work’ advocates argue that legalising and decriminalising sex work would make sex workers “less marginalised and better off (both personally and financially)” (Munro and Della Giusta 2008, p. 2; see also Kinnell 2008). Rather than being a magnet for traffickers, ‘sex work’ advocates argue that “legal prostitution may help *reduce*

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<sup>60</sup> LLOYD. <http://www.nytimes.com/roomfordebate/2012/04/19/is-legalized-prostitution-safer/legalizing-prostitution-leads-to-more-trafficking>

<sup>61</sup> This 80% figure is from research conducted in 1999, which is difficult to access and referred to only by partial de/criminalisation proponents Furthermore, the number is stated as being accurate, without any acknowledgment that conducting research in these populations is incredibly difficult/impossible.

<sup>62</sup> FARLEY. <http://www.prostitutionresearch.com/TraffickingTheoryVsReality2009%28Farley%29.pdf>

trafficking due to enhanced government regulation and oversight of the legal sector” (Weitzer 2007, p. 457). Indeed, it is the illegal nature of prostitution/sex work, including the restrictions on travel, that created vulnerabilities amongst migrants, which traffickers have been able to take advantage of (Weitzer 2007, p. 457; see also Kempadoo and Doezema 1998; Kinnell 2008).

There are different regulation models that are said to provide sex workers with safety and job satisfaction. For instance, the decriminalisation proponents argue that under a decriminalised system sex workers could “report violence to the authorities without fear of arrest; attacks are cleared up more quickly; there has been no increase in prostitution” (English Collective of Prostitutes 28 March 2010<sup>63</sup>). The sex market would be self-regulating, with sex workers controlling their business and industry. Taken from the 1985 International Charter for Prostitutes’ Rights (ICPR) about what their goals in decriminalisation:

“Decriminalize prostitution and regulate third parties according to standard business codes...Enforce criminal laws against fraud, coercion, violence, child sexual abuse, child labor, rape, racism everywhere and across national boundaries, whether or not in the context of prostitution...Prostitutes have rights to a private life” (ICPR 1985<sup>64</sup>)

English Collective of Prostitutes echoed these remarks about how the decriminalisation:

“Redirect police time and resources now being used to arrest sex workers (and sometimes clients), to dealing with rape, racist attacks and other violent crimes” (English Collective of Prostitutes 28 March 2012<sup>65</sup>)

New Zealand implemented decriminalisation policies over ten years ago, as it argued that it was not the business of government to be “legislating morals” (Abel 2014, p. 2). Indeed, the

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<sup>63</sup> ENGLISH COLLECTIVE OF PROSTITUTES. <http://prostitutescollective.net/2010/03/28/recommendations-for-changes-in-prostitution-law-and-policy/>

<sup>64</sup> INTERNATIONAL COMMITTEE OF PROSTITUTES’ RIGHTS. <http://www.bayswan.org/ICPRChart.html>

<sup>65</sup> ENGLISH COLLECTIVE OF PROSTITUTES. <http://prostitutescollective.net/2012/03/28/why-we-are-campaigning-to-abolish-the-prostitution-laws-2/>

process towards decriminalisation draws away from “moral arguments regarding sex work in favour of a human rights argument and the inclusion of sex workers’ voices in the development of legislation which is aimed at them” (Abel 2014, p. 2). The decriminalisation of sex workers created “the ability to talk frankly about sex work in New Zealand...Sex workers are able to negotiate safe sex and also what services they will (and will not) provide...without fear of entrapment for prostitution-related offences. Research in New Zealand has shown that over 90 per cent of sex workers are aware of their legal and employment rights and many are arguing that this has given them increased confidence in their interactions with clients” (Abel 2014, p. 7-8)

Yet, the decriminalisation of sex workers in New Zealand has not fully eradicated violence towards street based sex workers: “The Committee considers that the purpose of the [Prostitution Reform Act 2003], particularly in terms of promoting the welfare and occupational health and safety of sex workers, cannot be fully realised in the street-based sector. The Committee recognises the danger street work poses to sex workers, and acknowledges the concern and upset it causes communities” (Prostitution Law Review Committee 2008). Thus, there have been efforts to solve the “public nuisance effects of street-based sex work to residents and shop-owners in an area where much of the street-based activity takes place in Auckland” (Abel 2014, p. 8).

In a major evaluation of the legal brothels in Queensland, Australia concluded “[t]here is not doubt that licensed brothels provide the safest working environment for sex workers in Queensland” (Crime and misconduct Commission 2004 quoted in Weitzer 2007, p. 458), similar to the legal brothels in Nevada (Brents and Hausbeck 2005). In Britain, the x:talk report on ‘Human Rights, Sex Work and the Challenge of Trafficking’, highlighted how sex workers “expressed a desire for decriminalisation or legalisation as a way of making the industry safer” (x:talk 2010, p. 27).

Thus, whilst none of these regimes are without problems, there are large bodies of research that now highlight the diversity and complexity of prostitution/sex work, as seen above, that it is difficult to conclude that legalisation does increase human trafficking (Weitzer 2007).

### 3. Conclusion

The chapter examined how the moral crusade's seven claims are rooted in the partial criminalisation's views on prostitution. These were divided into the three key anti-prostitution and the four key anti-trafficking arguments used by the partial criminalisation proponents.

Concerning the anti-prostitution points, these were contested by 'sex work' proponents, who do not frame sex work as a form of violence but rather as work. They argue that partial criminalisation proponents misrepresent sex work. Firstly, the 'sex work' proponents argue that gender inequality is owing to false distinctions between public and private spaces, not constructions of male and female. Indeed, sex work can bridge women to working in the public space. Moreover, the harm that partial criminalisation proponents argue is present in sex work is not owing solely to male violence, according to the 'sex work' proponents.

Rather, males can be violent towards sex workers because of the stigmatisation and marginalisation sex workers' experience as a result of their illegal status. Finally, the 'sex work' proponents argue that sex workers do consent and do have agency in choosing to sell sex, resisting the partial criminalisation perspective that women selling sex are passive victims.

Regarding the arguments put forward by the moral crusade and the partial criminalisation that prostitution and human trafficking are inextricably linked, the 'sex work' proponents contested this collapsing of human trafficking with sex work. Firstly, they argue there are definitional divisions between human trafficking and prostitution, as consent is crucial to understanding the distinction between forced and voluntary sex work. Secondly, the 'sex work' proponents object to the exaggerated claims that sex trafficking and prostitution are increasing by the moral crusade and partial criminalisation. The 'sex work' proponents argue that the difficulties with estimating the scale of trafficking and prostitution, make it difficult to conclude that trafficking or prostitution was increasing. Moreover, the 'sex work' proponents argue that exaggerated numbers are used to incite a panic about the "local and global sex industries...[which results in] systemically violating women's rights on an ever-increasing scale" (Weitzer 2007, p. 456). Thirdly, the moral crusade and partial criminalisation proponents argue that the customers and traffickers are the personification of



‘evil’. Yet, the ‘sex work’ advocates state that there is no homogenous group of clients and traffickers, and often those selling sex have more power than is often depicted by the moral crusade. Finally, the partial criminalisation and the moral crusade put forward the argument that legalisation of prostitution increases prostitution and trafficking. Yet, the ‘sex work’ protagonists argue that decriminalisation of sex work is not a magnet for traffickers, but rather it provides better security and safety measures for those selling sex.

Thus, the chapter concludes that these seven points put forward by the moral crusade are based upon the partial criminalisation advocates positioning on prostitution. Moreover, the moral crusade has been used to push through a moral agenda of eradicating the sex industry (Weitzer 2007; Mai 2012; Milivojevic and Pickering 2013). This agenda is contested by the ‘sex work’ advocates.

Chapter Two and Chapter Three have raised the issues with how human trafficking should be conceived and understood, and moreover, how these varying understandings and perceptions impact policy interventions. Therefore, in the next chapter, I examine how the British Government frames human trafficking, which has shaped the anti-trafficking prevention policies in Britain.

## Chapter Four

### Approaches to British Human Trafficking Prevention Policies

Chapter Three focused on the seven claims of the moral crusade that aligned with the partial criminalisation proponents' definition of prostitution along three points (gender inequality, lack of consent and violence against women) and the four anti-trafficking points (human trafficking is inextricably linked with prostitution; sex trafficking and prostitution are increasing; customers and traffickers are 'folk-devils'; and legalisation fuels sex trafficking). These claims are used in the moral crusade against trafficking, which have succeeded "in influencing public opinion, formal norms, and/or organization practices...[and] gradually [becoming] institutionalized" (Weitzer 2007, p. 458). However, this understanding of human trafficking as prostitution/sex work was opposed by the 'sex work' proponents. They argue that these claims are not based on evidence, but are reductionist understandings of men and women. Moreover, the actions proposed by the partial criminalisation serve only to increase harm to those selling sex. Finally, as discussed in the chapter the result of this framing of human trafficking as prostitution has been to increase efforts targeting prostitution/sex work.

This chapter discusses the institutionalisation of human trafficking prevention policies (Weitzer 2007). However, as "interventions are inseparable from conceptualisations of the problem" (Lee 2011, p. 20), this chapter examines certain conceptions of human trafficking — sex, crime and migration— that result in two differing approaches to policy responses. The first approach to human trafficking prevention is Security Governance and the second approach is Human Rights (Lobasz 2009; Bucken-Knapp *et al* 2012), which is based upon the partial criminalisation understanding of prostitution/sex work. Together these approaches form the global anti-trafficking framework that was briefly mentioned in the Introduction.

The chapter places the four British anti-trafficking policies within the two approaches. Firstly, the Security Governance approach in Britain is evidenced by the misidentification of victims and the discriminatory allocation of victim status. Secondly, the Human Rights approach is apparent in the *Policing and Crime Act 2009*, section 14, that aims to criminalise men who purchase sex from a forced woman.

## 1. Human Trafficking Prevention Approaches

The field of human trafficking has become entangled in differing agendas, ideologies, and priorities that have influenced prevention measures. It is argued that these “prevailing values regarding immigration, law and order, and gender equality... may exert an impact on policies” (Bucken-Knapp *et al* 2012, p. 2). Following from the particular conception about human trafficking is how the trafficked person will be treated, “depending on whether they are considered illegal migrants, prostitutes, victims of trickery or of ignorance, or the abused bearers of human rights” (Lee 2011, p. 20-21).

Milivojevic and Pickering argue there are three key conceptions of human trafficking have been instrumental in the development of the global anti-trafficking framework (Milivojevic and Pickering 2013, p. 586) —sex, migration and crime, which have produced these two approaches of Security Governance and Human Rights (Lobasz 2009; Bucken-Knapp *et al* 2012). It is argued that the conceptualising human trafficking as a crime of migration and crime has produced restrictive migration policies (Lobasz 2009; Bucken-Knapp *et al* 2012; Milivojevic and Pickering 2013). Whilst the outcome of viewing human trafficking as prostitution/sex work has resulted in the regulation and policing of sex work (Weitzer 2007; Lobasz 2009; Bucken-Knapp *et al* 2012; Milivojevic and Pickering 2013). Both these approaches and outcomes are discussed below in the Global Anti-Trafficking Framework section.

### Security Governance

Following the collapse of the Soviet Union and the end of the Cold War (Shelley 2003, p. 232; Milivojevic and Pickering 2013) fears arose in Western Countries about mass migration, open borders, organised crime, eroding state sovereignty and trafficking (Shelley 2003, p. 231). Thus, the Security Governance approach holds that “trafficking is a challenge to state sovereignty” (Bucken-Knapp *et al* 2012, p. 170) that is derived from two interconnected sources: irregular migration and serious organised crime (Bucken-Knapp *et al* 2012, p. 168).

From the outset, conceptualising trafficking as migration is to understand trafficking within “broader migration patterns, policies and politics of migration control” (Lee 2011, p. 7; see also Spencer 2011). This places “‘the border’...[as] the site at which trafficking would be mitigated” (Milivojevic and Pickering 2013, p. 595). Therefore, prevention measures include “stepping up of border controls, interception measures, greater document verification, carrier sanctions, readmission and repatriation agreements, migrant detention, and other exclusionary measures” (Lee 2011, p. 29; see also Spencer 2011). Stricter border controls are used to deter traffickers before they arrive at the borders, as identifying victims at borders can be difficult, owing to their agency in their particular migratory project, discussed in Chapter Two.

Moreover, the framing of human trafficking as a migration problem is to frame a traffic victim as an illegal immigrant. Green and Grewcock describe the ‘broad zones of exclusion’ (Green and Grewcock 2002), which are means that nation states use “to identify, control and exclude those who are deemed to be a threat to social order or economic prosperity, particularly ... categories of ‘illegal immigrant’” (Green and Grewcock 2002, p. 88). Lee argues that these ‘broad zones of exclusion’ have often resulted in “trafficked persons...treated as first and foremost violators of immigration laws and regulations as they often cross borders illegally and may work without authorisation” (Lee 2011, p. 29).

This conceptualisation of human trafficking as a migration issue is problematic, as Gallagher argues:

“The connections between trafficking, smuggling and irregular migration have made it difficult to persuade governments to place individuals and their rights at the centre of this debate” (Gallagher 2002, p. 25)

Trafficking should rather be understood within the context of globalised migratory movement: “[g]lobalisation has arguably produced both ‘winners’ and ‘losers’ in a world characterised by increased levels of social divisions and inequalities, endemic disorder, conflict and collective violence” (Lee 2007, p. 31; see also Lobasz 2009, p. 326). The results have been those who live in a borderless world and those “who are kept out by ‘the walls built of immigration controls, of residence laws and of “clean streets” and “zero tolerance” policies” (Lee 2011, p. 31).

The second conceptualisation of trafficking is a result of “criminally sophisticated, transnational organised crime groups as the main beneficiaries and driving force behind the highly profitable trade of human smuggling and trafficking” (Lee 2011, p. 24; see also Shelley 2003; Friesendorf 2007). These organised criminal trafficking networks are said to take advantage of the social, economic and cultural marginalisation (Green and Grewcock 2002; Lee 2011). They represent “the dark side of globalisation, threatening and damaging democracy and the economic basis of societies, weakening institutions and confidence in the rule of law” (Apap *et al* 2002; p. 7; see also Green and Grewcock 2002; Lee 2011). Moreover, these provide increased opportunities for crime in “new illicit flows of people, money and goods” (Lee 2011, p. 23).

Yet, this conception of human trafficking as serious organised criminal networks misrepresents trafficking and traffickers. Trafficking networks are not always large and serious organised networks: there were only “60% of the Moldavian victims are trafficked through large networks” (Commission of European Communities *et al* 2001, p. 55). Traffickers are often conceived of as highly organised, extremely violent, and involved in criminal activities (Weitzer 2007; Milivojevic and Pickering 2013). Yet, further evidence suggests there is a diversity of intermediaries and beneficiaries, “for example, the more nebulous crime networks operating in particular locales; short-lived ‘mom and pop’ type operations; opportunistic freelance criminals; and intermediaries or employers otherwise engaged in legitimate businesses (Lee 2011; p. 6-7; see also Richard 2000; Finckenauer and Schrock 2000).

Furthermore, the understanding of trafficking as a migratory crime ignores the individuals’ personal migratory projects:

“The decision to migrate is often a way to (re)start a project of social mobility that become unviable at home because of a range of shared or individual reasons and circumstances, including lack of opportunities for self-advancement; gender, sexual or racial/ethnic discrimination; the outbreak of war; the end of a romantic relationship; or the death of a parent” (Mai 2012, p. 112)

These Security Governance measures are said to have paradoxically encouraged “the growth of organised trafficking by restricting all legitimate means of seeking asylum” (Green and Grewcock 2002, p. 99; see also Andrijasevic 2010; Lee 2011). Indeed, Security Governance measures might initiate risky behaviour, as closed borders have the effect of driving more individuals to hire a facilitator (smuggler or trafficker) to overcome the obstacles (Lobasz 2009, p. 333). The net effect is to render migration “more dangerous for women [and men] while not necessarily hindering movement or assisting the actual victims (Lobasz 2009, p. 333).

Milivojevic and Pickering argue that organised crime is “[c]losely intertwined with moral panics around women’s sexuality and immigration invasion following the fall of Communism” (Milivojevic and Pickering 2013, p. 589; see also Gallagher 2002; Castles and Miller 2003; Andrijasevic 2010; Mai 2012). Consequently, the Security Governance anti-trafficking measures seek to ‘protect’ migrant women by controlling their movement with border controls and visa policies. Arguably, these paternalistic measures have reinstated “control over female border-crossers [as] key priorities of the trafficking intervention” (Milivojevic and Pickering 2013 p. 588; see also Segrave *et al* 2012; Berman 2010).

### Human Rights

The Human Rights approach concentrates on how “the concept of human trafficking is constructed in the first place” (Lobasz 2009, p. 323), reconfiguring this state-centric perspective of human trafficking to the legal obligations a state has to protect the trafficked individual (Lobasz 2009, p. 322). Thus, the approach considers “instead the security of trafficked persons, recognizing the manner in which both traffickers and the state itself pose security threats” (Lobasz 2009, p. 321; see also Andrijasevic 2010). This approach is noticeable within the European Union *Directive 2011*<sup>66</sup>, which is now a “Victim centred approach, including a gender perspective,” (Europa 2013). The focus is on the victims’ needs and rights: ‘Assistance and support for victims of trafficking in human beings’ (Article 11), ‘Protection of victims of trafficking in human beings in criminal

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<sup>66</sup> EUROPEAN UNION. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

investigation and proceedings’ (Article 12), and ‘Compensation to victims’ (Article 17) (European Union 2011, p. 8-10).

The *Directive 2011* reflects a more nuanced understanding of human trafficking than its predecessor, *Council Framework Decision 2002*, as it includes the action of ‘Non-prosecution or non-application of penalties to the victim’ (Article 8). The recognition is that victims of human trafficking are sometimes erroneously involved in “criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2” (European Union 2011, p. 6). The Human Rights approach in the *Directive 2011* is complemented by the *Council Directive (2004/81/EC)* of 29 April 2004 (Europa 2011<sup>67</sup>), which allows for “short-term residence permit for victims of trafficking... which — it was argued — partly addressed also the protection needs of victims by envisaging granting (some of) them a temporary right to stay in the destination country” (Askola 2007, p. 209)

Those non-European union victims who are permitted a short-term residency are:

“guaranteed a minimum standard of living; access to emergency medical treatment; attention to their safety and protection needs; translation and interpretation where appropriate; free legal aid (optional); and ‘necessary medical or other assistance to the third-country nationals concerned, who do not have sufficient resources and have special needs, such as pregnant women, the disabled or victims of sexual violence or other forms of violence’” (Askola 2007, p. 210)

### *Gender Inequality*

Amongst those who argue human trafficking should be seen as a Human Rights issues, are those who argue ““women are in a position of vulnerability...[therefore,] there is...a clear need to tackle this problem from the angle of promoting gender equality” (Askola 2007, p. 213). Indeed, trafficking victims are often constructed as “young, poor and disadvantaged

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<sup>67</sup> EUROPA. [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/133187\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133187_en.htm)

women from developing countries who, because of poverty and lack of opportunity, look for employment opportunities abroad, and in this process are being tricked or lured into sex work” (Milivojevic and Pickering 2008, p. 24; see also Clark 2003; Weitzer 2007). To that end the Human Rights activists “have mobilized increasingly salient ideas regarding gender equality, grafting them onto more established human rights norms in order to successfully influence policies on trafficking” (Bucken-Knapp *et al* 2012, p. 171). These are:

“[C]ombating trafficking through ending demand (criminalizing male customers), providing trafficked women with the legal opportunity to remain in the destination country so as to sever dependency on criminal networks, and (to a lesser extent) developing policies targeted at sending countries” (Bucken-Knapp *et al* 2012, p. 171; see also European *Directive 2011* Article 8)

Of relevance here, is the intervention strategy of combatting trafficking by criminalising male customer. In Sweden this is called the *Prohibition of the Purchase of Sexual Services 1998* (Government Offices of Sweden 2009<sup>68</sup>), which is the partial decriminalisation approach, also termed the Swedish Model. The Swedish Model was highly influential with the *Policing and Crime Act 2009* (Kingston and Thomas 2014, p. 225), thus, it is necessary to examine briefly the background to the Swedish legislation.

Sweden began debating the status of prostitution in 1982, particularly the question whether to continue criminalising those selling sex. Criminalisation was rejected by many parties consulted, as the “broad consensus [being] that to criminalise those selling sex... would, in effect, be akin to ‘blaming the victim’...compounding the exploitation that women already experience in prostitution” (Scoular 2004, p. 197; see also Gould 2001). Those selling sex were a consequence of gender inequality, where “men buy, sell and exploit women and children by prostituting them” (Prostitution and Trafficking in Women Fact Sheet April 2003 quoted in Kingston and Thomas 2014, p. 201). Therefore, the resolution was to criminalise the men who purchase sex, owing to the “ideological framework by the grassroots radical feminist organisation ROKS who, in their campaign to end violence against women, included ‘prostitution and trafficking as ultimate expressions of male violence’” (Scoular

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<sup>68</sup> GOVERNMENT OFFICES OF SWEDEN. <http://www.government.se/sb/d/4096/a/119861>



2004, p. 196; see also Gould 2001; Östergren 2015). These are the same arguments put forward by the partial criminalisation viewpoint that prostitution is a form of violence against women (Farley 2009), which argued that criminalising the male demand was the solution (Munro and Della Giusta 2008; see also Yen 2008; Scoular and Sanders 2010). Thus, the *Prohibition of the Purchase of Sexual Services 1998* was a partial decriminalisation policy towards prostitution.

Yet, those who oppose the Swedish Model argue that these anti-trafficking responses are “ideologically-driven as opposed to evidence-based” (Richter *et al* 2014, p. 95; Doezema and Kempadoo 1998; Kingston and Thompson 2014; Scoular 2004). These policies have been used to target prostitution/sex work (Milivojevic and Pickering 2013).

### Global Anti-Trafficking Framework

Over the last twenty years several important developments have shaped human trafficking intervention. Initially, understandings of human trafficking were shaped by conceptions of prostitution as human trafficking (Weitzer 2007; Milivojevic and Pickering 2013). However, following the Beijing Platform for Action, the European Commission defined “‘trafficking in women’ as ‘the transporting of women from third countries to the EU...for the purpose of sexual exploitation’...[which was later broadened to include] forms of sexual exploitation other than sex work and forced marriage” (Milivojevic and Pickering 2013, p. 593).

Importantly, this located trafficking “within the context of transnational organised crime, with its trafficking-migration and trafficking-crime nexus as central pillars” (Milivojevic and Pickering 2013, p. 594). The consequence of which has been to view “virtually any illegal migration for the purpose of obtaining work, and especially migration leading to prostitution, [as] trafficking—irrespective of whether the individual consented or was aware of the type and conditions of work at the destination (e.g., Kara 2009; Yen 2008)” (Weitzer 2014, p. 7; see also Weitzer 2005; Andrijasevic 2010; Milivojevic and Pickering 2013).

Milivojevic and Pickering argue that the contemporary global anti-trafficking framework has been formed upon these three conceptions of trafficking: “as an exemplar of the globalisation of crime; as synonymous with prostitution; as a problem of transnational organised crime” (Lee 2011, p. 11; see also Sanghra 2005; Milivojevic and Pickering 2013).

The “intersection of trafficking — organised crime, trafficking-sex and trafficking-migration narratives had the potential to galvanise and — importantly— deliver various agendas promoted by the anti-trafficking crusaders” (Milivojevic and Pickering 2013, p. 590), as has already been noticed in the two approaches towards human trafficking prevention: the Security Governance and Human Rights approaches (Farrell and Fahy 2009, p. 618; see also Askola 2007; Lobasz 2009; Bucken-Knapp *et al* 2012).

The anti-trafficking interventions from these conceptualisations of human trafficking are grounded in anti-immigration discourse fuelled by fears of transnational crime, which leads to “[policing] immigration and [penalising] sex work” (Andrijasevic 2010, p. 143). This was evident in the case of the Swedish Model that sought not only to regulate the sex industry, but, as was argued by Scoular, was a result of concerns around migration and serious organised crime in Sweden (Scoular 2004). This was evident in the development of the *Prohibition of the Purchase of Sexual Services*:

“[Scoular argues that the Swedish Model was a] reaction to Sweden’s entry to the EU and anxieties around immigration as a result of the breakdown of the Eastern block...For two year prior to the referendum on entry into the EU in 1994...press reports were occupied by stories of the trafficking and the migration (which were, and indeed are, frequently conflated) of hundreds of thousands of women from the Eastern bloc to make money through prostitution” (Scoular 2004, p. 198; see also Gould 2001)

The Swedish Model linked the type of migration for selling sex with “organised crime” (Scoular 2004, p. 198), which reflects the general perception of prostitution/sex work in Sweden, which is associated with “[l]arge-scale crime, including human trafficking for sexual purposes, assault, procuring and drug-dealing” (Government Offices of Sweden 2009). May-Len Skillbrei highlights how foreign national women are forbidden from selling sex by the *Aliens Act* in Sweden, which has been “used by the police to apprehend non-Swedish or migrant persons suspected of selling sex...if the seller is foreign, she is to blame, and can be punished with deportation” (Skillbrei and Holmström 2013<sup>69</sup>).

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<sup>69</sup> SKILBREI AND HOLSTRÖM. <https://theconversation.com/the-nordic-model-of-prostitution-law-is-a-myth-21351>

Evident within this dominant anti-trafficking paradigm that encompasses the nexus of migration, crime and the sex industry creates a “perception that commercial sex is invading urban space and connected to international organised crime and irregular migration [that] raises social alarms about security in the UK and in the rest of the world” (Mai 2012, p. 108). Nation states concern with transnational crime or the illegal migration produces anti-trafficking interventions that are “located within ‘traditional security solutions’, which prioritise border security, deportation of trafficking persons, and the survival of the sovereign state” (Milivojevic and Pickering 2013, p. 597; see also Lobasz 2009).

Moreover, the “[p]ublic debates [are] informed by anti-migrant discourse and by a focus on ‘trafficking’ as the hegemonic paradigm addressing links between migration and the sex industry “ (Mai 2012, p. 108). Researchers in South Africa found that an anti-trafficking discourse resulted in restrictive “immigration laws coupled with punitive or exploitative law-enforcement practices [that] increase migrant sex workers’ vulnerability” (Richter *et al* 2014, p. 95; see also Anderson and Davidson 2004; Kempadoo 2005; Milivojevic and Pickering 2008; Andrijasevic 2010). Weitzer argues that in the case of Brazil ““the [trafficking] law is being used as a way to prosecute sex work”” (Blanchette and Silva 2012 quoted in Weitzer 2014, p. 8). Richter *et al* supported this notion, arguing that this conflation has restricted “funding in sex work settings [that] could further undermine the generally weak response to HIV prevention in sex workers in Africa” (Richter *et al* 2014, p. 95).

## **2. British Human Trafficking Policies**

The British Government emulates the UN *Palermo Protocol* definition of human trafficking (Crown Prosecution Services 2014<sup>70</sup>). Yet, even with a definition the Crown Prosecution Services discusses the difficulties in prosecuting cases of human trafficking, as “it is a crime that is clandestine... Trafficked victims do not always wish, or are not always able to, co-operate with the authorities... Victims of trafficking and slavery are by definition extremely vulnerable” (Crown Prosecution Services 2014). In Britain trafficking can be prosecuted under four relevant acts in Britain: *Sexual*

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<sup>70</sup> CROWN PROSECUTION SERVICES. [http://www.cps.gov.uk/legal/h\\_to\\_k/human\\_trafficking\\_and\\_smuggling/#a01](http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/#a01)

*Offences Act 2003, Asylum and Immigration Act 2004, Coroners and Justice Act 2009, and Policing and Crime Act 2009.*

The *Sexual Offences Act 2003* and the *Asylum and Immigration Act 2004* both define and outlaw the crime of human trafficking within, out of and into the UK. The *Sexual Offences Act 2003* focuses primarily on trafficking for sexual exploitation, whilst *Asylum and Immigration Act 2004* targets forced labour and other forms of trafficking. Both Acts criminalise anyone who “intentionally arranges or facilitates the arrival in or the entry... [into, within, or] departure from the United Kingdom of another person” (*Sexual Offences Act 2003*<sup>71</sup>, *Asylum and Immigration Act 2004*<sup>72</sup>) for the purpose of human trafficking in the UK. The *Asylum and Immigration Act 2004* convicts an individual if they arranged for and intended “to exploit the passenger in the United Kingdom or elsewhere, or ... believes that another person is likely to exploit the passenger in the United Kingdom or elsewhere” (*Asylum and Immigration Act 2004*). Under both statutes the trafficker is liable for “imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years” (*Sexual Offences Act 2003, Asylum and Immigration Act 2004*).

The *Coroners and Justice Act 2009* Chapter 3, Section 71, is entitled ‘Slavery, servitude and forced or compulsory labour’. The offence is described as any person (D) holding “another person in slavery or servitude and the circumstances are such that D knows or ought to know that the person is so held, or ... D requires another person to perform forced or compulsory labour and the circumstances are such that D knows or ought to know that the person is being required to perform such labour” (*Coroners and Justice Act 2009*<sup>73</sup>). The convicted individual is committed to imprisonment for not exceeding 12 months or “to imprisonment for a term not exceeding 14 years or a fine, or both” (*Coroners and Justice Act 2009*).

The final legislation is the *Policing and Crime Act 2009*, which criminalises the men who purchase sex from a women who have been subjected to force (*Policing and Crime Act*

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<sup>71</sup> SEXUAL OFFENCES ACT 2003. <http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/trafficking>

<sup>72</sup> ASYLUM AND IMMIGRATION ACT 2004. <http://www.legislation.gov.uk/ukpga/2004/19/section/4>

<sup>73</sup> CORONERS AND JUSTICE ACT 2009. <http://www.legislation.gov.uk/ukpga/2009/25/section/71>

2009<sup>74</sup>), which is cross-referenced with Section 53A of the *Sexual Offences Act 2003*, “Paying for sexual services of a prostitute subjected to force” (Sexual Offences Act 2003<sup>75</sup>). The *Policing and Crime Act 2009* addresses male demand for sex by criminalising men who purchase sex with a forced woman, which is required by the UN and the EU (UNODC 2015<sup>76</sup>; European Union 2011, p. 10). However, since in Britain “paying/being paid for sex is not an offence...Part 2 Policing and Crime Act 2009 significantly increases the legal regulation of prostitution (Carline 2011, p. 313). Thus, the criminalisation of men purchasing sex might be more appropriately termed partial criminalisation, as was noted above.

### 3. Approaches in British Policies

The British Prime Minister David Cameron strongly supports the abolishment of human trafficking: “Modern day slavery comes in many forms and we have to have a really concerted approach to crush it, to stamp it out and to make sure that we look at the rights of those who are affected” (GOV 2013<sup>77</sup>). The British Government is both a signatory of the UN *Palermo Protocol* (United Nations 25 December 2003) and the *Directive 2011* (Lipscombe and Beard 22 November 2013, p. 25).

However, in spite of this political rhetoric there are conflicting policies and outcomes that ignore the rights of victims by the current British Coalition Government. Possibly, these are owing to the dominant views of the Conservative party, in accordance with Jude Browne’s argument: “Human rights legislation has long been met with a significant degree of hostility from many within the Conservative party” (Browne 2013, p. 8). Indeed, the British Government has not yet signed the *Council Directive 2004 (2004/81/EC)* (ATLeP 2014<sup>78</sup>), which would oblige them to offer residency to victims of trafficking who are foreign nationals. Not permitting residency to third country nationals puts victims of trafficking at

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<sup>74</sup> POLICING AND CRIME ACT 2009. <http://www.legislation.gov.uk/ukpga/2009/26/part/2>

<sup>75</sup> SEXUAL OFFENCES ACT 2003. <http://www.legislation.gov.uk/ukpga/2003/42/part/1/crossheading/exploitation-of-prostitution>

<sup>76</sup> UNODC. [http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_9-2.pdf](http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf)

<sup>77</sup> GOV. <https://www.gov.uk/government/news/hidden-nature-of-human-trafficking-revealed>

<sup>78</sup> ATLEP. <http://www.atlep.org.uk/research-and-resources/law-and-practice-overview/european-union-law/>

risk of re-trafficking or returning to abusive situations in countries of origin. Yet, it would seem that immigration controls are of highest priority for the Conservative party, as evidenced by the Right Honourable Theresa May statements at the 2012 Conservative Convention: “I still believe we should scrap the Human Rights Act altogether — but for now, we're doing everything we can to stop human rights laws getting in the way of immigration controls” (May 9 October 2012<sup>79</sup>).

### Security Governance

The Security Governance approach focuses on the manner of entry and the means that people have attempted to overcome the borders. Green and Grewcock argue that in Europe “the fight against transnational crime has become a central element in the construction of ‘Fortress Europe’” (Green and Grewcock 2002, p. 89) and the central component is the “declared *war* against illegal immigration” (Green and Grewcock 2002, p. 93; italics in original).

The conceptualisation of human trafficking as a migratory crime was evident in Britain in a number of ways. Firstly, it was explicitly noted in the 2007 *UK Action Plan on Tackling Human Trafficking* defined trafficking as “organised immigration crime” (Home Office and Scottish Executive 2007, p. 35<sup>80</sup>):

“As human trafficking often involves crossing international borders, it is essential that measures to address [trafficking] are mainstreamed into the UK’s immigration system... delivering the Agency’s objective to strengthen our borders and ensure and enforce compliance with immigration laws” (Home Office and Scottish Executive 2007, p. 7)

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<sup>79</sup>MAY. [http://www.conservatives.com/News/Speeches/2012/10/Theresa\\_May\\_Conference\\_2012.aspx](http://www.conservatives.com/News/Speeches/2012/10/Theresa_May_Conference_2012.aspx)

<sup>80</sup> HOME OFFICE AND SCOTTISH EXECUTIVE. [http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/UK\\_Action\\_Plan\\_to\\_Combat\\_Human\\_Trafficking\\_en.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/UK_Action_Plan_to_Combat_Human_Trafficking_en.pdf)

Secondly, there was the decision to incorporate the United Kingdom Human Trafficking Centre (UKHTC) into “the Organised Crime Command in the NCA” (NCA 2014a<sup>81</sup>), whose remit is “to make the UK a hostile environment for serious and organised criminals” (NCA 2014b<sup>82</sup>).

Third, the *UK Action Plan on Tackling Human Trafficking* set out the response “to the main threats and challenges to our borders...[and the measures that] will increase our knowledge and control over those who enter the UK” (Home Office and Scottish Executive 2007, p. 7). The focus and priority being on improving the border controls, with the justification of making “it harder for traffickers to bring victims to the UK to be exploited” (Home Office and Scottish Executive 2007, p. 7), because identifying “victims and traffickers at the border can be difficult” (Home Office and Scottish Executive 2007, p. 7).

Consequently, the results in Britain have been “tightening up of border security, the introduction of a points based system for those seeking rights to enter for work and raids on premises to identify and prosecute those employing illegal immigrants” (Hales and Gelsthorpe 2012, p. 12). Discussed here is how the Security Governance approach is evident in Britain: legacy of asylum seekers in Britain; current situation of discriminatory allocation of victim status; and finally, systemic issues with the National Referral Mechanism.

### *Asylum Seekers*

There is a historical context and legacy of asylum seekers in Britain that is pertinent for this discussion, as victims of trafficking in Britain with irregular migration statuses are “detected when applying for international protection (asylum in the UK context)” (McKinlay and Thorpe 2013, p. 3-4<sup>83</sup>). Furthermore, often victims are seeking asylum, as either the primary reason or “in response to the threat of being sent back into the hands of those who had trafficked them in the first place” (Hales and Gelsthorpe 2012, p. 79). Therefore, the history of asylum in Britain has a bearing on them.

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<sup>81</sup> NCA. <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>

<sup>82</sup> NCA. <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/organised-crime-command>

<sup>83</sup> MCKINLAY AND THORPE. [http://www.emnukncp.org/uploads/Identification\\_of\\_victims\\_of\\_trafficking\\_V6\\_WEB.pdf](http://www.emnukncp.org/uploads/Identification_of_victims_of_trafficking_V6_WEB.pdf)

There is a polarised history around asylum applications in Britain: “‘All asylum seekers are ‘bogus’ to one group’ ...’or almost all genuine to another’” (Spencer 2011, p. 54). Asylum applications in the 1980s averaged less than 4,000 a year, with a dramatic leap in a decade to 26,000 in 1990 and 45,000 in 1991 (Spencer 2011, p. 52; see also Blinder 2014<sup>84</sup>) to receiving the most applications between 2000-2003 than any other European country (Spencer 2011, p. 50; see also Blinder 2014). These increases led the British Conservative Government in 1996 to state that Britain was attracting ‘bogus’ asylum seekers, as evidenced by the “rejection of 81% of applications that year” (Spencer 2011, p. 52; see also Sales 2002). A panic ensued in Britain about migrants being undeserving and living off the welfare state (Hayter 2001; Sales 2002; Spencer 2011).

In 1997, the Labour Government came into power and consequently were faced with a “backlog of 50,000 applications, some dating to 1990...A further 20,000 were in queue for appeal” (Spencer 2011, p. 54). Thus, Labour developed a threefold strategy to reduce the number of asylum applications: “[1]raise the barriers to asylum seekers reaching the UK: through extension of ‘carrier sanctions’ and visa requirements...[2] extend restrictions on access to work and benefits as a deterrent to new applicants, to encourage refused asylum seekers to leave...[3] speed up the throughput of applications and removal of refused asylum seekers through reform” (Spencer 2011, p. 58). It was argued that the Blair ministry “treated refugees and migrants with even greater harshness than its predecessors” (Hayter, 2001 p. 544; see also Sales 2002).

However, after the peak of asylum applications in 2003, with 84,130 applicants (Blinder 2014), asylum applications in Britain reduced: “24,500 people applied for asylum in 2009, low relative to labour migration, families and students and a dramatic fall from the numbers that dominated the political debate on migration” (Spencer 2011, p. 73). Thus, the mechanisms to raise barriers, extend restrictions and speed up applications could be argued to be working (Spencer 2011, p. 73).

It is also argued that there has been a concerted effort by each successive government to reduce asylum applications (Spencer 2011, p. 71-72). Therefore, whilst the Home Office

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<sup>84</sup> BLINDER. <http://www.migrationobservatory.ox.ac.uk/briefings/migration-uk-asylum>



might “proactively screen all applicants for indicators of trafficking in human beings” (McKinlay and Thorpe 2013, p. 8<sup>85</sup>), the legacy of reducing asylum reductions persists, as Hales and Gelsthorpe argue that there continues to be a fear of granting a ““bogus asylum seeker”” (Hales and Gelsthorpe 2012, p. 10), which “occupies much of the attention of asylum authorities” (Hales and Gelsthorpe 2012, p. 10). The fear might explain why the system seems more predisposed to confer the victims with criminal status.

Important to note that the first arm of the strategy meant individuals wanting to migrate were “forced to use forged documents or the services of a ‘people smuggler’” (Spencer 2011, p. 59; see also Hayter 2001). Thus, the tightened restrictions have resulted in more people attempting to cross borders with the help of intermediaries, which creates vulnerabilities and susceptibilities to trafficking.

#### *Discriminatory Allocation of Victim Status*

Britain’s membership with the European Union allows limited free movement across borders within the European Union/European Economic Area (EU/EEA). Thus, in Britain there are “restrictions to limit the numbers who can enter generally only apply to those coming from beyond the EU (or indeed EEA) borders” (Spencer 2011, p. 248). These restrictions are further evidenced in the remarkable discrepancies exist between the granting of positive trafficking victim status to British/EU/EEA nationals and those non British/EU/EEA foreign nationals. In 2012, for instance:

“[O]ver 80% of EU/EEA national referred to the system received positive trafficking identification decisions. In comparison, less than 20% of third country nationals referred received positive identification” (Annison 2013a, p. 8<sup>86</sup>; see also Serious Organised Crime Agency July 2013, p. 16-18<sup>87</sup>)

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<sup>85</sup> MCKINLAY AND THORPE. [http://www.emnukncp.org/uploads/Identification\\_of\\_victims\\_of\\_trafficking\\_V6\\_WEB.pdf](http://www.emnukncp.org/uploads/Identification_of_victims_of_trafficking_V6_WEB.pdf)

<sup>86</sup> ANNISON. [http://www.antislavery.org/includes/documents/cm\\_docs/2013/h/hidden\\_in\\_plain\\_sight.pdf](http://www.antislavery.org/includes/documents/cm_docs/2013/h/hidden_in_plain_sight.pdf)

<sup>87</sup> SERIOUS ORGANISED CRIME AGENCY. [http://webarchive.nationalarchives.gov.uk/20130703102353/http://www.soca.gov.uk/about-soca/library/doc\\_download/532-nrm-statistics-january-to-march-2013](http://webarchive.nationalarchives.gov.uk/20130703102353/http://www.soca.gov.uk/about-soca/library/doc_download/532-nrm-statistics-january-to-march-2013)

In NRM research from April-June 2012, the period prior to the London Olympics, there were 292 referrals made to the NRM, of which 207 were adults. Of those adults, 125 received a positive reasonable grounds decision (Serious Organised Crime Agency 2012, p. 20<sup>88</sup>) and 73 received “a positive conclusive decision and therefore found to have been trafficked” (Serious Organised Crime Agency 2012, p. 5). Of the 73 individuals who received a positive conclusive decision only 7 were from Nigeria and the rest were from EEA/EU countries (Serious Organised Crime Agency 2012, p. 5). There were 51 countries of origin, of which the only referrals from the EEA/EU countries not to have received a positive conclusive decision were from Romania and Albania (Serious Organised Crime Agency 2012, p. 5).

These discriminatory practices around the allocation of the victim status was noted in the IOM review around the Competent Authority. Currently, there are different rates of identification between the Competent Authority in the UK Visa and Immigration (UKVI)<sup>89</sup> and the UKHTC. Often the “rates of identification by the UKVI are significantly lower at both stages of the NRM when compared to decision by the UKHTC” (IOM 2014, p. 6). The conclusion is “that the immigration status of a trafficking victim inappropriately influences NRM decisions and that hence the decision making is unfair and discriminatory” (Annison 2013a, p. 8). Thus, the IOM has recommended that to “avoid conflation of immigration concerns and trafficking decisions, the UKHTC should be the sole competent authority” (IOM 2014, p. 6)<sup>90</sup>.

Furthermore, victims who are not identified as victims of trafficking will receive sentences for suspected crimes. Thus, Hales and Gelsthorpe had a target group of 58 women, “25 were sentenced to 12 months imprisonment and over” (Hales and Gelsthorpe 2012, p. 49). The likelihood that they would be deported is probable, owing to the stipulations in the *UK Borders Act 2007* that those receiving sentences of 12 months and over are automatically

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<sup>88</sup> SERIOUS ORGANISED CRIME AGENCY. <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/11-nrm-statistics-april-to-june-2012/file>

<sup>89</sup> Formerly the United Kingdom Border Agency (UKBA)

<sup>90</sup> IOM. [http://unitedkingdom.iom.int/sites/default/files/NRM%20Written%20Evidence\\_IOM%20UK.pdf](http://unitedkingdom.iom.int/sites/default/files/NRM%20Written%20Evidence_IOM%20UK.pdf)

deported, unless they fall under the *Act*'s six exceptions (Hales and Gelsthorpe 2012, p. 12; see also Silverman and Hajela 2015<sup>91</sup>).

### *Systemic Issues with Identification*

The conceptualisation of human trafficking as a migration crime to borders can result in victims being identified as illegal migrants. Thus, there are concerns around victim identification. Hales and Gelsthorpe stated that the “physical and psychological indicators used to identify victims of trafficking” (Hales and Gelsthorpe 2012, p. 60) were so apparent in these 43 victims that it is inconceivable that they “were not evident at the point of arrest” (Hales and Gelsthorpe 2012, p. 60). Rather, Hales and Gelsthorpe’s concluded that “these women were processed in the normal manner because the police were focusing on the individual as an offender” (Hales and Gelsthorpe 2012, p. 60).

These systemic issues around identification were also noted by the IOM. Firstly, there are some First Responders “aware of trafficking indicators and the existence of the NRM, [whilst] there are many who still do not know what the NRM is, that they are a First Responder organisation or what their duties are as First Responders” (IOM 2014, p. 2). Furthermore, often “many [First Responders] do not know who to contact within their organisation should they come across a potential victim of trafficking” (IOM 2014, p. 3). Accordingly, there were incidences where the “Home Office first responders [failed] to identify victims of trafficking and [detained] them” (Annison 2013a, p. 8). Hales and Gelsthorpe’s research found that only 11 of the 43 victims they identified in prisons and detention centres went through the NRM process. The target group consisted of 58 individual, thus, “[f]or the other 37 there was no formal recognition of their victim status and no access to appropriate support or protection from deportation other than applying for asylum” (Hales and Gelsthorpe 2013, p. 3). Therefore, the first recommendation of the IOM was that First Responders staff and “a greater proportion of frontline staff should receive training to better understand human trafficking, identify victims of trafficking and make referrals to the NRM” (IOM 2014, p. 2).

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<sup>91</sup> SILVERMAN AND HAJELA. <http://migrationobservatory.ox.ac.uk/briefings/immigration-detention-uk>

The Competent Authorities also fail to identify victims, as it “sometimes misunderstood the definition of trafficking; it sometimes misunderstood the effects of trafficking on the victim” (Annison 2013a, p. 8). These “misconceptions of trafficking ... occur on the frontline... tend to stem from a lack of training for such law enforcement officers” (Annison 2013b, p. 46<sup>92</sup>). Often, the “foreign national women trafficked into the UK and forced to commit offences [were] given custodial sentences without help or support if arrested — despite being victims of crime and often horrifying abuse themselves” (University of Cambridge Research 2013<sup>93</sup>). These victims were misidentified as criminals because of their involvement with criminal activities:

“[W]here trafficking indicators were evident and/or disclosures were made to the police, and/or the women’s legal representatives, and in the court setting, there are clear examples of strong suspicion and disbelief, and non-compliance with the Convention on Trafficking” (Hales and Gelsthorpe 2012, p. 78)

In particular, there is suspicion of victim status:

“with those arrested in relation to cannabis production and this would appear to reflect a view within the criminal justice system that involvement in a serious offence such as cannabis production, or indeed drugs importation, inhibits recognition and appropriate reaction to victim status (Hales and Gelsthorpe 2012, p. 78)

Regarding the actual decision-making process, the Anti-Trafficking Monitoring Group (ATMG) identified an issue with the quality of many negative decisions by the Competent Authority (Edwards 2012). For instance, the Competent Authority would focus on “small inconsistencies in the victim’s account to question the credibility of the whole account... [rejecting] claims because of a lack of corroborative police evidence” (Annison 2013a, p. 8). The poor quality in the initial assessments was apparent as “a vast majority of these [negative] decisions [by the Competent Authority], when reconsidered are changed to

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<sup>92</sup> ANNISON. [http://www.antislavery.org/includes/documents/cm\\_docs/2013/i/inthedock\\_final\\_small\\_file.pdf](http://www.antislavery.org/includes/documents/cm_docs/2013/i/inthedock_final_small_file.pdf)

<sup>93</sup> UNIVERSITY OF CAMBRIDGE RESEARCH. <http://www.cam.ac.uk/research/news/women-trafficked-into-crime-in-uk-are-imprisoned-without-support-or-protection>

positive outcomes prior to [the commencement of] judicial review hearings” (Edwards 2012, p. 26; see also Annison 2013a and 2013b).

Importantly, a foreign national has no formal right of appeal against a negative NRM decision. There are informal requests to reconsider “poor quality negative decisions on behalf of the victim by the service providers” (Annison 2013a, p. 8) or a “victim can challenge the NRM... through a judicial review” (IOM 2014, p. 7). Yet, the ability to appeal these decisions is important “given the impact that the NRM decisions have on the lives of potential victims of trafficking” (IOM 2014, p. 7). For instance, a negative decision means “trafficking victims are not entitled to government-funded assistance” (Annison 2013a, p. 8) and victims of trafficking “cannot access funded legal advice unless they have positive decisions or are claiming asylum” (Annison 2013a, p. 8). A negative decisions leave a victim having to appeal the decision and deal with the justice system:

“In addition to being treated as offenders in the criminal justice system and given custodial sentences that in some cases have excluded their right to asylum, they have been dealt with as illegal migrants in the immigration system. In both systems effective challenges to this require good legal representation, access to which is fraught with difficulties” (Hales and Gelsthorpe 2012, p. 89)

Battling both the NRM and the criminal justice system many women who are not of the right race or ethnicity experience “double punishment” (Hales and Gelsthorpe 2012, p. 89). The ‘double punishment’ leaves victims being treated as criminals, whilst failing to investigate “the victims’ allegations of abuse and a resultant failure to gather vital information which might facilitate prosecution of traffickers” (Hales and Gelsthorpe 2012, p. 78).

If an individual is allocated victim status and the victim is willing to testify and aid prosecutions, they are permitted to remain in the destination country. Although, the permission to remain in the country is not given indefinitely, as stated by the United Kingdom Human Trafficking Centre:

“The victim may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required” (Serious Organised Crime Agency 22 August 2013<sup>94</sup>)

Allowing victims of human trafficking to remain in the country for short periods are “designed not so much as a means to assist the victim as [they are] a device to assist prosecutors in closing down trafficking networks” (Chapkis 2003, p. 932). Clearly, targeting serious organised criminal networks is paramount, especially when victims are routinely deported after criminal cases are closed (Lobasz 2009, p. 333).

There exists a clear need to reform the NRM to better identify victims within prisons, detention and immigration centres (Annison 2013b). Often, the “access of presumed trafficked victims to assistance [remains] unequal, favouring those who come from EU/EEA” (Annison 2013a, p. 8). Moreover, these issues around identification results in further abuse to trafficking victims. Often, this was owing to the conception of trafficking as a serious organised migrant crime and illegal migrants as criminals, rather than victims (Hales and Gelsthorpe 2012, p. 4). The evidence suggested that the victim’s “suffering is often overlooked and they do not receive the protection supposedly guaranteed to them as victims of human trafficking under international law” (University of Cambridge Research 2013).

### Human Rights

Mentioned above, was how the Human Rights approach was noticeable Swedish model, which was highly influential in the *Policing and Crime Act 2009* (Kingston and Thomas 2014, p. 225). Therefore, this section will examine the understanding of human trafficking as prostitution, where demand for sex is said to stimulate trafficking.

In Britain, human trafficking was also conceived of as prostitution, which could be seen in the Home Office’s *Tackling the Demand for Prostitution: A Review*: “[t]ackling the demand for prostitution is an integral element of the...UK Plan on Tackling Human

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<sup>94</sup> SERIOUS ORGANISED CRIME AGENCY. <http://webarchive.nationalarchives.gov.uk/20130703102353/http://www.soca.gov.uk/about-soca/about-the-ukhtc/national-referral-mechanism>

Trafficking” (Home Office 2008, p. 3<sup>95</sup>). In discussions on the new proposed Act, Constable Timothy Brain, mentioned how the new measures extended beyond human trafficking to specifically address prostitution: “It is important to realise that this measure extends beyond trafficking and directly concerns domestic prostitution as well” (Community Justice Portal 2008).

The framing of human trafficking as prostitution was seen in the evidence put forth supporting the *Policing and Crime Act 2009* to criminalise male demand. MP Fiona Mactaggart, an advocate for the criminalization of men paying for sex with a forced women, mentioned “something like 80% of women in prostitution are controlled by their drug dealer, their pimp, or their trafficker” (BBC News 9 January 2009<sup>96</sup>). However, her source was firstly labelled as inaccurate and then never revealed (Davies 19 October 2009<sup>97</sup>).

The Home Office’s report, *Tackling Demand for Prostitution*, stated “[m]any women, working both on and off street, are subject to coercion, control and exploitation... Many may have been trafficked into the UK and forced to have sex for money” (Home Office 2008, p. 6). Here it is important to note, as discussed above, how inflated estimates are used to galvanise support against trafficking and prostitution/sex work, as well as for particular interventions. The proposed intervention was based upon “the most recent Home Office analysis (2003) [that] estimated... up to 4,000 women in the UK had been trafficked for sexual exploitation” (Home Office 2008, p. 6). The number was repeated by the Home Affairs Committee as 4,000 women were being trafficked into the UK every year (Home Affairs Committee 2009, p. 3). Whilst, this figure had no research to support it (Kingston and Thomas 2014; see also Davies 2009), the “cacophony of voices has created the illusion of confirmation” (Davies 2009). Indeed, these inflated estimates reflect the moral crusade’s core claim that prostitution and human trafficking are inextricably linked and are increasing.

The Swedish model proposed to tackle male demand, which was argued to be the motivator for prostitution and trafficking. Similarly, the British Government asserted the “pressing need to deter purchasers of sex from the ‘exponential’ growth of the sex market and the

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<sup>95</sup> HOME OFFICE. <http://www.uknswp.org/wp-content/uploads/demandReport.pdf>

<sup>96</sup> BBC NEWS. [http://news.bbc.co.uk/2/hi/uk\\_news/magazine/7819984.stm](http://news.bbc.co.uk/2/hi/uk_news/magazine/7819984.stm)

<sup>97</sup> DAVIES. <http://www.theguardian.com/uk/2009/oct/20/trafficking-numbers-women-exaggerated>

perception that the vast majority of sex workers are either trafficked or otherwise forced into prostitution” (Carline 2011, p. 322). Throughout the review on laws regulating prostitution/sex work, the “official documentation suggested that demand fuelled trafficking for sexual exploitation” (Kingston and Thomas 2014, p. 257). The UK Action Plan on Tackling Human Trafficking under the ‘Demand Reduction’ section proposed that the British Government’s strategy needed a:

“more sophisticated approach and understanding of demand factors is required... to successfully tackle human trafficking...A key element of this new approach to prostitution is to focus not only on those who exploit individuals through prostitution, including the traffickers, but also to address the demand side” (Home Office and Scottish Executive 2007, p. 31)

Thus, the British Government proposed to introduce a “specific strict liability offence of paying for sex with someone who is controlled for another person’s gain, in order to protect...those who have been trafficked or exploited” (Home Office 2008, p. 4). This became the *Policing and Crime Act 2009*, which was the new Labour Government’s initiative.

Anne Carline, a legal academic whose research is on criminal law, feminist jurisprudence and gender theory, argues differently, stating that despite this strong political rhetoric about protecting women within the *Policing and Crime Act 2009*, it was not designed to protect women selling sex or victims of trafficking. Carline argues that the act was about pushing through a moral agenda: “Engaging in prostitution...falls outside the State’s construction of appropriate behaviour and must therefore be punished and censored” (Carline 2011, p. 329). This censorship was noticeable in the significant increase in the regulation of prostitution/sex work, including:

“[C]ompulsory meetings for street sex workers, closure orders for premises used for prostitute-related activities and removal of the requirement of persistence in relation to kerb crawling and street solicitation activity” (Carline 2011, p. 313)



Indeed, Chief Constable Brain mentioned how the tightened regulations, such as “[m]easures to close brothels are to be welcomed and will give police powers to protect neighbourhoods from the nuisance and harm they create” (Community Justice Portal 2008).

The Labour Government refuted the claims of a moral agenda. The then Minister of State for Policing, Security and Crime, Vernon Coaker, stated that the tightened regulations and legislation of the *Policing and Crime Act 2009* “was not the Government’s intention to bring in a ban [of prostitution] by the back door” (Coaker quoted in Carline 2011, p. 328).

Yet, Carline argues that their “desire to increasingly criminalize sex workers paints a rather different picture” (Carline 2011, p. 329). The results of this policy were an increase in prostitution/sex work being penalised, illustrated by the higher number of prostituted women/sex workers being arrested than of men buying sex. In 2011, there were 516 arrests of prostituted women/sex workers (Pringle 2012<sup>98</sup>), whilst only 43 men were found guilty of violating the *Policing and Crime Act 2009* section 53(A) for the same time period (Uddin 2011<sup>99</sup>). These discrepancies might be related to difficulties around implementation and enforcement, but Carline argued that the death of five prostituted women/sex workers in Ipswich have been used to “justify increasing criminalization of the consumer. Again, a problematic move which failed to make clear how the reforms would have prevented the deaths of the five women in Ipswich” (Carline 2011, p. 318). Rather, as was argued in Chapter Three, increased criminalisation might lead to an increase in stigmatisation and harm (Kinnell 2008).

The *Policing and Crime Act 2009* reflects the Human Rights approach towards human trafficking, which is to conceive of human trafficking as prostitution, which necessitates addressing male demand by criminalising demand. Those opposing this approach argue “criminalising clients would undermine women’s safety, drive prostitution further underground and sabotage sex worker’s efforts to keep safe by displacing us to remote areas” (Adams 6 November 2014<sup>100</sup>).

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<sup>98</sup> PRINGLE. [http://www.whatdotheyknow.com/request/number\\_of\\_people\\_arrested\\_for\\_pr#incoming-260189](http://www.whatdotheyknow.com/request/number_of_people_arrested_for_pr#incoming-260189)

<sup>99</sup> UDDIN. [http://www.whatdotheyknow.com/request/prostitution\\_convictions](http://www.whatdotheyknow.com/request/prostitution_convictions)

<sup>100</sup> ADAMS. <http://www.theguardian.com/commentisfree/2014/nov/06/sex-workers-decriminalisation-amendment-modern-slavery-bill>

#### 4. Conclusion

The Chapter examined three conceptions of human trafficking that have shaped human trafficking interventions — sex, crime and migration. These three conceptualisations of human trafficking form part of the anti-trafficking global framework, which form the Security Governance and Human Rights approaches. Security Governance conceives of migration and serious organised crime as threats to the state, which produce interventions protecting border controls. The Human Rights approach focuses on the harm to the victims, particularly harm through male demand for prostitution/sex work. Thus, the Human Rights approach is based upon the partial criminalisation tenets, thereby collapsing all migration for the purposes of prostitution/sex work with human trafficking.

Thus, the global anti-trafficking framework, the Security Governance and Human Rights approaches has resulted in policies that restricted immigration and penalised sex work/prostitution in Britain. Whilst the United Nations and European Union laws require protection for the victims of human trafficking, in Britain there has been a systemic failure to identify these victims. Dr Gelsthorpe remarked: “the powerlessness of these women in the hands of their traffickers is terrifyingly replicated within the criminal justice system” (University of Cambridge Research 2013). There are clear systemic issues with the NRM identifying human trafficking victims, paralleled by the legacy to reduce asylum seekers in Britain. Furthermore, the current Coalition Government’s tightening of borders, under the guise of a war against trafficking has paradoxically forced “many seeking asylum into the hands of exploitative organised crime networks, which increasingly offer the only hope of escape for those fleeing repression, terror, discrimination or civil conflict” (Green and Grewcock 2002, p. 88).

Moreover, the development of the *Policing and Crime Act 2009* has seen an increase in brothel raids and regulation of brothels and prostituted women/sex workers, whilst over the same time, low conviction rates for males customers. Indeed, Kingston and Thomas argue that section 14 of the *Policing and Crime Act 2009* “is either not needed, or is needed but have not being utilised appropriately” (Kingston and Thomas 2014. p. 262).

The next chapter examines the claim that large sporting events cause an increase in human trafficking. Drawing from Chapter Three's discussion on the seven core claims of the moral crusade, the following chapter examines the claim of an increase in human trafficking in light of three previous large sporting events.

## Chapter Five

### Do Large Sporting Events Increase Human Trafficking?

Chapter Four examined how three conceptions of human trafficking have shaped prevention policies. In particular, the three pillars of the global anti-trafficking framework —migration, crime and sex. These have shaped approaches to the Security Governance and Human Rights. The conception of human trafficking as serious organised crime has resulted in a restriction on immigration, which has meant some victims have been misidentified as illegal immigrants. Moreover, these restrictions on migration often push individuals into illegal avenues. Finally, the conception of human trafficking as prostitution has resulted in measures to abolish human trafficking by targeting demand, but has only increased policing on prostitution/sex work. Both approaches were implemented in Britain, causing a conflict between policies and goals.

In this chapter I examine the claim that large sporting events increase human trafficking owing to an increase in demand for sex. There is a concern that human trafficking for sexual exploitation has been exacerbated by large sporting events which attract high numbers of male spectators (Hayes 2010; Ham 2011). The World Cup, the U.S Super Bowl and the Olympic Games are amongst the most common examples. The common adage is seen in newspapers throughout the world as countries get ready to host the different events. Recently, Brazil was host to the World Cup 2014 and newspapers headlines read: “Children Sold For Sex At World Cup For Few Dollars, Pack of Cigarettes” (Goldberg 2014<sup>101</sup>); “Sex Trafficking at the FIFA World Cup in Brazil” (Lillie 2014<sup>102</sup>); and “Film Exposes Child Sex Trafficking at World Cup” (Sells 2014<sup>103</sup>). Thus, in this chapter I deconstruct the four assumptions that underlie the claim that human trafficking increases over large sporting events.

The second section of the chapter tests whether the claim of human trafficking increasing over large sporting events is a moral crusade, by examining three examples of previous large sporting events (Athens (Olympics 2004), Germany (World Cup 2006), and South Africa (World Cup 2010). In

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<sup>101</sup> GOLDBERG. [http://www.huffingtonpost.com/2014/06/12/world-cup-child-prostitution\\_n\\_5474716.html](http://www.huffingtonpost.com/2014/06/12/world-cup-child-prostitution_n_5474716.html)

<sup>102</sup> LILLIE. <http://humantraffickingsearch.net/wp/sex-trafficking-at-the-fifa-world-cup-in-brazil/>

<sup>103</sup> SELLS. <http://www.cbn.com/cbnnews/world/2014/April/Film-Exposes-Child-Sex-Trafficking-at-World-Cup/>

particular, the focus is how the moral crusade resulted in responses to trafficking by the host country government and NGOs, drawing from the global anti-trafficking framework's understanding of human trafficking as the nexus of prostitution/sex work, migration and serious organised crime.

## **1. Large Sporting Events and the Moral Crusade**

The first assumption that human trafficking increases over a large sporting event is based upon the assumption that the majority of attendees will be men, who will demand sex. This is based upon the partial criminalisation proponents understanding of male demand as the root of prostitution and trafficking, which was also noted in Chapter Three around the discussion of the moral crusade. Moreover, it was discussed in Chapter Three that men can demand sex because of inequalities between the sexes, which means prostitution is a form of violence and, fundamentally, those selling sex lack agency and choice.

Thus, it follows that the second claim of human trafficking increasing over large sporting event is the supply of large numbers of women to meet this increased demand for sex. Dagistanli and Milivojevic argue that over the Germany World Cup the “moral panic began by first establishing a *potential* and subsequently an *explicit* connection between major sporting events and the increase in the demand for commercial sex” (Dagistanli and Milivojevic 2013, p. 238). Thus, the claim that male demand will increase the supply of women selling sex over large sporting events rests upon the moral crusade and the partial criminalisation tenets.

The third claim rests upon the perspective of the moral crusade and the partial criminalisation that collapses prostitution/sex work with trafficking, which reduces women migrating to sell sex as “the hegemonic victim subject” (Dagistanli and Milivojevic 2013, p. 231). It was noted in Chapter Three that the moral crusade and the partial criminalisation both collapse prostitution with human trafficking, based upon their claim that prostitution as a form of violence against women. Therefore, the final claims argues that all migration for prostitution/sex work is collapsed with human trafficking (Weitzer 2007; Milivojevic and Pickering 2013). Thus, the nexus of migration, crime and sex are framed within this claim that human trafficking increases at large sporting events.

Thus, above the four claims are rooted in the same tenets as the moral crusade and the partial criminalisation's perspective on prostitution. However, there were several other ways that the moral crusade was evident around the claim that large sporting events increase human trafficking. For instance, the claim about traffickers as personified 'evil'. The trafficker is depicted as the serious organised criminal who is opportunistically seeking profit from the large sporting event —“the sinister strangers that are embodied in contemporary representations of folks devils” (Dagistanli and Milivojevic 2013, p. 239). The trafficker is often constructed as a “victim who is visibly and brutally harmed by a deviant stranger or opportunistic trafficker who becomes the ideal offender positioned in stark moral contrast to the victim” (Dagistanli and Milivojevic 2013, p. 231). These strangers create a “concomitant anxiety about being overrun by dark, menacing, foreign criminals who threaten “our” families, homes, way of life — a fear closely aligned with the anti-immigrant sentiments” (Berman 2010, p. 85; see also Milivojevic and Pickering 2013).

Secondly, moral crusaders “have an interest in inflating the magnitude of a problem, and their figures are typically unverifiable and/or incredibly elastic” (Weitzer 2007, p. 455). As will be discussed in this chapter, there is little evidence from previous large sporting events to support the claim that human trafficking increases (Ban Ying 2006; Hennig *et al* 2006; Milivojevic and Pickering 2008; Milivojevic 2008; Gould 2010; Richter and Massawe 2010; Ham 2011). The claim that large sporting events would see an increase in human trafficking ranged from 30,000-60,000, before settling on 40,000 victims suspected of being trafficked to these events (Ham 2011; Dagistanli and Milivojevic 2013). These huge numbers indicate the moral crusade's goal of demonstrating “the gravity of a targeted evil” (Weitzer 2007, p. 463; Dagistanli and Milivojevic 2013).

Very importantly, this is not to say that trafficking does not occur nor to say that it does not occur over large sporting event. It is, however, important to question many of the unsubstantiated and often exaggerated claims that appear over large sporting events. Often accompanying these claims are anecdotal horror stories that “dramatize human suffering and are designed to cause alarm and outrage” (Weitzer 2007, p. 463).

“Clemmie Greenlee was expected to sleep with anywhere from 25 to 50 men a day. It's a staggering figure, but it doesn't shock advocates who say that the [Superbowl] attracts more traffickers than any other in the U.S... “It's commonly

known as the single largest human trafficking incident in the United States. ”

The influx of fans fosters the optimal breeding ground for pimps looking to boost their profits. Experts say that the sheer number of men looking to pay for sex substantially increases demand and the massive crowds allow for pimps and victims to essentially go unnoticed” (Goldberg 2013<sup>104</sup>)

The clip from the article about how the Superbowl is commonly known as the largest trafficking event, but without substantiating any of the ‘facts’ about the Superbowl sporting event. It is cited that the enormous demand for paid sex increases the supply of victims, whilst the crowds of people keep pimps and victims hidden. There has been no evidence to support these claims nor any research into formulating these estimates (Ham 2011).

The final point around the moral crusade is that “legalization causes or serves as a magnet for increased sex trafficking” (Weitzer 2007, p. 457). Indeed, these claims “about the dangers of legalization are thus part of the larger objective of abolishing prostitution” (Weitzer 2007, p. 457), as in the cases of Greece and Germany, which are discussed below.

Importantly, the claim that large sporting events increase human trafficking produce interventions, which as will be discussed, extend beyond the victim. These politicised responses “lie within law and order frameworks where punitive responses, anti-prostitution and anti-immigration measures become a desirable mainstream” (Dagistanli and Milivojevic 2013, p. 240). The responses of previous host countries will be examined in light of the global anti-trafficking framework, discussed in Chapter Four.

## **2. Previous Sporting Events**

### Athens Olympics 2004

The Italian NGO, *Terre Libere*, was amongst the first to claim that hosting the Athens 2004 Olympics would lead to an increase in human trafficking for sexual exploitation in Greece.

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<sup>104</sup> GOLDBERG. [http://www.huffingtonpost.com/2013/02/03/super-bowl-sex-trafficking\\_n\\_2607871.html](http://www.huffingtonpost.com/2013/02/03/super-bowl-sex-trafficking_n_2607871.html)

“The cost and number of women being smuggled into Greece is expected to rise during next year's Olympics in Athens, with traffickers apparently calculating that the prostitution business will be brisk” (Terre Libere 2004, p. 5<sup>105</sup>)

The concern that trafficking would increase was primarily related to Greece's legalised sex industry, which it was argued would incentivize traffickers to traffic victims without risk (Tzilivakis 2004<sup>106</sup>; Dagistanli and Milivojevic 2013). Yet, there was no evidence to support this belief, only mere speculation by an NGO, *Terre de Hommes*, which “hypothesised that the organization of a major event such as the Olympic Games may raise the interest of traffickers to gain quick and easy money through the exploitation of women and children for forced labour, begging and sexual exploitation” (Hennig *et al* 2006, p. 12-13).

Prior to the Olympics, a panic ensued that the Athens' officials were trying to encourage sex tourism for the Olympics (Ham 2011, p. 22; see also BBC News 23 July 2003). Yet, rather than encouraging sex tourism the Greek “officials had tried to shut down 15 brothels” (Ham 2011, p. 22) over that time period. Officials began regulating the sex industry by stipulating the number of workers a brothel may employ and where the brothels may be located.

The Greek Government produced a strategy in preparation to thwart the increase of human trafficking: *Greek Actions for the Suppression of Trafficking in Human Beings* that provided “free legal protection and aid to foreign national victims of trafficking covering the period of the Olympic Games until October 15, 2004” (Hennig *et al* 2006, p. 12). There are two important points related to this particular action. The first is the provision of legal protection and aid was explicitly for ‘foreign national victims’, which identifies human trafficking victims as being exclusively foreign nationals (Andrijasevic 2010). This highlights how the Greek Government was focused on migration issues. Secondly, the provision of this free legal protection and aid was only available over the Olympics. The limited period highlighted that post-Olympics the Greek Government would regain control over their borders and migration (Milivojevic and Pickering 2013). Possibly, after the Olympics

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<sup>105</sup> TERRE LIBERE. [http://www.childtrafficking.org/cgi-bin/ct/main.sql?file=view\\_document.sql&TITLE=-1&AUTHOR=-1&THESAURO=-1&ORGANIZATION=-1&TOPIC=-1&GEOG=-1&YEAR=-1&LISTA=No&COUNTRY=-1&FULL\\_DETAIL=Yes&ID=1293](http://www.childtrafficking.org/cgi-bin/ct/main.sql?file=view_document.sql&TITLE=-1&AUTHOR=-1&THESAURO=-1&ORGANIZATION=-1&TOPIC=-1&GEOG=-1&YEAR=-1&LISTA=No&COUNTRY=-1&FULL_DETAIL=Yes&ID=1293)

<sup>106</sup> TZILIVAKIS. [http://www.athensnews.gr/old\\_issue/13091/11931](http://www.athensnews.gr/old_issue/13091/11931)



there was an expectation that trafficking would not occur, or that after the Olympics it was not a priority.

The second relevant action was related to the expectation that diseases would increase following the supposed increase in the sale of sex: “prevention - information concerning contagious diseases” (Hennig *et al* 2006, p. 12). The Greek Government financed “a foreign language program aiming to provide information and basic treatment advice in anticipation of a possible upsurge of contagious diseases during the period of the Olympic Games to foreign visitors and possible victims of human trafficking” (Hennig *et al* 2006, p. 12). The anticipation of an outbreak of diseases harkens back to the Contagious Disease Acts 1982, 1866 and 1869 in Britain, which identifies the “female prostitutes as the principal source of contagion” (Levine 2013, p. 1). Thus, prostituted women/sex workers’ bodies were sites that needed to be managed, whilst providing “victims that are the ideal protagonists in such narratives, [receiving] recognition in social, political and legal contexts” (Dagistanli and Milivojevic 2013, p. 239).

The United States Department of State annual *Trafficking in Persons Report* stated that in 2003 that there were 93 cases of human trafficking in Greece (US Department of State 2004<sup>107</sup> <sup>108</sup><sup>109</sup>). The next annual *Trafficking in Persons Report*, after the Athens Olympics, reported 181 victims of trafficking identified in 2004 in Greece (US Department of State 2005<sup>110</sup>). These figures were presented as a 95% increase in human trafficking during the Olympics in Athens (Future Group 2007<sup>111</sup>). However, there are two important factors to consider. First, the numbers reflect all the victims found during the entire period of 2003 and 2004, not only over the Olympics. Second, whilst the Greek NGOs conducted “street assessments, which led to the identification and

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<sup>107</sup> The US Department system has a three tier system to rank countries according to their perceived compliance with the Trafficking Victims Protection Act’s (TVPA) minimum standards. Tier one being fully compliant, tier two being countries that do not comply fully with the TVPA but are making an effort to do so, and tier three countries having sanctions and action taken against them for not being compliant or making enough effort. There are clearly issues with the system. Firstly, countries have to self-report to the US State Department or have NGOs report facts. Thus, with the threat of sanctions and withdrawal of funding, these countries and NGOs have an incentivised reason to misrepresent facts. Secondly, collecting data around human trafficking is notoriously hard. Thirdly, it is stated that these rankings are more political than they are to do with actual compliance of a country: “Ahead of the report’s release, anti-trafficking advocates similarly voiced concerns that countries would be downgraded or upgraded based on U.S. diplomatic relations instead of how much human trafficking was taking place” (Flock 2013).

<sup>108</sup> FLOCK. <http://www.usnews.com/news/blogs/washington-whispers/2013/06/20/has-state-departments-human-trafficking-report-upgraded-countries-for-political-reasons>

<sup>109</sup> US DEPARTMENT OF STATE. <http://www.state.gov/j/tip/rls/tiprpt/2004/33192.htm>

<sup>110</sup> US DEPARTMENT OF STATE. <http://www.state.gov/j/tip/rls/tiprpt/2005/46613.htm>

<sup>111</sup> FUTURE GROUP. <http://tfgwebmaster.site.aplus.net/wwwthefuturegrouporg/id50.html>

repatriation of six trafficked children” (US Department of State 2005) and the International Organisation for Migration (IOM) based in Greece reported that they assisted seven victims of trafficking in 2004, an “[i]ndividual case analysis, however, revealed no reference to human trafficking for the purpose of exploitation during the Olympic Games” (Hennig *et al* 2006, p. 13).

The moral crusade was in effect over the Greek Olympics. Firstly, the claim that human trafficking would increase over the Athens Olympics was because of Greece’s legalised sex industry. Thus, the response by the Greek Government was to police the sex industry, not only through the stipulated number of brothels but also through interventions that targeted the prostituted women/sex workers’ bodies, as sites of potential diseases. Victims were constructed as foreign nationals, which capitalises off the image of ideal victims in need of rescuing (Weitzer 2007). However, this affected all migrant sex workers who could be constructed as victims of trafficking. Moreover, these victims were also constructed as illegal immigrants and whilst, they were offered legal protection and foreign aid for a certain period of time over the Olympics, the Greek Government regained control over the borders after the Olympics.

### Germany World Cup 2006

Germany was the host to the 2006 World Cup in Berlin. Claims arose that an increase in human trafficking for sexual exploitation was once more expected because of Germany’s legalised prostitution and brothels (Ham 2010, p. 20). The moral crusade’s use of inflated numbers were noted in the claim that 30,000 to 60,000 women were expected to be trafficked for sexual exploitation into Germany for the World Cup (Milivojevic and Pickering 2008, p. 29; see also Council of Europe 2007, p. 1). These women were directly linked with the “sporting events and the increase in demand for commercial sex” (Milivojevic 2008 p. 225<sup>112</sup>), which as described above caused any migrant prostituted women/sex worker to be construed as victims of human trafficking (Ham 2010, p. 20: see also Milivojevic 2008; Dagistanli and Milivojevic 2013).

Prevention measures were implemented over the World Cup, in response to the claim that human trafficking would increase:

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<sup>112</sup> MILIVOJEVIC. file:///Users/cpk/Downloads/SSRN-id1333994.pdf

“[P]ublic events (discussions, press conferences, interviews, info desks, information posters and leaflets), mailing campaigns, education and information via radio and television, telephone hotlines, websites, right through to the provision of shelters” (Council of Europe 2007, p. 3)

Whilst prostitution is legal in Germany campaigns were designed that focused on forced prostitution, such as the National Council of German Women's Organizations titled "Final Whistle – Stop Forced Prostitution", which played a key role in raising awareness for this issue, was supported by the Federal Government” (Council of Europe 2007, p. 3). The Catholic Family and Human Rights Institute initiated a campaign that directed Germany’s human trafficking policies towards sex work called ‘Stop World Cup Prostitution’ (Milivojevic and Pickering 2008, p. 32). Other prostitution/sex work targeted efforts were “‘Red Card for Forced Prostitution’, and ‘Responsible Johns’” (Milivojevic 2008, p. 228). These efforts highlighted the conflation of human trafficking with migration for prostitution/sex work, as remarked upon by Milivojevic:

“[T]he moral panic around ‘sex slaves’ and the World Cup in Germany was fueled by sensationalistic reporting, in which trafficking was reduced to sex work, and women trafficked for sex portrayed as innocent and naive girls fired into the sex industry” (Milivojevic 2008, p. 226)

Further prevention efforts included “[v]olunteers from Salvation Army and CARE [traveling] to Germany with leaflets designed to stop men from going to brothels...[and] IOM, the Swedish Agency for International Development (SIDA) and the MTV Europe produced a “TV announcement addressing the demand side of sex trafficking...directed at both potential clients of prostitutes as well as those most vulnerable to becoming trafficked” (Milivojevic 2008, p. 229; Dagistanli and Milivojevic 2013). These awareness raising tactics assumed the anti-trafficking narrative of “criminal Mafia-like groups that supply young women for forced labour in the sex sector by abducting or deceiving them through a false work promise” (Andrijasevic 2010, p. 3). Thus, the tactics were designed to eradicate the sex industry.

Over the World Cup the German police focused their efforts on illegal prostitution (Milivojevic and Pickering 2008, p. 36), which resulted in brothel raids and deportation of women selling sex increased over the period of the World Cup (Ban Ying 2006: Milivojevic and Pickering 2008;

Dagistanli and Milivojevic 2013). There were a 100 people arrested over the World Cup in Germany, of whom a disproportionate amount were sex workers, seventy-four (Milivojevic and Pickering 2008, p. 36).

There were increased efforts to secure borders, as illustrated by the EU Chief Justice, Franco Frattini, stating that visas needed to be reinstated:

“Visa requirements should be slapped on all non-EU citizens traveling to Germany... as part of a drive to prevent an expected increase in the trafficking... We need to introduce and re-introduce temporary visas for all third countries - even those not requiring visas so far - but which are possible origin countries for trafficked women and children... the authorities (need to) ensure that people potentially ‘compromising public order’... are indeed refused such entry” (Milivojevic 2008, p. 232)

The consequence of which were “a peak in the subjection of some racial and social groups to differential border, immigration and labour regimes. The curtailment of (some) women’s mobility and work rights in the name of securing their protection (from themselves as well as from traffickers)” (Milivojevic 2008, p. 232).

After the World Cup there were 33 cases of human trafficking for the purpose of sexual exploitation reported to the Federal Police Office over the period of the 2006 World Cup (Council of Europe 2007, p. 5). Yet, “only five cases were assumed to have a direct link to the 2006 World Cup... four women and one man” (Council of Europe 2007, p. 5). Over the period of the World Cup, the four hotlines received one call related to human trafficking that was not from a victim nor was it about a victim of trafficking (Ban Ying 2006<sup>113</sup>). Again, these anti-trafficking measures that were being used to control female migrants and female sex workers.

These anti-trafficking measures illustrate how “[a]nti-trafficking policing is deeply enmeshed in immigration agenda” (Kinnell 2008, p. 34). Of the 100 people arrested over the World Cup, “34 were issued citations “mostly for immigration violations and failure to comply with business

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<sup>113</sup> BAN YING. <http://www.ban-ying.de/downloads/Worldcupstatement.pdf>

regulations”...Ten sex workers were deported from Berlin, for violation of immigration laws” (Dagistanli and Milivojevic 2013, p. 238).

The moral panic of the World Cup’s expected increase of human trafficking was highlighted in the exaggerated numbers of victims of trafficking, the panic around prostituted women/sex workers being collapsed with victims of trafficking, campaigns that targeted male demand and the association of human trafficking with serious organised criminal networks. The response to claim that human trafficking would increase over the Germany World Cup was indicative of the global anti-trafficking framework that resulted in the regulation of prostitution/sex work and policing of migration.

### South Africa World Cup 2010

South Africa was different to both Germany and Athens, as prostitution is criminalised in South Africa (COSATU 2012<sup>114</sup>). However, South Africa was no different to the other sporting events in the expectation that human trafficking would increase over the World Cup. In the case of South Africa it had been categorised as a ‘tier 2’ country by the US State Department, which means it is not fully compliant with the minimum standards for eliminating human trafficking in 2009 (US Department of State 2010<sup>115</sup>)<sup>116</sup>. Thus, many people were concerned that the lack of competent trafficking laws would significantly put South Africa at risk for an increase in human trafficking (Barr 2011<sup>117</sup>).

Again, the inflated claims arose that “40,000 new prostitutes [were] being recruited to come into the country for the World Cup...[t]he women are expected to travel from countries all over the world, especially from eastern Europe” (The Telegraph 5 March 2010). Further claims were “40,000 sex workers would ‘trickle’ in for the event from as far as Russian, the Congo and Nigeria to cater to the

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<sup>114</sup> COSATU. <http://www.cosatu.org.za/show.php?ID=6029>

<sup>115</sup> US DEPARTMENT OF STATE. <http://www.state.gov/j/tip/rls/tiprpt/2009/123139.htm>

<sup>116</sup> This is problematic ranking, as countries “considered to be problematic and who are not taking sufficient action to counter the problem may even be subject to sanctions” (Gould 2010, p. 34). These rankings are based on information supplied by the countries and analysed by the US Department of State, which establishes the US as the self-appointed police of other countries, without any higher authority or accountability. Furthermore, data around human trafficking is notorious and so without real evidence, these rankings are being made, that have consequences and are highly problematic.

<sup>117</sup> BARR. <http://sports.espn.go.com/espn/otl/news/story?id=5251940>

wide taste spectrum of some 400,000, mostly male, visitors and their apres-soccer needs” (Skoch 2010<sup>118</sup>). These panic about “sex workers” transformed into a panic about trafficking: “The CDA, a body that advises the South African government, has also warned many prostitutes who arrive in South Africa will have been trafficked to the country by an underworld controlled by drug rings” (The Telegraph 5 March 2010).

The response by the South African government was to tighten border controls and discuss “new policies to limit the new arrivals” (The Telegraph 5 March 2010<sup>119</sup>). There was a Security Governance approach evident in the efforts to “up passport control checks on dubious individuals, and that profiling and screening will be in place” (The Telegraph 5 March 2010). Other efforts by both governmental and non-governmental organisations included awareness raising by educating at-risk groups to instructing law enforcement officials about human trafficking (USAID February 2010, p. 2); providing assistance to victims of trafficking (USAID February 2010, p. 3); and the International Organisation for Migration opened a helpline, accompanied by posters about the helpline and anti-trafficking messages that were distributed throughout South Africa (Examiner 23 April 2010<sup>120</sup>). The message within these prevention measures were that “human trafficking...[was] a global threat to society...and the victims are stereotypically presented as hapless women and children lured into prostitution, and exploited and abused” (Gould 2010, p. 34).

There were community driven campaigns (‘Not for Sale Campaign’; ‘Red Card Campaign World Cup 2010: Disqualifying Human Trafficking in Africa’; ‘UNICEF Red Card’; ‘Stop 2010 Human Traffic Campaign’; and ‘Embrace Dignity’) that linked large sporting events with an increase in prostitution, implying “the sex work industry creates demands for victims of trafficking” (Gould 2010, p. 37). As has been the case, with no exception over the World Cup in South Africa, large sporting events were connected with prostitution/sex work. Gould argues that:

“[t]he moral opprobrium that society and religious groups have traditionally focussed on prostitution has been used to bolster the case against trafficking, resulting in conflation

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<sup>118</sup> SKOCH. [http://www.huffingtonpost.com/2010/05/07/south-africa-world-cup-a\\_n\\_568291.html](http://www.huffingtonpost.com/2010/05/07/south-africa-world-cup-a_n_568291.html)

<sup>119</sup> THE TELEGRAPH. <http://www.telegraph.co.uk/sport/football/world-cup/7374301/World-Cup-2010-40000-prostitutes-to-enter-South-Africa.html>

<sup>120</sup> EXAMINER. <http://www.examiner.com/article/iom-south-africa-launches-a-campaign-against-human-trafficking>

of sex work and trafficking, as if all women, and particularly migrant women in the sex industry are victims of trafficking” (Gould 2010, p. 34)

This conflation was purpose-drive, as argued by Gould:

“[M]any media report and campaigns conflated sex work and human trafficking, such that it was clear that their objective was to draw attention to the problem of trafficking through the creation of a moral panic that would have the dual-purpose of supporting an anti-prostitution agenda” (Gould 2010, p. 32)

It was clear these campaigns were morally opposed to prostitution:

*“The separation between prostitution and trafficking is a false one when you consider that a great majority of those who are trafficked (80%) are trafficked for prostitution. So those who care about women’s rights to bodily integrity and human dignity should work to combat trafficking in women...Abolish prostitution. Stop trafficking in Women (sic) and girls”* (Embrace Dignity quoted in Gould 2010, p. 38, italics in original)

South Africa did not legalise prostitution for the World Cup, owing to the “government’s apathy towards sex work” (Richter and Massawe 2010, p. 28). This apathy was noticeable in the lack of response by the Minister of Justice and Constitutional Development and the Minister of Safety and Security to the call for a moratorium on arrests related to sex work over the World Cup (Richter and Massawe 2010, p. 24). However, as in Germany, some preliminary research done in sex work communities in South Africa (Rustenburg, Hillbrow, Sandton and Cape Town) over a period of May-September 2010 have shown “the far-reaching impact of police harassment on sex workers lives” (Richter and Massawe 2010, p. 24), which include arrests without formal charges, bribes and extortion, client intimidation and extortion, and general risk of the prostituted women/sex workers’ health (Richter and Massawe 2010).

A particular concern in South Africa was with the increase in demand for sex, and possibly human trafficking, HIV would be rampant (Klein 23 May 2010<sup>121</sup>). To prevent this possibility, Britain

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<sup>121</sup> KLEIN. <http://www.theguardian.com/commentisfree/2010/may/23/prostitution-world-cup-south-africa-aids>

supplied 42 million condoms to South Africa for the World Cup (Gaskell March 2010<sup>122</sup>). The view was “‘the HIV/AIDS epidemic may be spread by human trafficking’ and ‘some experts have linked sex trafficking to the spread and mutation of the AIDS virus’” (Lindquist and Piper 2007, p. 53). It was reminiscent of the Athen Olympics that saw prostituted women/sex workers as viewed as potential sites of infection that need to be controlled over the World Cup.

There were no victims of trafficking identified over the World Cup (Richter and Massawe 2010, p. 28; see also Ham 2011, p. 16). Yet, there were inflated estimates of trafficking, which clearly collapsed migration for prostitution/sex work with trafficking. The response to the claim that human trafficking would increase over the World Cup in South Africa resulted in tightened immigration policies and actions targeting of prostituted women/sex workers.

### **3. Conclusion**

This chapter examined the four assumptions that underlie the claim that human trafficking increases over large sporting events, concluding that the claim of human trafficking increasing over a large sporting event is a moral crusade. To test this theory, the chapter examined three previous large sporting events — Greece, Germany and South Africa.

The claims that thousands of women were going to be trafficked into these three host countries arose prior to all the events served to highlight the moral crusade’s use of exaggerated and unsubstantiated figures. These vast numbers of women were supposedly trafficked by serious organised trafficking networks. However, after each event, these numbers proved to be exaggerated when there were no victims found, or in the case of Germany there were only five victims. Moreover, this claim that human trafficking would increase arose in Greece and Germany because it was argued that the legalised sex industry would attract traffickers, which again was another of the core claims of the moral crusade that legalisation causes an increase in human trafficking.

The claim that human trafficking would increase over the large sporting events was owing to an increase in male demand for sex, which was also a claim by the moral crusade and the

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<sup>122</sup> GASKELL. <http://www.nydailynews.com/news/world/britain-send-42-million-condoms-south-africa-fight-hiv-spread-world-cup-article-1.162895>



partial criminalisation proponents that demand is the root of prostitution and trafficking. Men can demand sex because of the moral crusade's three core claims around prostitution: prostitution is a result of gender inequality, it is a form of violence against women, and women selling sex lack choice. Thus, it follows that the increased demand for sex was claimed to increase the supply of women selling sex.

With this understanding of prostitution/sex work, the claim went further to argue that these women would be trafficked into these countries for these large sporting events. Again, this reflects the moral crusade's claims that collapses all prostitution/sex work with human trafficking. Moreover, the final claim is that women migrating to sell sex are victims of trafficking, which also rests upon the moral crusade's claims that since trafficking is equivalent to prostitution/sex work, then any migration for prostitution/sex work is trafficking. Thus, the chapter concludes that the claim of human trafficking increasing over a large sporting events is a moral crusade.

The three host countries responded to this moral crusade and these responses were examined in light of the global anti-trafficking framework, which as discussed in Chapter Four, produce policies that are anti-prostitution and anti-immigration measures (Dagistanli and Milivojevic 2013, p. 240). Overall, at each of the previous sporting events it was found that prostitution/sex work were regulated and migration was managed. Thus, this chapter concluded that a moral crusade, such as the claim that large sporting events increase human trafficking is premised upon the partial criminalisation tenets, which develops policies that are rooted in the global anti-trafficking framework that target prostitution/sex work and immigration.

The following chapter is an examination of this claim of human trafficking increasing over the London Olympics. This chapter lays out the Mayor of London's response in the form of the *Human Trafficking Network's* Action Plan, particularly looking at the outcomes of those policies.

## Chapter Six

### London Olympics 2012

Chapter Five explored the four underlying assumptions of the claim that over large sporting events vast numbers of women are trafficked into the host country to be sexually exploited, owing to an increase in male demand for sex. There is a lack of evidence to support this claim, yet, prior to each large sporting event there ensues a panic about human trafficking increasing. The chapter established the four assumptions as a moral crusade and applied this framework to three previous large sporting events — Athens, Germany, and South Africa. The responses of each of the previous sporting events were examined through the global anti-trafficking framework's conception of human trafficking as migration for prostitution. The chapter concluded that this claim of an increase in human trafficking over large sporting events was a moral crusade, which initiated the global anti-trafficking framework's prevention responses that targeted the sex industry and restricted migration.

In this chapter, the focus is on the response to the London Olympics 2012. The Mayor of London feared that over the London Olympics there would be an increase in prostituted women and human trafficking. Whilst, concurrently, there was an opposite fear by many sex workers and sex workers' organisations that there would be an increase in arrests of sex workers. Therefore, this chapter establishes the claim that human trafficking would increase over the London Olympics 2012 as a moral crusade. Second, the chapter examines the expectations of those involved in anti-trafficking efforts around the London Olympics. Thirdly, the chapter examines the response by the Mayor of London to this fear that human trafficking would increase over the London Olympics by critically assessing the Action Plan. The outcomes of the response is two-fold. Firstly, there is an examination of the increased policing activity around prostitution/sex work, which had been predicted by the sex workers and sex worker organisations in light of the London Olympics. Secondly, the issue of migration is discussed, especially around issues of misidentification of victims. The chapter concludes with some of the concerns around the *Human Trafficking Network's* role and activities.

Data collected for this chapter, which was discussed in detail in the Methods section, is primarily drawn from two sources. The first is the empirical data from ‘elite interviews’<sup>123</sup> (Bhattacharjee 2012; Hochschild 2009; Dexter 1970) with the members of the *Human Trafficking and London 2012 Network* (shortened to the *Human Trafficking Network*) and its two subgroups, *Sexual Exploitation* and *Forced Labour*. Interviews were also conducted with select individuals who were not members of the *Human Trafficking Network*, but who were involved more broadly with British anti-trafficking policies and prevention measures, such as government officials or safe houses managers. All the interviews were carried out in the immediate aftermath of the London Olympics.<sup>124</sup> Second, data is taken from the *Human Trafficking Network’s Work Programme to prevent and respond to human trafficking ahead of and during the London Olympics 2012* (shortened to the Action Plan).

## 1. Moral Crusade

In Chapter Three, three previous sporting events were examined, in light of the claim that human trafficking increases over large sporting events, which concluded it was a moral crusade based upon conceptions of the ideal victim, the ideal offender, exaggerated, unsubstantiated estimates and collapsing migration for prostitution/sex work with human trafficking. The London Olympics was no different. For instance, the basis of the claim that human trafficking increases is based upon male demand and the ideal victim is the one highlighted in this opinion piece by the Canadian Senator Jaffer:

“This summer while people from all corners of the world will gather around their televisions cheering for their respective countries... many young women and girls on the streets of London will have little to celebrate...Although the Olympic Games often bring a sense of unity, patriotism and heightened national pride, it also causes a rise in human sex trafficking as the market demand for sexual labour increases dramatically... Although numerous precautions have

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<sup>123</sup> As previously discussed in the methodology section, elite interviewing is about selecting particular individuals from particular organisations, who have certain outlooks and motivations. These individuals are involved in the relatively small field of human trafficking, and thus serve as experts. Some of them have unique experiences with victims of human trafficking and some work with sex workers. They provide inside information about these two unique groups that are normally hard to access.

<sup>124</sup> The reasons for conducting the interviews after the London Olympics was discussed in Chapter 1.

been taken, the sad reality is that women and girls will still be sexually exploited on the streets of London...Over the next few weeks, as we all come together and celebrate the Olympic Games let us not forget about those young girls who have little to celebrate. Let us ensure that our cheers do not silence their cries. Let us save a place in our hearts for those women and girls who are being exploited and robbed of their dignity” (Senator Jaffer 27 July 2012<sup>125</sup>)

Mayor of London, Boris Johnson, expressed the conflation of human trafficking with prostitution in his violence against women strategy, *The Way Forward*: “Cracking down on trafficking prostitution ahead of the 2012 Games” (Greater London Authority March 2010, p. 27). The British Culture Minister, MP Tessa Jowell’s remarks highlighted how migration for prostitution/sex work is collapsed with trafficking, which is facilitated by traffickers: “Major sporting events can be a magnet for the global sex and trafficking industry; this is wholly unacceptable. I am determined that traffickers will not exploit London 2012” (Cacciottolo 7 June 2012<sup>126</sup>).

A faith-based organisation’s website, Charismanews, published an article on the increase of human trafficking at the 2012 Olympics that illustrated the traffickers as ‘invisible’“‘folk-devils’...brutal, violent criminals” (Dagistanli and Milivojevic 2013, p. 237):

“The 30th Olympiad is hosting 9 million visitors to London. But beyond all the victories and celebrations, there is a darker side to the Olympics: human trafficking... Still, even as the athletes arrived in London in pursuit of their dream of winning, men, women, and children seeking a better future found only the trafficker winning” (Charismanews 5 August 2012<sup>127</sup>)

There were inflated claims about human trafficking increasing over the London Olympics. For instance, a non-governmental organisation estimated that 40,000 women were going to

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<sup>125</sup> JAFFER. [http://www.huffingtonpost.ca/senator-mobina-jaffer/olympics-human-trafficking\\_b\\_1704321.html](http://www.huffingtonpost.ca/senator-mobina-jaffer/olympics-human-trafficking_b_1704321.html)

<sup>126</sup> CACCIOTTOLO. <http://www.bbc.co.uk/news/magazine-18174387>

<sup>127</sup> CHARISMANEWS. <http://www.charismanews.com/world/33913-anti-human-trafficking-ministries-invade-london-olympics>

be trafficked for the 2012 London Olympics (The Platform 19 April 2012<sup>128</sup>). Similarly, the BBC News report highlighted the conflation between human trafficking with prostitution/sex work:

“London could see an increase in prostitution and sex trafficking in the lead up to the 2012 Olympics. A report by the Metropolitan Police Authority (MPA) warned the increase in [prostitution] would put women at risk...Thousands of site workers, spectators and athletes are expected to fuel the sex industry boom” (BBC News 14 July 2009<sup>129</sup>)

## 2. Expectations of Human Trafficking Over the London Olympics

I interviewed Major Anne Read from the Salvation Army, which is the national support-service providers to adult victims of trafficking appointed by the Ministry of Justice in 2011. Read is the Anti-Trafficking Response Coordinator for the Salvation Army and was involved with the *Human Trafficking Network*. She explained their perspective about the possible increase of trafficking at the Olympics:

“Well, just the demographics would suggest, that if you've got an increase in population for a period, then all services, kind of, step up to meet the increase in population. And I think that is pretty well documented. You know, you look at major conferences, there is an increase. So that wouldn't surprise me at all...that is just common sense...I think...there was no indication that people were trafficked into the UK for the period of the Olympics” (Read 8 February 2013)

Read assumed that the demand for sex would increase over this period, owing to assumptions about male demand. Her remark was that it was “common sense” to assume that trafficking would increase reflects the moral crusade, which rests upon the “presentation of claims as universalistic truths” (Weitzer 2007, p. 467). Thus, assuming a claim is factual without any supporting evidence.

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<sup>128</sup> THE PLATFORM. <http://www.the-platform.org.uk/2012/04/19/human-trafficking-and-the-london-olympics/>

<sup>129</sup> BBC NEWS. <http://news.bbc.co.uk/1/hi/england/london/8150364.stm>

Swati Pande, a social worker for the National Society for the Prevention of Cruelty to Children's (NSPCC) human trafficking team, who explained to me how the NSPCC had anticipated and prepared for an increase in human trafficking:

“There was much anticipation that the numbers would go up. During the Olympics we were working special hours of seven to seven and in the office there was someone always there. What we found now was absolutely no difference. No extra referrals at all. Completely similar to what's been going on for the last five years. There could be a number of reasons for that. So we are not saying trafficking hasn't happened, because common sense says that there is a conducive context, why would it not? There is an open market and if someone was selling something, they would do it now” (Pande 5 September 2012)

Again, Pande refers to the “common sense” of the claim, yet there was no evidence to support the claim of trafficking increasing over a large sporting event.

Peter Bone, MP for the Conservative Party and the Chair of the All- Party Parliamentary Group on Human Trafficking (APPG) expressed his concern about the possible increase in human trafficking for sexual exploitation during the Olympics:

“In relation to the [London Olympics], because we were concerned that there would be additional trafficking in this country of prostitutes around the Olympics... we pressed the Minister of Sports on a lot of occasions but he was confident that that wasn't going to happen” (Bone 29 January 2013)

Bone's comments illustrate the connection between large sporting events with sex and trafficking, fuelled by male demand. Many of these interviewees expected but experienced no increase of human trafficking over the London Olympics.

Their expectations were owing to a particular understanding of human trafficking, which rested upon the core claims of the moral crusade: the victimhood of all women selling sex, the predatory nature of traffickers, organised crime syndicates, how trafficking and

prostitution are inextricably linked, which concludes that women migrating for the purposes of prostitution are victims of human trafficking. However, there were those who opposed this framing of human trafficking within the *Human Trafficking Network*.

These dissenting voices questioned whether human trafficking would increase over the large sporting event, because primarily they felt there was no evidence to support the claim. Even, MP Jowell acknowledged the evidence from previous sporting events had not been examined critically:

“The evidence from previous Games is mixed and we mustn’t create a problem where there isn’t one. While the scale of the risk is debatable, the nature of it isn’t. Even one woman trafficked because of the Olympics is one too many. That’s why we are acting now with the ambition that we can be the first ever Games without the scar of the prospect of trafficking and exploitation of women” (Tessa Jowell quoted in Magnay 27 March 2010<sup>130</sup>)

In interviews with those who disagreed with the claim that human trafficking increases over large sporting events were law enforcement agents, Ministers of Parliament, and those working in charities that specialised in the provision of services to human trafficking victims of sexual exploitation.

The London’s Metropolitan Police’s Detective Inspector Kevin Hyland stated: “I didn’t see any solid intelligence that over the Olympic games was going to be increased trafficking” (Hyland 27 November 2012). Deputy Head of the United Kingdom Human Trafficking Centre (UKHTC), Liam Vernon, corroborated Hyland’s statements:

“Our position has always been, and should always be, that we go where the evidence tells us. I think when it came to the Olympics and other large sporting events, the real evidence and the picture and analysis around an increase in human trafficking, and what they were saying, was not made in my view. I’ve yet to see an academic or an official report that can clearly articulate why and

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<sup>130</sup> MAGNAY. <http://www.telegraph.co.uk/sport/olympics/news/7529528/London-2012-Olympics-vice-girls-hope-to-strike-gold.html>

how there's been an increase in human trafficking. Having sat on the Network for two and a half years, I still hold that view. I've yet to see that, and certainly, when it came to the Olympics so far, we did not experience an increase in human trafficking. That's the assessment of the Network, based upon what we saw" (Vernon 4 February 2013)

Andrew Boff, a Conservative member of the London Council who commissioned the report on sex work and sex trafficking in London in 2011 called *Silence on Violence*, and advocates for the decriminalisation of sex work, also concurred about a lack of evidence to support the idea that human trafficking increased over the Olympics:

"Trafficking does not happen in the advance of an Olympia or it does not happen in advance of a great sporting event...and...I have challenged the police commissioner only last week in a public forum, and he said, "there might be some evidence", so I said "that's fine. If there is evidence then make me look silly, make me look stupid, for going round saying that there is no evidence to support the view that trafficking increases prior to an Olympics, and it just isn't there"" (Boff 28 January 2013)

Mike Emberson, spokesman for the Medaille Trust, which is a safe-house for women who have been trafficked for sexual exploitation, remarked on the lack of evidence to support the claim of human trafficking increasing:

"In my view, it is absolute nonsense and I have never seen one piece of evidence and when you track down the information it is a statement from one individual in a newspaper report. There is no hard evidence that it raises or that it falls. With a lot of these events, the big one was that there were going to 40,000 women trafficked to the Germany World Cup. But it never happened. It never happened. Athens games, never happened. All the hard evidence is that nothing happened. It may exist but I have not seen any convincing evidence" (Emberson 11 September 2012)



Julie Ham, previously the Secretariat for the Global Alliance Against Trafficking in Women (GAATW), commented on the collateral damage she witnessed as an anti-trafficking activist when the claim circulated that human trafficking would increase over the Vancouver 2010 Olympics:

“I think it is a huge distraction, I think it is unfounded, and I think there is a lot of potential to do collateral damage by emphasising this link...in the lead up to the Vancouver 2010 Olympics, a number of organisations were contacting us. And they were saying, 'Well, actually, you know, people, for whatever reasons, are taking this really seriously, and we are bearing the brunt of this.' So because of that, because of impact on our member organisations at the community level, we [GAATW] decided to collate the information and draw out the most useful stuff... and cities don't have to keep making the same mistakes over and over” (Ham 20 September 2012)

Indeed, even staff of the Mayor of London, who were responsible for establishing the *Human Trafficking Network*, mentioned the little evidence from previous sporting events to support the claim of human trafficking increasing at the London Olympics. In our interview Abrams commented on how difficult it was to make a decision about a possible course of action, given the lack of evidence:

“We didn't have a crystal ball at that time to be able to see into the future. So first of all, I think in terms of community activity and safety and evidence that was available, we had to err on the side of caution. And second of all, I don't think it was a defensible position to do nothing.” (Abrams 5 November 2012)

Abrams argued that despite no evidence of an increase nor any victims of trafficking being identified over the London Olympics, there was a beneficial side, which brought together all the anti-trafficking organisations and activists:

“The other thing is, I think that something that has been picked up in reports since, which is more about 'well, whether there is or there isn't' [an increase in trafficking], this is an opportunity to bring people together and to utilise

concerns about the links between the Olympics and trafficking for any number of reasons, to galvanise activity, to make sure that there is a more coherent response than there would have been before. We know that trafficking is an issue, regardless of sporting events, and this was a way of utilizing that sporting event to make sure that our response was as fit for purpose as it can possibly be” (Abrams 5 November 2012)

Not all those at the *Human Trafficking* Network believed the moral crusade that human trafficking would increase over the large sporting event. Whilst they mentioned the lack of evidence, they also remarked upon the detrimental consequences for those selling sex with this particular framing of migration for sex work as human trafficking. These interviewees did not view sex work or migration for the purposes of selling sex as human trafficking. They, too, came from diverse backgrounds: some were sex workers, some were from sex workers’ organisations and some worked in the field of human trafficking prevention. Georgina Perry, Director of Open Doors, a service for those working in the sex industry, commented on her expectations over the Olympics:

“I never thought we would see an increase in human trafficking, but what I did think we would see would be some sort of a distortion of the sex market, purely because we were where we were when London got named as the host city, and Athens before us, and Germany World Cup, and we saw the hyperbole that was launched around those particular sporting events” (Perry 12 November 2012)

Her comments highlight her expectation that the anti-trafficking prevention efforts would result in activities policing sex work. Sex workers from x:talk in London also feared the British Government and NGOs would “draw a link between sporting events and [an] increase in trafficking” (No Sweat 2012<sup>131</sup>) that would lead to an increase on arrests of sex workers before and during the London Olympics. They argued that this assumption of an increase in human trafficking over large sporting events was problematic as it had no proven link, but rather “[t]hese assumptions [were] based on poor data” (No Sweat 2012). Their observation was that “the usual response by governments to those assumptions is to crack

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<sup>131</sup> NO SWEAT. <http://www.nosweat.org.uk/story/2012/05/26/no-legal-hounding-sex-workers-during-olympics>

down on sex workers” (No Sweat 2012). In anticipation of this crack down No Sweat began a campaign called ‘Stop the Arrests’ that sought a moratorium “on arrests of sex workers before and up to the end of the London Olympics” (No Sweat 2012). They argued that this framing of migration for sex work around large sporting events as human trafficking instigates the increase of brothel raids and arrests, which results in serious harm for sex workers. In particular, sex workers are deterred from going to the police, which is dangerous and creates vulnerability amongst the sex workers:

“For example, there are gangs operating in East London robbing brothels. Because of tensions between the brothels and the police, the robberies were not reported, [which means] the gang could attack more venues” (No Sweat 2012).

### **3. Human Trafficking Network’s Action Plan**

Establishing the claim that human trafficking increases over large sporting events as a moral crusade serves to highlight how this claim collapses human trafficking with prostitution. This conception of human trafficking as prostitution was evident in the Mayor of London’s perspective: “Regardless of whether they have been trafficked, the vast majority of women and girls involved in prostitution are violated and sexually exploited” (Great London Authority March 2010, p. 27).

Moreover, as noted in Chapter Three, this conception of human trafficking as prostitution is rooted in the partial criminalisation arguments against prostitution. Thus, as discussed in Chapter, these resulted in measures that aimed to eradicate the sex industry and in strategies that focus on the male demand for sex. The London Olympics the Mayor proposed such strategies over the London Olympics: “Cutting demand is key to reducing trafficking into prostitution” (Greater London Authority March 2010, p. 28), which appeared in the *Human Trafficking Network’s* Action Plan: “Prevention of an increase in trafficking ahead of London 2012 Olympic Games including the action to reduce demand for prostitution and forced labour” (Human Trafficking and London 2012 Network 25 June 2012). There were two actions undertaken to aid this goal of eradicating the demand at the London Olympics: ‘Campaign to tackle the demand side of prostitution’ and ‘Effective prosecution of perpetrators’.

Campaign to tackle the demand side of prostitution

Reflecting the conception of human trafficking as prostitution was noted in the first draft of the prevention measure to reduce demand for prostitution “Campaign to tackle the demand side of prostitution” (Human Trafficking and London 2012 Network 20 October 2010), and not human trafficking, see figure below.

1. Prevention of an increase in trafficking ahead of London 2012 Olympic Games including action to reduce demand for prostitution and forced labour					
Action	Task	Lead agencies	Secondary agencies	Timescales	Outcomes
1.1 Campaign to tackle the demand side of prostitution.	Lobby for the removal of the advertising of sex services in newspapers  Publicise the new section 14 offence around paying for sex to deter men from paying for sex	GLA MPS  GLA MPS Eaves Salvation Army Home Office Ministry of Justice		April 2010- Ongoing	Reduction of sex ads in newspapers.  Greater public awareness about the new offence of paying for sexual services.  Reduction in the acceptability of paying for sex

Figure 2: Work Programme to prevent and respond to human trafficking ahead of and during the London Olympics 2012 (Action Plan). 20 October 2010.

However, many members of the *Human Trafficking Network* criticised and contested the conflation of prostitution and human trafficking. A representative from the Helen Bamber Foundation sent an email to the entire *Human Trafficking Network*<sup>132</sup> stating that it was problematic to collapse human trafficking with prostitution. Moreover, the purpose of the *Network* was not to tackle prostitution and the issues of human trafficking needed to be treated separately from prostitution/sex work (Helen Bamber Email 9 November 2010).<sup>133</sup> Indeed, it was argued that the measures needed to prevent human trafficking were different from those required to end prostitution (Helen Bamber Email 9 November 2010).

<sup>132</sup> Importantly, the *Human Trafficking Network* was an open network that anyone could join, and members would receive all the emails and any member could email the group.

<sup>133</sup> See Appendix Five for a copy of the email.

The *Coordination Group* conceded by modifying the first action point to reflect that it was indeed targeting human trafficking: “Campaign to tackle the Demand Side of Human Trafficking” (Human Trafficking and London 2012 Network 25 June 2012) and broadened the entire action to include forced labour: “Prevention of an increase in trafficking ahead of the London 2012 Olympic and Paralympics Games including action to reduce demand for trafficking for sexual exploitation and forced labour” (Human Trafficking and London 2012 Network 25 June 2012).

The inclusion of forced labour in the Action Plan is irrelevant, as the claim that human trafficking increases over a large sporting event is specifically for sexual exploitation and is not associated with forced labour. This move to include forced labour was perhaps to placate those campaigning against the action, especially as the associated tasks and actions never changed, as seen in the Action Plan above from 25 June 2012.

#### *Lobby for the removal of the advertising of sex services in newspapers*

The framing of women migrating for prostitution at large sporting events as human trafficking, which is fuelled by male demand for sex, has resulted in interventions to obstruct men from purchasing sex. This was noticeable in the proposed action of removing prostitution cards to reduce the contact between the buyers and women selling sex: “Newspapers, phone boxes and internet sites selling sexual services fuel demand for prostitution, which in turn leads to an increase in sex trafficking to meet the growing demand” (Greater London Authority March 2010, p. 29). Over the London Olympics there were activities designed with this intent: ‘Lobby for the removal of the advertising of sex services in newspapers’ with the intended outcome of a: “[r]eduction of sex ads in newspapers” (Human Trafficking and London 2012 Network 20 October 2010). See figure below.<sup>134</sup>

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<sup>134</sup> Regarding the original colouring key scheme in the Action Plan. For the Priority table the key for the colours are: Red = High Priority, Amber = Medium Priority, Green = Low Priority. For the Progress table the key for the colours are: Red = Little / No progress, Amber = Ongoing, and Green = Good progress/ Complete.

1. Prevention of an increase in trafficking ahead of the London 2012 Olympic and Paralympic Games including action to reduce demand for trafficking for sexual exploitation and forced labour								
Action	Task	Outcomes	Lead agencies	Secondary agencies	Timescale	Priority	Progress	Commentary
1.1 Campaign to tackle the demand side of trafficking.	Lobby for the removal of the advertising of sex services in newspapers	Reduction of sex ads in newspapers.	GLA MPS	HT network	By April 2012			Loot London have ceased all sex-related advertising.  Trinity Press and CCAT have removed them.

Figure 3: Work Programme to prevent and respond to human trafficking ahead of and during the London Olympics 2012 (Action Plan). 25 June 2012

The final June 2012 Action Plan showed this task as complete: “Loot London have ceased all sex-related advertising. Trinity Press and CCAT have removed them” (Human Trafficking and London 2012 Network 25 June 2012). In an interview with the Chair of Croydon Community Against Trafficking (CCAT), Peter Cox, he described their preventative activities over the London Olympics:

“Apparently there were about 120 brothels operating...We set up this intelligence gathering team to monitor how they advertise, and all I can say is that we have stopped the advertising in the local newspapers now. We did that firstly in partnership with the Newsquest group and then eventually after much procrastination because they enjoyed the profits of the high premium ads, with the then owners the Northcliffe Media Group partly owned by the Daily Mail. We are proud knowing these groups have withdrawn these ads from all their local newspapers around the country. We think as a result of that and our continued determined activity and publicity, the number of brothels in Croydon is now down to about 50 something...We think that is not a coincidence and are confident, this is linked to our activity. Co-ordinated community activity is one of the most powerful prevention strategies in combatting trafficking” (Cox 19 September 2012)

Cox’s conception of human trafficking was that it was intrinsically linked to prostitution, which necessitated interventions targeting demand. For Cox, reducing demand was integral to removing incentive for traffickers, who were only profit motivated. However, Cox was

not able to tell me whether this activity has prevented any trafficking in the area. Moreover, he was unable to tell me whether the brothels had relocated to another borough of London. He did mention that advertising for sex had moved online: “Some of these ads have moved, of course, from paper to the net. We are therefore adapting our intelligence gathering to check out these new style communications with exactly the same determination, mindful of the fact that these establishments still need to promote their services to the public in whatever way they can” (Cox 19 September 2012).

The Soroptimist International Poole Group, a member of the *Human Trafficking Network*, initiated the project ‘Purple Teardrop’ to lobby for the removal of and banning of sex advertising in newspapers. They argued there was a strong correlation between sex cards and human trafficking, as stated in their online petition preamble:

“Many women are forced into prostitution by sex traffickers. Victims of forced prostitution earn huge tax-free profits for the people who control them. Fraud, deception and violence pull vulnerable women and children into the sex trade where they endure appalling conditions – this is not their free choice. Sex of all kinds is readily available to view and purchase on the Internet, through ads in newspapers, magazines, massage parlours, lap-dancing clubs, shops, toilets, even telephone boxes. Sex advertising increases the demand for prostitution and fuels human trafficking. How come we ban tobacco advertising but not “sex for sale” advertising?” (Purple Teardrop 2013<sup>135</sup>)

The ‘Purple Teardrop’ campaign assumed the same as Cox, that women selling sex have no choice, owing to the framing of human trafficking as prostitution, which collapses all migration for prostitution with human trafficking. Therefore, like CCAT they petitioned for the removal of sex cards to reduce demand for prostitution, with the belief that this would consequently reduce human trafficking.

Again, this was not an unanimous position amongst the *Human Trafficking Network*. In an email exchange between members of the Human Trafficking Network Sexual Exploitation

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<sup>135</sup> PURPLE TEARDROP. <http://www.gopetition.com/petition/39368.html>

Subgroup about the 'Purple Teardrop Ban Sex for Sale Adverts' one member opposing this action:

“After consultation with our service users we have found that independent sex workers often find advertising their services in newspapers to be a relatively affordable and safe way of doing so. Their valid argument is that if it is legal to sex...then why not be able to advertise it?” (Sexual Exploitation Subgroup 28 July 2011)<sup>136</sup>

Regarding this particular action of banning of sex cards, there were those who argued that at best it would be ineffective and at worst it would be problematic. Georgina Perry, a strong advocate for the decriminalisation of sex work, felt there was no evidence that banning sex adverts is helpful to abolishing human trafficking:

“My general perception, there was no evidence...basically where is the evidence that shows that these women are all being sold in brothels. This is not what we see. This is about the Network taking on the ideology and the rhetoric of the anti-prostitution, prohibitionist brigade...No, [it has no benefits] because the women go online. You know...it is one of the reasons that we have our website...the whole Olympics thing and brothel closures, has meant that women have become much more online savvy and now most of them run their operations online. So you know, you have to find ways of doing that Internet outreach and making contact through the Internet” (Perry 12 November 2012)

Perry argued that the framing of migration for the purposes of prostitution at large sporting events as human trafficking has no basis. Rather, it was based upon these partial criminalisation notions of eradicating the sex industry. Her perspective was in line with the 'sex work' proponents, who viewed women migrating to sell sex as consenting adults with agency and performing legitimate jobs. Whilst trafficking would always be illegal.

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<sup>136</sup> See Appendix Six for a copy of the email.



*Publicise the new section 14 offence around paying for sex with exploited persons*

The next prevention effort of the Mayor of London targeted male demand through challenging the “acceptability of buying sex through education and awareness-raising activity... developing a public awareness campaign aimed at deterring paying for sex and will work with police” (Greater London Authority March 2010, p. 28). This effort was ingrained in the second task in the *Human Trafficking Network’s* Action Plan: “Publicise the new section 14 offence around paying for sex to deter men from paying for sex” (Human Trafficking and London 2012 Network 20 October 2010). It was later changed to state: “Publicise the new section 14 offence around paying for sex with exploited persons” (Human Trafficking and London 2012 Network 25 June 2012), which reflected more accurately the *Policing and Crime Act 2009*. Yet, despite this change in wording there was no change in the two affiliated outcomes: “Greater public awareness about the new offence of paying for sexual services” and “Reduction in the acceptability of paying for sex” (Human Trafficking and London 2012 Network 25 June 2012).

However, in September 2011 there was a major turnabout when the *Coordination Group* unilaterally decided to remove these tasks from the Action Plan, see Figure 4:

Action	Task	Outcomes	Lead agencies	Secondary agencies	Timescale	Priority	Progress	Commentary
1.1 Campaign to tackle the demand side of trafficking.	Publicise the new section 14 offence around paying for sex with exploited persons.	Greater public awareness about the new offence of paying for sexual services of exploited persons  Reduction in the acceptability of paying for sex with exploited persons	GLA MPS Eaves Salvation Army Home Office Ministry of Justice	HT network	April 2010- Ongoing			GLA Marketing team has advised that we should not consider doing a campaign until problems with enforcing the legislation have been overcome. GLA now focusing on lobbying opportunities. MPS have met with ministers. We can feed key messages into athlete packs etc.

Figure 4: Adapted from Work Programme to prevent and respond to human trafficking ahead of and during the London Olympics 2012 (Action Plan). September 2011.

“GLA Marketing team has advised that we should not consider doing a campaign until problems with enforcing the legislation have been overcome. GLA now focusing on lobbying opportunities. MPS have met with ministers. We can feed key messages into athlete packs etc” (Human Trafficking and London 2012 Network September 2011)

Speculatively, this action caused much controversy and many debates. Thus, the decision to remove the task from the Action Plan was owing to the stalled progress on the action. Indeed, it would further highlight the moral crusade’s roots in the partial criminalisation that evoked the stalemate of the ‘sex wars’, as those argued that collapsing sex work with human trafficking was problematic. The stalemate was transplanted to the policy and implementation level, which resulted in the entire action being removed from the Action Plan. The decision to send out a key message to the athletes about prostitution/sex work and human trafficking still remained, which is discussed below.

#### *Athletes’ Welcome Packs*

In 2011 the charity, ‘End Violence Against Women’ (EVAW) published a report that found “considerable international evidence to suggest a link between sport and violence against women: [violence against women] of different kinds [trafficking, prostitution, sexual assault and intimate partner violence]” (Martinson 28 June 2012). EVAW had very specific concerns about forms of violence against women over the London Olympics and “lobbied for measures to be included in official information for all visitors, including the 10,000 expected competitors” (Martinson 28 June 2012). The perspective of EVAW was aligned with the partial criminalisation that conceived of migration for the purposes of prostitution as human trafficking, which resulted in prevention efforts focused on male demand to reduce human trafficking.

Creating awareness of the new section 14 offence during the London Olympics was part of the measure to address the demand side of trafficking by deterring potential punters. The task included: “Work with LOCOG, Visit London, Home Office and other Olympic family agencies to tackle demand through information in welcome packs, athlete packs, tickets, airlines etc” (Human Trafficking and London 2012 Network 20 October 2010). In June 2011

the outcome was slightly modified to be more precise: “Visitors to London are aware of the UK legislation on paying for sex with coerced individuals and the sexual exploitation of children under 18” (Human Trafficking and London 2012 Network 6 June 2011). The focus on children is because the lack of agency and choice are more clear cut with a child, than with adult women migrating for the purposes to sell sex.

It was owing to the campaigning work of ERAW that the London Organising Committee of the Olympic and Paralympics Games (LOCOG) finally agreed to “include key messages in athlete packs” (Human Trafficking and London 2012 Network September 2011). The message was:

“Violence against women and girls: The UK treats violence against women and girls seriously. Police will arrest suspects and victims will be listened to and supported. The following are serious crimes:

- rape - sex without consent is rape; it need not include any additional violence; the age of sexual consent is 16
- domestic violence - violence and abuse within the family or a relationship
- paying for sex with someone who has been coerced, trafficked or exploited; it is also a crime to try to purchase sex in the street or a public place” (Human Trafficking and London 2012 Network 25 June 2012)

In my interview with Abrams she talked about the success of this task:

“[W]e got information into the Athletes’ pack, and that wasn’t just about human trafficking but it was about violence against women across the board and making sure that people understood what the laws were in this country and that kind of thing. That was really, really, positively, successful” (Abrams 5 November 2012)

Yet, in an interview with Sarah Greene from ERAW, who had undertaken the consultations with LOCOG about the key messages to be included in the athletes’ pack, she remarked on the lack of engagement from LOCOG:

“In terms of our campaigning work, London and the Human Trafficking Network were prepared to listen and take action and LOCOG was not interested to hear what we were talking about and found the whole issue distasteful...not fitting in with the brand” (Greene 14 November 2012)

Sarah Green stated that LOCOG was more concerned with the brand of the Olympics than with vulnerable individual’s safety. A spokesperson for LOCOG refuted this notion, stating:

“The health and safety of athletes at Games time is of paramount importance to us. Within the athletes village, we have worked with the police, health community and other external professional groups to ensure there is a wide range of medical and pastoral support from highly skilled professionals available 24 hours a day to all athletes” (Martinson 28 June 2012<sup>137</sup>)

However, as the above statement highlights, the main concern was the athletes and their health and safety. In the final athlete’s welcome pack LOCOG reduced the proposed paragraph to a few sentences and removed the helpline numbers from promotional material handed out to athletes (Martinson 28 June 2012).

### Effective prosecution of perpetrators

The Mayor of London’s conceived of human trafficking as prostitution, which as discussed in Chapter Four, resulted in interventions targeting the demand for sex. Thus, actions were designed to target demand for sex, which is in effect the *Policing and Crime Act 2009*. In October 2010, the first Action Plan of the *Human Trafficking Network* stated: “Effective enforcement action against those who pay for sex with someone subject to force, traffickers and those who control prostitution” (Human Trafficking and London 2012 Network 10 October 2010). See figure below.

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<sup>137</sup> MARTINSON. <http://www.guardian.co.uk/lifeandstyle/the-womens-blog-with-jane-martinson/2012/jun/28/domestic-violence-olympics-ignoring-issue>

3. Effective prosecution of perpetrators					
Action	Task	Lead agencies	Secondary agencies	Timescale	Outcomes
4.1 Effective enforcement action against those who pay for sex with someone subject to force, traffickers and those who control prostitution	Clarify and reinforce measures in place in UK legislation to tackle trafficking and prostitution with law enforcement agencies	MPS CPS			Law enforcement agencies and staff have greater awareness of legislation leading to greater and more robust enforcement. Traffickers are deterred from trafficking women to the UK

Figure 5: Adapted from Work Programme to prevent and respond to human trafficking ahead of and during the London Olympics 2012. October 2010.

In October 2010 the first Action Plan of the *Human Trafficking Network* stated that the task for this action was to be: “Clarify and reinforce measures in place in UK legislation to tackle trafficking and prostitution with law enforcement agencies” (Human Trafficking and London 2012 Network 20 October 2010). The intended outcome for this action was: “Law enforcement agencies and staff have greater awareness of legislation leading to greater and more robust enforcement. Traffickers are deterred from trafficking women to the UK” (Human Trafficking and London 2012 Network 20 October 2010).

Initially, this action was delegated to the *Human Trafficking Network’s* subgroup, *Sexual Exploitation*. In July 2011 this group discussed the measures necessary to ensure effective prosecution of perpetrators, which included training and awareness, effective investigations, encouraging reporting of crimes by sex worker projects, and incorporating taxi drivers into identifying victims of trafficking or displaying leaflets about trafficking in taxis. However, there were divides within the *Sexual Exploitation Subgroup* over understandings of prostitution versus sex work, which resulted in no progress on the action.

Eight months later the Action Plan was modified to widen the definition of ‘demand’ that included employers: “Traffickers are deterred from trafficking women to the UK and rogue employers are deterred from exploitation of people in the UK” (Human Trafficking and London 2012 Network 6 June 2011). In July 2011, the Action was later extended to include forced labour: “Effective enforcement action against those who pay for sex with someone subject to force, traffickers and those who exploit, including the new forced labour offence” (Human Trafficking and London 2012 Network 26 July 2011), which remained in the final Action Plan, 25 June 2012.

Moreover, the action was moved to the *Forced Labour Subgroup*, which was justified as the “cross over with labour exploitation, many women trafficked for labour are then vulnerable to sexual exploitation” (Sexual Exploitation Subgroup Minutes 6 July 2011). Although, it was a conceptual move away from the original claim that human trafficking for sexual exploitation would increase over large sporting events, the move into the *Forced Labour Subgroup* did dissipate the contentious discussion.

### *Law Enforcement Involvement*

The *Human Trafficking Network* worked with law enforcement agents, namely the United Kingdom’s Association of Chief Police Officers (ACPO). In November 2011, ACPO released their strategy on policing prostitution and sexual exploitation, which had the following under Section 2.14.1, entitled *London 2012 Olympic Games*:

“Concerns were raised in a Metropolitan Police Authority report, published in 2009, that sex trafficking may increase in the lead up to the 2012 Olympic Games. At present there is no intelligence to support that such a trend is occurring. During the run up to the Games, the special unit, Human Exploitation and Organised Crime Command (SCD9) of the Metropolitan Police Service, is working to disrupt prostitution and rescue victims, including victims of trafficking, in the five Olympic London boroughs” (ACPO 2011, p. 32)

Important to note here that despite having no intelligence to support the idea of an increase of trafficking over the Olympics, ACPO decided to continue to “disrupt prostitution and rescue victims, including victims of trafficking” (ACPO 2011, p. 32). The wording here denotes the moral crusade that conceives of all women who sell sex as victims, which includes victims of trafficking. Moreover, it positions the law enforcement officials as the rescuers of these victims.

There was stark opposition to the outcome of this task by those who feared that robustly enforcing this action, which was in effect the *Policing and Crime Act 2009*, would potentially increase harm to sex workers as was discussed in Chapter Three and Four. It was

also mentioned more specifically by the ‘Stop the Arrests’ over the London Olympics, that it would not result in more victims of human trafficking being identified. Perry pointed out how collapsing sex work with human trafficking resulted in harmful policing actions around the Olympic boroughs, putting sex workers at great harm:

“What we saw in the lead up to the Olympics, women who were being robbed brutally, women who were being assaulted brutally, and who were too frightened to report that to the police, because they knew if they did, their prostitution, the fact that they were working, or running a brothel, or managing a brothel, or just cooperatively working in a brothel was going to come under examination, rather than the crimes that happened against them” (Perry 12 November 2012)

Julie Ham mentioned this increased policing activity of sex work in our interview:

“So after going through the literature I came to the conclusion, that the Swedish Model is not reducing trafficking, but it is producing a lot of damage. It is actually quite misleading — sex workers can still be criminalised [in Sweden]. They are not criminalised for selling sex but they're criminalised, for example, they can be evicted, for engaging in sex work in their apartment. So they can still be punished for being sex workers, even though the focus is on the client” (Ham 20 September 2012)

The effects of the ACPO’s policy of disrupting prostitution/sex work resulted in those women who had been selling sex, moving away from those areas. Perry argued there was a “significant displacement of sex workers, and this has resulted in a 25% decline in contact of women via outreach since the previous year” (Boff 2010, p. 27). The concern with the displacement, as Perry explained, was that “[p]eople in the sex industry didn’t go away. Instead, they simply stopped contacting services for support. Getting access into flats and saunas for sex worker support services became increasingly difficult” (Perry 21 January 2013). Boff remarked upon the displacement:

“One concern about this displacement is that resources to support sex workers are not consistent across London. Therefore, women who are displaced

sometimes no longer have access to help, lose their family support network and so are at increasing risk. For example, a medical study found that sex workers who had no contact with an outreach worker were three times more likely to test positive for a sexually transmitted infection” (Boff 2010, p. 27)

Marlise Richter, a strong advocate for the decriminalisation of sex work in South Africa, based at the African Centre for Migration and Society (ACMS) in South Africa, whose work primarily focuses on sex work, and sexual and reproductive health rights, spoke to me about her experiences and research in South Africa over the 2010 World Cup. Her concerns were not limited to the harm done only to sex workers but extended to those who are at the margins of society that harmed by the moral panic claim of human trafficking increasing over a large sporting event (Doezema 1999; Weitzer 2007):

“Specifically from a sex work point of view, it does an injustice to sex workers. The way it plays out on the ground, if the media and civil society create a lot of hype about trafficking, the authorities feel they have more of a right in raiding brothels. We saw that in Cape Town, where there was a vice squad that would execute raids on massage parlours. This made sex workers more scared of organisations and authorities and could chase them away from health care services. It would make them more suspicious of any official intervention...So there is a lot of evidence of how the trafficking discourse and the hype disadvantages sex workers and other people at the margins of society, homeless people, hawkers, people in the informal sector, who get booted out when there are raids or scares” (Richter 13 September 2012)

#### **4. Brothel Raids and Arrests over the London Olympics**

Whilst no link between human trafficking increasing and the London Olympics was established, there was a correlation between the claim of human trafficking increasing with an increase in arrests and brothels raids in London over that period. Thus, establishing that the claim that the London Olympics would increase human trafficking was a moral crusade serves to highlight how this claim collapses human trafficking with prostitution, which results in prevention measures that are focused on eradicating the sex industry. This was



noted in many actions of the *Human Trafficking Network*, discussed above. Moreover, in the lead up to the London Olympics a number of interviewees complained about the increase in arrests of prostituted women/sex workers and brothel raids that were related to the London Olympics. Firstly, there was a reported increase in the number of prostituted women/sex workers being arrested — 44 prostituted women/sex workers were arrested between January and April 2012 in the London borough Tower Hamlets, whilst a “similar number were arrested in the whole of 2011” (Oliver 2 April 2012<sup>138</sup>). In the Newham borough alone there were a total of 14 arrests of sex workers between 2010 - 2011, but there were 37 arrests in 2012 (Oliver 2 April 2012).

In an interview with Rebecca Perry, who worked for ‘Safe Exit’, an outreach programme in the Tower Hamlets for sex workers, she commented on their experience of an increase in arrests: “In the lead up to the Olympics there was a large increase in the level of arrests and sexual behaviours orders being placed on individuals” (RPerry 26 November 2013).

However, she stated that during the Olympics there were no arrests and no referrals from the police.

Boff argues that human trafficking is often used as a means of policing prostitution/sex work, particularly noticeable over the London Olympics:

“According to the Home Office, there were 70 brothel ‘raids’ by [Specialist Crime Directorate] alone between January 2010 and August 2010 in the five Olympic boroughs. There were a further 33 ‘raids’ in Westminster and Camden — where tourists are expected to stay. In contrast, the remaining 25 London boroughs experienced 29 ‘visits’ or ‘raids’ over the same period” (Boff 2010, p. 25)

There was a slight discrepancy between the stated intentions and the implementation within this strategy. The ACPO strategy explicitly mentions, “working to disrupt prostitution and rescue victims, including victims of trafficking, in the five Olympic London

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<sup>138</sup> OLIVER. <http://www.dailymail.co.uk/news/article-2123846/Brothels-closed-London-Olympics-prostitutes-cleaned-streets.html>

boroughs” (ACPO 2011, p. 32). Yet, both Boff and RPerry were told that the raids “were in response to complaints by residents” (RPerry 26 November 2012; see also Boff 2010, p. 26).

In my interview with Hyland, I enquired about the increased number of prostituted women/sex workers being arrested, to which he answered: “That wasn’t our team. Local boroughs were doing crime operations. For example, in Newham, they did an operation [that] is not to do with the Olympics in particular. This was because there was high levels of violent crime in that borough” (Hyland 27 November 2012). He reiterated that the arrests were:

“[N]othing to do with the Olympics in particular. That borough had the highest levels of violent crime at that time. That was their response to it. They brought the crime down, because it was in particular, Eastern Europeans who were being subjects of violent crime. It was after their night out drinking or using different premises, whether it’s brothels or going and eating places that were unlicensed. The borough decided it was time to stop that activity” (Hyland 27 November 2012)

In spite of this justification for the increased arrests and brothel raids, there was an undue concentration of brothel raids and arrests within the Olympic boroughs. Boff found “no evidence that there has been a corresponding increase in the number of sex trafficked victims in London, nor in the number of complaints from residents regarding brothels” (Boff 2010, p. 26). Thus, he concluded that the raids were not based on intelligence, but were rather conducted on “finding a telephone booth card” (Boff 2010, p. 26), which contained contact details for a sex worker. More significantly, Boff felt that the brothel closures in Newham were “a political message, that we didn’t want to see prostitutes around Newham during the Olympics” (Boff 28 January 2013). Clearly, there was a discrepancy between policy and implementation, with different political motivations and interests shaping the actions.

## **5. Migration and Serious Organised Crime Issues**

The focused attention on prostitution/sex work over the London Olympics was to the detriment of identifying victims of human trafficking. For instance, Hale and Gelsthorpe

conducted interviews with “103 migrant women in the prison and immigration holding estate, detained or arrested on charges that are potentially linked with entry to or exit from the UK or work under the control of others” (Hales and Gelsthorpe 2012, p. 2) between May 2010 and November 2011 and identified 43 victims of trafficking in prisons and detention centres. This was the same period of operation as the *Human Trafficking Network*.

Furthermore, whilst the *Human Trafficking Network's* Action Plan included efforts to contribute “to better coordination of services and signposting” (Human Trafficking and London 2012 Network 25 June 2012), with the intended outcome of “[m]ore trafficking victims...identified across different sectors and...referred onto appropriate support” (Human Trafficking and London 2012 Network 25 June 2012). A Trafficking Directory was created to identify relevant support services for different scenarios of human trafficking. Yet, the identification of human trafficking victims in prisons and detention centres over that period indicates that was a failure to identify victims across the different sectors.

Already noted above, that Britain has a Security Governance approach towards human trafficking, the target of which is to target migration and serious organised crime. This was evident in the *Human Trafficking Network's* Action 3. 2: “Encourage reporting by victims of all forms of trafficking” (Human Trafficking and London 2012 Network 25 June 2012), to encourage “[m]ore confidence of those affected by all forms of trafficking to report the crime. Increase in investigation of cases” (Human Trafficking and London 2012 Network 25 June 2012). The intended outcome of this action was an increase of criminal sentences: “Increase in numbers of witnesses of trafficking and related offences coming forward and testifying in trials” (Human Trafficking and London 2012 Network 25 June 2012). These were indicative of the *Human Trafficking Network's* conception of human trafficking as crime and supporting the national efforts to investigate and prosecute traffickers as part of serious organised criminal networks (Sexual Offences Act 2003, Asylum and Immigration Act 2004, Coroners and Justice Act 2009, and Policing and Crime Act 2009). Yet, the *Human Trafficking Network* had no interventions that might address the particular factor of politically motivated restrictions on migration, which as was discussed in Chapter Two and Four, can stimulate trafficking. Rather the *Human Trafficking Network* focused their prevention efforts on addressing the demand for sex.

## 6. Concerns with the Human Trafficking Network

There was no noticeable increase in human trafficking related to the London Olympics, as described by the interviewees. This might indicate the efficacy of the prevention efforts. However, there were the 43 victims of human trafficking identified in prisons and detention centres (Hales and Gelsthorpe 2012, p. 9-10) over the same period that the *Human Trafficking Network* were implementing their prevention measures. Yet, these victims were not identified by the *Human Trafficking Network's* effort. Thus, there are two sections of concern, which are the role of the *Human Trafficking Network* and the cost misery of victims.

### Role of Human Trafficking Network

There was confusion around the role of the *Human Trafficking Network* as each “organisation used its experience and resources to deliver initiatives that fell within its areas of expertise” (Greater London Enterprise 2013, p. 3). It was claimed “these activities would have been carried out in a similar manner **without** Network involvement” (Greater London Enterprise 2013, p. 21, emphasis my own). The confusion undermined the *Human Trafficking Network's* necessity, indicating it was not a critical component in the overall preventative efforts over the London Olympics.

A second concern was the *Human Trafficking Network's* short-term focus on human trafficking prevention over the London Olympics. However, it presents a two-fold problem. First, by focusing on the short-term will miss other instances of human trafficking. Second, once the large sporting event concludes there is a possibility that the short-term prevention work, too, will cease. The *Human Trafficking Network* claimed that their efforts would have a legacy beyond the Olympics, because the “multi-agency approach that was developed by the Network enabled organisations to develop long-term relationships” (Greater London Enterprise 2013, p. 27).

However, the prevention measures were designed specifically as a response to this potential short-term consequence of trafficking at the 2012 London Olympics. The *Human Trafficking Network's* Action Plan set out the “short and medium-term objectives outlining specific

activities that members agreed to carry out through the project's duration" (Greater London Enterprise 2013, p. 24). The short-term focus was further indicated by the lack of continuing prevention work beyond the Olympics by the Mayor of London.

As regards to the resources it was the Mayor of London who made the commitment to prioritise the prevention of human trafficking over the Olympics. However, there was a lack of funding available for the *Human Trafficking Network*, leaving it dependent upon the goodwill and resources of the members for prevention measures to be implemented. There was little direct cost in terms of public finances, as mentioned by Abrams in Chapter 5, except the cost of governmental personnel involved and the £12,000 for the evaluation of the *Human Trafficking Network* (London Gov 2012, p. 1).

Abrams argued that the lack of funding was a benefit, because the *Human Trafficking Network* pooled all the resources of anti-trafficking organisations, which created a "cost-effective multi-agency model that could be replicated in other cities hosting large sporting events to manage the risk of a potential increase in human trafficking" (Greater London Enterprise 2013, p. 27). However, with the cost of delivery up to the individual members, some found it "challenging to identify the resources needed to deliver the actions envisaged..and had been unable to carry through their commitments due to restructuring or staff changes, leaving other members to try to take on additional work" (Greater London Enterprise 2013, p. 17). In particular, this was challenging as the time commitment was over two years and the completion of prevention work was left to chance, which frustrated the efforts as already mentioned by Abrams in Chapter 5 (Abrams 5 November 2012).

#### Cost in terms of Human Misery

Already mentioned were the lack of human trafficking victims identified over the period of the 2012 London Olympics by the *Human Trafficking Network*. However, that is different from saying that there were no victims over that period. Presumably, there were victims of trafficking within London over that time, who were not identified by the prevention measures implemented by the *Human Trafficking Network*. Thus, this is a cost in terms of human misery to those victims who were not identified.

The second groups experiencing a direct increase in human misery over the London Olympics owing to the prevention policies being implemented were those women selling sex. Targeting prostitution was integral to the *Human Trafficking Network's* partial criminalisation efforts and was concretised by the ACPO's prevention strategy to "disrupt prostitution and rescue victims, including victims of trafficking" (ACPO 2011, p. 32). These prevention measures were implemented with "no intelligence to support that such a trend is occurring" (ACPO 2011, p. 32). These prevention measures resulted in the increased arrests of prostituted women/sex workers and brothel raids.

Moreover, these prostituted women/sex workers were impacted by the second prevention measure that was implemented without supporting evidence — the *Human Trafficking Network's* action to remove sex adverts had a cost on women selling sex, as described in this chapter. First, women selling sex were too afraid to report violence and abuse to the police, in case they were arrested for selling sex. Second, because of the increase of brothel raids and arrests many prostituted women/sex workers were displaced from their normal working areas. The displacement impacted their ability to access to services, which has been connected with an increasing risk of contracting sexually transmitted diseases.

The third party experiencing human misery, whilst not directly from the *Human Trafficking Network's* prevention efforts, but certainly over the period prior to the London Olympics, were the 43 victims of trafficking identified in the prisons and detention centres awaiting their sentences:

"Other common symptoms of ill-health reported by the target group of women were severe depression, inability to sleep, persistent headaches, general abdominal pain, loss of appetite and digestive problems, resultant on the repeated traumas they had experienced" (Hales and Gelsthorpe 2012, p. 91)

It is beyond the scope of this thesis to address all the issues with prisons or detention centres, however, it is important to note that the individuals were identified as victims of trafficking. They should have been identified as victims of trafficking prior to being held in a prison or detention centre and treated accordingly. The presence of victims in the detention and immigration holding centres is a direct contravention of the EU *Directive 2011's* Article

8 “Non-prosecution or non-application of penalties to the victim” (European Union 2011, p. 7).

## 7. Conclusion

This chapter frames the claim that human trafficking would increase at the 2012 London Olympics as a moral crusade. The moral crusade prompted the Mayor of London to respond by forming the *Human Trafficking Network*. As discussed in Chapter three, the moral crusade is rooted in the partial criminalisation’s position on prostitution and human trafficking, which was evident in a number of interventions designed by the *Human Trafficking Network*.

Firstly, there was a lack of distinction by the *Human Trafficking Network* between human trafficking, prostitute and sex work. Even after there were changes to the wording of the action, such as changing the wording from ‘reducing the demand for prostitution’ to ‘reducing the demand for trafficking’, the associated tasks did not change. More indicative of a partial criminalisation's perspective were the tasks that focused on eradicating the demand for prostitution, as a means of reducing human trafficking.

Throughout this chapter, it highlighted the contentious issues with framing migration for prostitution as human trafficking. Many members opposed these actions, arguing that they were implemented without evidence of an increase in human trafficking nor with any evidence to support the action of tackling the demand side of prostitution as effective anti-trafficking measures. However, the conception of human trafficking as prostitution resulted in prevention measures that policed prostitution/sex work, that was evidenced by the increase in brothels raids and arrests in the London Olympic boroughs.

Moreover, the framing of migration for prostitution as human trafficking reveals the global anti-trafficking framework. The response by the British Government discussed in Chapter Four, was the Security Governance approach. This approach was reflected in the *Human Trafficking Network* policies, where none of the measures attempted to mitigate the restrictive British immigration policies that are a stimulus for trafficking, discussed in Chapter Two and Four.

The *Human Trafficking Network* did create a Trafficking Directory with the intention of improving identification of victims across varying sectors, yet, the presence of victims in the prisons and detention centres over this same period highlights a failure in this regard (Hales and Gelsthorpe 2012). There were policies focused on the encouraging victims to report crimes against traffickers and improve prosecutions. However, there were no measures to ensure the victims' right to reside in Britain if they did not aid with the prosecutions. Again, this highlights that the focus was more on the conceptualisations of human trafficking as serious organised crime. Importantly, it highlights that it was a conscious, political decision by the *Human Trafficking Network* not engage with migration issues.

There were two primary concerns with the *Human Trafficking Network*, which was the role of the *Network* in the first place, as many organisations argued that it did not contribute to any of the actions. More importantly, was the high cost in terms of misery to those trafficking victims not identified by the prevention actions and to those selling sex.

These points and the rest of the threads throughout this thesis are discussed in the concluding chapter. There are two recommendations for policy changes and two proposals for future research areas.



## Conclusion

This thesis addresses the claim of human trafficking increasing over the 2012 London Olympics. In particular, the response by the Mayor of London, who formed the *Human Trafficking Network*. The *Human Trafficking Network's* response over the London Olympics were “not as frenzied” (Dagistanli and Milivojevic 2013, p. 238) as previous sporting events and the lack of trafficking victims identified over this period has been attributed to the *Human Trafficking Network's* “successful prevention campaigns and increased law enforcement efforts’, as well as ‘coordinated and victim-centered policing across the boroughs’” (Anti-trafficking Alliance 2012 quoted in Dagistanli and Milivojevic 2013, p. 239).

However, with presence of victims in prisons and detention centres over the same period tells a different story (Hales and Gelsthorpe 2012). Indeed, the presence of victims might be more aptly attributed to the interventions’ failure to identify any victims of trafficking. Moreover, whilst no link between human trafficking increasing and the London Olympics has been established, there was definitely a correlation between the claim of human trafficking increasing with an increase in arrests and brothels raids in London over that period. Therefore, the thesis collected empirical data over this period, which were examined through two frameworks to better understand the phenomenon. The first is the framing of the claim as a moral crusade (Weitzer 2007) and the second is the global anti-trafficking framework (Milivojevic and Pickering 2013).

Firstly, the thesis deconstructed the claim that human trafficking increases over large sporting events into four underlying assumptions: (1) males attending the sporting event will increase the demand for sex; (2) this increase in demand for sex increases prostitution; (3) prostitution is collapsible with human trafficking; and finally, (4) all migration for prostitution/sex work is conflated with human trafficking. These four claims highlighted how the claim of human trafficking increasing over the London Olympic has been built upon the seven claims of the moral crusade, which are: (1) gender inequality in prostitution; (2) prostitution is a form of violence against women; (3) sex workers’ lack agency; (4) prostitution and human trafficking are inextricably linked; (5) customers and traffickers are personifications of evil; (6) the magnitude of trafficking and prostitution is increasing; and

(7), legalization of prostitution would make the situation worse for women of trafficking and prostitution (Weitzer 2007). Furthermore, the thesis emphasized how the seven claims of the moral crusade were rooted in the partial criminalisation position on prostitution. This particular understanding of human trafficking as prostitution has resulted in measures to eradicate the sex industry (Weitzer 2007; Dagistanli and Milivojevic 2013). In particular the source of trafficking, as argued by the moral crusade, the male demand for sex.

Indeed, this was noticeable in the *Human Trafficking Network's* actions that targeted only one underlying cause of trafficking as advocated by the partial criminalisation proponents — the demand for sex. The actions, particularly the measures to reduce sex card ads, were implemented without any evidence supporting the successful reduction of trafficking. Abrams indicated in our interview that these measures were part of a political decision. Moreover, the ACPO strategy to “disrupt prostitution and rescue victims, including victims of trafficking” (ACPO 2011, p. 32) was implemented without any evidence to support that this approach would reduce human trafficking. Yet, there was substantial impact to those in the sex industry, as described above in Chapter Six and briefly reiterated here: “around 80 brothels were closed in Newham alone, with an average of 14 raids on brothels in the host boroughs between January - August 2010, compared to 1.6 raids elsewhere” (Dagistanli and Milivojevic 2013, p. 239). Boff commented that the brothel closures in Newham were “a political message, that we didn’t want to see prostitutes around Newham during the Olympics” (Boff 28 January 2013). These measures caused harm to those women selling sex, without identifying or aiding any victims of trafficking.

The second framework was the global anti-trafficking framework (Milivojevic and Pickering 2013, p. 586), which rests upon three conceptualisations of human trafficking — sex, crime and migration. Importantly, like the moral crusade, the global anti-trafficking framework reduces all migration for the purposes of prostitution/sex work as trafficking (Weitzer 2005; Andrijasevic 2010; Milivojevic and Pickering 2013; Weitzer 2014), with more targeted action against the sex industry and migration. This was evident in the two approaches of the global anti-trafficking framework to human trafficking prevention, Security Governance and Human Rights. These policies have been used to police migration and prosecute prostitution/sex work (Andrijasevic 2010; Milivojevic and Pickering 2013; Mai 2012; Richter *et al* 2014; Weitzer 2014).

Already mentioned was the marked increase in the number of arrests and brothel raids of those selling sex, yet, this thesis argues that an anti-prostitution agenda was not the sole aim of the British Government. The inflated estimates of women purported to be trafficked into London were indicative of a moral crusade, but moreover, these numbers threatened the state's borders, inducing a Security Governance approach (Weitzer 2007). Significantly, the *Human Trafficking Network* did not implement prevention measures to address other causes of trafficking, for instance, the politically motivated restrictions on migration as a structural cause of human trafficking, which was discussed in Chapter Two, or specifically the restrictive immigration policies in Britain, discussed in Chapter Four. Whilst, it might be argued that the *Human Trafficking Network* created a Trafficking Directory to aid with identification of victims across different sectors, it is also clear that these measures failed to identify those victims in prisons and detention centres.

In terms of assessing whether any measures of the *Human Rights Network* were appropriately and beneficially implemented, necessitates examining the cost in terms of human misery cost. As was discussed in Chapter Six, the actions designed to prevent trafficking targeted the sex industry, which resulted in an increase of arrests of prostituted women/sex workers and brothel raids, which negatively impacted those who were selling sex and did not aid any victims of trafficking. Again, the direct failure of the *Human Trafficking Network's* prevention measures to identify victims of trafficking in the prisons and detention centres were also costly in terms of human misery (Hales and Gelsthorpe 2012).

Finally, it was argued that the *Human Trafficking Network's* prevention efforts were not integral to the broader anti-trafficking strategies in England, as the focus was specifically and solely the London Olympics. Moreover, there has been no funding to continue human trafficking prevention work beyond the 2012 Olympics, which highlights that it is in part a political campaign by the Mayor of London.

Therefore, in this thesis, I argue that the presence of the two frameworks, moral crusade and global anti-trafficking framework, over the London Olympics resulted in the conceptualisation of all migration for prostitution/sex work as human trafficking. Moreover, the *Human Trafficking Network's* measures and ACPO's strategy of disrupting prostitution/

sex work were not beneficially nor appropriately implemented. Indeed, there were ineffective policies that targeted those selling sex work without identifying victims of trafficking and moreover, the status-quo restrictive policies in Britain were not addressed, which made individuals' desiring to migrate vulnerable to trafficking.

## **1. Recommendations**

There were a number of concerns raised over the human trafficking prevention measures implemented over the London Olympics in 2012, in particular those that failed to identify victims of trafficking in prisons and detention centres and those of the increased brothel raids and arrests of prostituted women/sex workers. Taking into consideration the moral crusade around large sporting events, which is rooted in the partial criminalisation perspective, as well as the global anti-trafficking framework's approaches to prevention policies, and drawing upon the empirical data from the 2012 London Olympics, this thesis proposes two changes: first, addressing those human trafficking prevention measures designed in response to the claim that human trafficking increases over large sporting events; and second, measures that improve identification of victims.

1. Focus on human trafficking prevention measures beyond the large sporting events that are integrated into broader prevention measures
2. Improve victim identification

### Claims of Increased Human Trafficking at the time of Large Sporting Events

The research began with the question, "Which measures of the British government targeting an increase in sex trafficking at the 2012 Olympics were appropriately and beneficially implemented?" Significantly, this research found none of these measures were implemented beneficially, owing to incorrect assumptions and conceptualisations of human trafficking over the London Olympic. Thus, this thesis argues that there is no established link between an increase in human trafficking and the 2012 London Olympics, evidenced by the lack of victims of human trafficking identified over the period by the *Human Trafficking Network*. Yet, the presence of victims in the prisons and detention centres (Hales and Gelsthorpe

2012) suggests the *Human Trafficking Network* prevention strategies failed to identify victims of trafficking.

I argue that this failure in their efforts was owing to the conceptualisations of human trafficking according to the claims of the moral crusade and the global anti-trafficking framework, which resulted in interventions targeting prostitution/sex work and migration. This was compounded by the parameters of these prevention measures for the London Olympics being focused on the short-term causes, rather than addressing long-term underlying causes of human trafficking, or indeed, either of the other two causes discussed in Chapter Two. Yet, this thesis holds that human trafficking is a brutal reality for many victims, which is not isolated solely to large sporting events, thus, necessitating prevention measures to focus on broader underlying causes and long-term strategies to address the nuances of human trafficking.

If a host government is concerned about a possible increase in human trafficking over a large sporting event, a possible course of action is for host governments to support and improve existing anti-trafficking measures. However, the large sporting events should not be the sole focus, as was the case of the *Human Trafficking Network*, but rather prevention policies should “target the problem of trafficking at source and therefore complement other efforts such as victim assistance or criminal justice initiatives” (Edwards 2012, p. 6). Finally, a state needs to acknowledge the role of restrictive immigration policies in facilitating human trafficking, which should also be addressed within existing, long-term anti-trafficking measures.

### Improve identification of victims

Chapter Two discussed the complexity of human trafficking, which is a specific crime that traffics individuals for a number of different purposes. These purposes may include, but are not exclusive, for prostitution/sex work. Thus, this thesis highlighted the important distinctions between an individual who has been trafficked (possibly for sexual exploitation) and the women selling sex, as was described in Chapter Two around the agency of migrating individuals. However, the partial criminalisation perspective has collapsed all prostitution/sex work with human trafficking (Weitzer 2007; Weitzer 2011; Milivojevic and Pickering

2013), resulting in a moral crusade against prostitution/sex work. Yet, these measures are failing to identify victims of trafficking (x:talk 2010, p. 18).

Moreover, whilst beyond the scope of this thesis, discussed in Chapter Four and Chapter Six was the Security Governance approach to human trafficking, seen in the legacy of asylum seekers in Britain, which are said to be a facilitating human trafficking. Moreover, discussed in Chapter Four, is how Britain conceptualises human trafficking as serious organised crime of migration, as was evidenced by the discriminatory allocation of victim status and a different rate of acceptance by the Competent Authority in the UKVI and the Competent Authority in the UKHTC.

Clearly, there were several systemic issues within the NRM process. For instance, victims being identified primarily as illegal migrants rather than victims of human trafficking; some First Responders not being aware of trafficking indicators or if they were aware of the indicators, they were unaware of the procedures. These were often the same issues with the Competent Authority, who misunderstood the definition of trafficking or what the effects might be on the victim. Furthermore, there was a lack of understanding of the nuances that victims might be involved with criminal activities, owing to their victim status. Finally, victims are left without appeal against a negative NRM decision. This leaves many victims at the mercy of the judicial system. Therefore, there is a clear need to reform the NRM, such that it can better identify victims.

Thus, these are a few recommendations around identification. The first, is that human trafficking should not be conceptualised as prostitution, migration or crime, but rather as a violation of an individual. Thus, there is a need for precise laws and policies that distinguish between human trafficking and prostitution/sex work. Secondly, the UKHTC is the sole Competent Authority on cases around human trafficking and not the UKVI. Thirdly, there is a need for victims of trafficking to be able to appeal negative decisions, given that negative decisions are often overturned. Fourthly, there is need for victims of trafficking to be allowed to remain indefinitely and even if they are not assisting in the prosecution.

To aid with these recommendations I support the *European Directive 2011's* (Article 19) call for states to establish “National rapporteurs or equivalent mechanisms” (European Directive

2011, p. 10). Such an individual could be heavily involved with the NRM, as they would have extensive knowledge of the nuances of human trafficking and the different manifestations of the crime. The national rapporteur could assist with identifying and aiding victims in the prisons, detention and immigration centres, as well as those who are currently appealing unjust decisions. This rapporteur could provide useful direction to legal or social services for these victims.

## **2. Future Research**

For future research there are two interesting areas that are beyond the scope of this thesis. The first area of future research is concerned with “nation building”, as conceived by Stephanie Limoncelli (2010). Drawing from history she argues that the colonialist and nation-building projects, which include the Contagious Disease Acts, were said to regulate female sexuality, particularly female prostituted women/sex workers. I was interested in how this overlapped with the Olympics as a nation-building project that sought to regulate women’s sexuality, especially with an increase in the arrests of sex workers and brothels raids. I noted that the prevention actions of both Greece and South Africa were focused primarily on the managing and containing the body of a prostituted women/sex worker. There are concerns around gender, race, ethnicity and national boundaries that find resonance in the contemporary policies around the London 2012 Olympics, which could be extended to the national project.

A second area of research should be a cost-benefit analysis of the prevention measures undertaken by various organisations over the London Olympics and perhaps more generally in Britain, to determine how much funding they received proportionate to how many victims were identified, rescued or helped by their own organisation. Whilst conducting the interviews I was aware of funding difficulties for many anti-trafficking organisations. There were also interviewees who complained about the tendency of some the organisations use of emotive imagery and horrific stories to raise funds, indeed these images reflect an ulterior motive to the moral crusade, which is fundraising. Furthermore, in many interviews I was made aware that many anti-trafficking groups do not deal directly with victims of trafficking. I was questioning, therefore, how are all the funds being translated into real benefits for the victims of human trafficking.





## Appendices

### Appendix One

Interviewees name, organisation, role of the organisation does and particular standings on issues of prostitution, migration or human trafficking. In alphabetical order.

Name	Organisation	Organisation role	Particular standings
<p><b>Lynne Abrams</b></p>	<p>Coordinator of <i>Human Trafficking Network</i>, Mayor’s Office for Policing and Crime</p>	<p>"The mayor has identified the following as key priorities:            Strengthen the MPS and drive a renewed focus on street policing            Give victims a greater voice            Make London safer for women            Develop smarter solutions to alcohol and drug crime            Help London’s vulnerable young people            Tackling business crime” (MOPAC 2014)</p>	<p>The <i>Human Trafficking Network</i> “aims of increasing awareness of the issue of human trafficking, improving the response for victims, and developing models of good practice in preventing human trafficking that could be shared with other major cities hosting future major sporting events” (London gov 2012)</p>

Name	Organisation	Organisation role	Particular standings
<b>Andrew Boff</b>	London Assembly Member	“The London Assembly is an elected watchdog for the capital made up of 25 Assembly Members. Our role is to examine how effective the Mayor’s policies, decisions and activities are. We champion London, investigating issues that affect everyday life in the capital to find ways of improving our city for everyone who lives here. We ensure the Mayor is held publicly accountable every day, not just at election time” (Greater London Authority 2014).	A particular research and campaign project that Boff undertook as a GLA conservative: “Andrew Boff’s report focuses on what the police can do to make sex workers safer within the confines of the law. He has found evidence that sex workers are reporting fewer crimes to police and that raids have gone up in some parts of London. His recommendations include: focusing more resource on non-organised sex trafficking that takes place outside of the sex industry; including sex workers in police strategies which involve them; and prioritising crime against sex workers by labelling it as a hate crime” (GLA Conservative 2014).
<b>MP Peter Bone</b>	Chair of the ‘All- Party Parliamentary Group on Human Trafficking’ (APPG)	“To raise awareness of the scale and effects of human trafficking into the UK and the EU; and to seek solutions to reduce supply and demand; and to improve welfare provisions for victims” (APPG 2014a).	“The group has no agreed position towards the issue of prostitution... Human Trafficking is defined by three essential elements...By definition and by its mandate the APPG is principally concerned with activities that fall under this definition” (APPG 2014b)

Name	Organisation	Organisation role	Particular standings
<b>Peter Cox</b>	Chair of Croydon Community Against Trafficking	"CCAT is a voluntary coalition of people from all walks of life who work to raise awareness about human trafficking, oppression, and the enslavement of people, that exists in our own community. We work with local, regional and national agencies and seek to respect human rights at all times" (CCAT 2014)	"Successfully campaigned to stop advertising of sex establishments, dubious saunas, massage parlours and nail bars in Newsquest Group newspapers across UK including The Croydon Guardian" (CCAT 2014a)  A partial decriminalised campaign
<b>Mike Emberson</b>	Medaille Trust	"The Medaille Trust was founded in 2006 by a number of religious congregations in response to the plight of thousands of people who are being trafficked into the UK each year" (Medaille Trust 2014)	"The work of the Medaille Trust is the empowerment of women, young men and children, who have been freed from the human-trafficking industry here in the UK, enabling them to regain their dignity and self-worth. We do this by providing safe housing and offering opportunities for physical and psychological healing and rehabilitation" (Medaille Trust 2014a)

Name	Organisation	Organisation role	Particular standings
<b>Sarah Green</b>	End Violence Against Women (EVAW)	"The End Violence Against Women Coalition is a unique coalition of organisations and individuals campaigning to end all forms of violence against women... We continue to lobby all levels of government in the UK, and we challenge the wider cultural attitudes that tolerate and condone violence against women" (EVAW 2014)	Conducted research prior to the London Olympics: "A review of available research on violence against women committed by male athletes, violence against women in relation to major sporting events, and victimisation of female athletes, with some reference to awareness and prevention campaigns" (EVAW 2014a)
<b>Julie Ham</b>	Previous Secretariat for Global Alliance Against Trafficking in Women	"The Global Alliance Against Traffic in Women (GAATW) is an Alliance of more than 100 non-governmental organisations from Africa , Asia, Europe, LAC and North America. The GAATW International Secretariat is based in Bangkok, Thailand and co-ordinates the activities of the Alliance, collects and disseminates information, and advocates on behalf of the Alliance at regional and international levels" (GAATW 2014).	"GAATW sees the phenomenon of human trafficking intrinsically embedded in the context of migration for the purpose of labour... GAATW therefore promotes and defends the human rights of all migrants and their families against the threat of an increasingly globalised labour market and calls for safety standards for migrant workers in the process of migration and in the formal and informal work sectors - garment and food processing, agriculture and farming, domestic work, sex work - where slavery-like conditions and practices exist" (GAATW 2014).

Name	Organisation	Organisation role	Particular standings
<b>Detective Inspector Kevin Hyland</b>	London's Metropolitan Police	"The Trafficking and Prostitution Unit is the MPS lead for all human trafficking and prostitution issues. The unit... can provide expert advice on strategic and tactical options when dealing with all trafficking and prostitution matters" (Met Police 2014).	The title of the Unit- Trafficking and Prostitution- highlights the particular stand point for the Met Police on the issues of human trafficking and prostitution.
<b>Swati Pande</b>	Social Worker for National Society for the Prevention of Cruelty of Children, Human Trafficking Team	"The NSPCC's Child Trafficking Advice Centre (formerly the Child Trafficking Advice and Information Line) is a free specialist service for professionals working with children who may have been trafficked...we can give you advice, information and support. We also offer free presentations to any relevant professional audience" (NSPCC 2014).	"Child trafficking is the recruitment and movement of children for the purpose of exploitation. During the process of trafficking, children suffer from neglect, emotional abuse and physical and sexual abuse" (NSPCC 2014)  Focused on children trafficking, which is a less complex issue than adult trafficking, as there is no assumption of consent.
<b>Georgina Perry</b>	Director Open Door	"A free and confidential advice service in East London for people working in the sex industry" (Open Doors 2014).	"We don't know how you came to be working in the sex industry in the UK and if you are fine then we want to support you to do so safely" (Open Doors 2014a).

Name	Organisation	Organisation role	Particular standings
<b>Rebecca Perry</b>	Safe Exit	<p>“The Safe Exit Diversion Scheme works with women who are arrested for soliciting or loitering for the purpose of prostitution in the London Boroughs of Newham and Tower Hamlets. The scheme diverts women involved in prostitution away from the Criminal Justice System by providing them with a more supportive route into key services which can meet their needs. If the scheme is successfully completed the criminal case is discontinued” (Toynbee Hall 2012, p. 24)</p>	<p>“Toynbee Hall was concerned about the potential impact the Olympic and Paralympic Games would have on women involved in prostitution in the Olympic boroughs. The Safe Exit team presented on this issue at a meeting of the All Parliamentary Party Group on Prostitution and the Global Sex Trade, and worked with the organisers to develop a Protocol on the treatment of women involved in prostitution during the Olympic Games. We have continued to engage with the Metropolitan police about their tactics on street prostitution to ensure there is a holistic approach to supporting women to exit prostitution, and not merely move it on” (Toynbee Hall 2012, p. 24)</p>
<b>Major Anne Read</b>	Anti-Trafficking Response Coordinator for the Salvation Army	<p>“Working in 126 countries around the world, tackling human trafficking has become a key priority” (Conference Guide 24 April 2013)</p>	<p>“Sexual trafficking is the movement of women and children, usually from one country to another but sometimes within a country, for purposes of prostitution” (Salvation Army 2014)</p>

Name	Organisation	Organisation role	Particular standings
<p><b>Marlise Richter</b></p>	<p>African Center for Migration Society</p>	<p>“The ACMS is an independent, interdisciplinary and internationally engaged Africa-based centre of excellence for research and teaching that shapes global discourse on human mobility, development and social transformation. The ACMS is one of the continent’s leading institutions for research, teaching and outreach on migration” (ACMS 2014).</p>	<p>“Human trafficking refers to the movement of people, against their will, for purposes of exploitation.</p> <p>Most statements on human trafficking in South and Southern Africa employ estimates and claims that are not based on empirical evidence or facts.</p> <p>There is no empirical evidence that large-scale sporting events lead to an increase in human trafficking.</p> <p>Human trafficking is a gross violation of human rights and needs to be combated. Yet, the scale of the problem in South Africa is often exaggerated.</p> <p>Sex work and human trafficking are two distinct phenomena requiring different responses. Human trafficking and sex work should not be conflated” (Migration 2010)</p>

Name	Organisation	Organisation role	Particular standings
Liam Vernon	Deputy Head of United Kingdom Human Trafficking Centre	“The UKHTC is part of the Organised Crime Command in the [National Crime Agency]. It works in a coordinated way within the UK and internationally. Our work to combat human trafficking involves a wide range of partners and stakeholders. We protect the public, target the traffickers and reduce the harm caused by human trafficking” (NCA 2014).	“Prevention efforts are therefore a key component of the UKHTC’s proactive strategy to reduce harm and protect victims of human trafficking. Prevention is usually conducted in partnership with others and covers a broad range of activity, including:... Understanding the issues that impact on the supply and demand sides of human trafficking” (UKHTC 2014a)

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## Appendix Two

### Sex Workers/Sex workers outreach

1. Is there a link between human trafficking and prostitution?
2. Problems and strengths with human trafficking definition?
3. What do you make of this link between large sporting events, demand for sex, and the increase in human trafficking?
4. Before the Olympics did you think that the Olympics would see an increase in the demand for sex and/or human trafficking?
5. What preventative work were you involved in around the Olympics?
6. What was your experience over the Olympics regarding sex work (i.e reports about more arrests etc)?
7. After the Olympics was there an increase in the demand for sex or human trafficking?
8. How should the Government responded to this anticipated increase of human trafficking?
9. If past sporting events have not seen an increase in demand for sex or trafficking why do you think this link has been perpetuated?
10. Do you think this new 'Policing and Crime 2009' Act decriminalising women but criminalising men was changed for the Olympics?
11. What is the impact of an 'end demand' strategy in relation to sex work?
12. Would mode of regulation regarding sex work would you recommend and why?
13. What in your opinion does increase the demand for sex? and human trafficking?
14. Given the complexity of this problem how do you think Governments should respond to this potential increase in human trafficking?
15. Were you a member of the GLA Human Trafficking Network?
16. What were some of the strengths or weaknesses in the Network?
17. What did you think of the prevention strategies that the Network was proposing?
18. How should Governments respond to the question of sex trafficking in general?
19. How should Governments respond to sex work given some of the high numbers of abuses in the industry (or is that fallacious?)
20. How do you feel about their current position?

## Anti trafficking Organizations

1. How does your organisation define trafficking?
2. Any issues with the definition?
3. Strengths of the definition
4. Experience/ expertise with victims of human trafficking
5. Types of victims (sexual exploitation, labour, children etc)
6. How do you have see prostitution?
7. What do you think about the link between large sporting events and trafficking?
8. What are the benefits and what are some of the disadvantages from linking large sporting events, prostitution, and human trafficking?
9. Before the Olympics did you think there would be an increase over the Olympics in the demand for sex and/or increase in human trafficking?
10. What was done to prevent the increase in human trafficking around the Olympics?
11. Were there enough efforts in general?
12. How was this monitored?
13. What are some of the lessons that Britain should learn before the Olympics, from other countries that have hosted large sporting events?
15. After the Olympics the Home Office says that there was not an increase, do you know how this was established in the end?
16. What was your experience?
17. Did Poppy expect to see an increase 7 months after the event? Have there been any spikes?
18. there have been claims of an increase in domestic servitude, has this been your experience?
19. What is prevention in human trafficking? What is some work that Poppy does?
20. What are some of the most effective prevention programmes/policies? Why?
21. What are some of the issues with regards to immigration and prevention?
22. What in your opinion is the strongest/weakest part of the Government's approach to human trafficking currently?
23. What prevention policies do you think will have the biggest impact on trafficking?
24. Has the British Government already implemented them? If not, why not?

25. How should Governments respond to the question of sex trafficking and sex work in general?
26. Where does the majority of your funding come from?
27. Are there any stipulations with regards to that funding (i.e. what type of prevention strategies are you not allowed to be involved in?)
28. The Government did not fund the Human Trafficking Network with regards to preventing trafficking over the Olympics, so in your opinion how does this reflect on the Government's commitment to human trafficking prevention?

### Governmental Officials

1. Particular stance on prostitution/sex workers: legalisation/criminalisation?
2. Define trafficking
3. Issues with definition and any potential strengths
4. Why did the Mayor think human trafficking would increase at the Olympics?
5. What were some of the causal factors that have made the Olympics a risk area?
6. What policies does the Government have in place? Which ones do you think the Government has now that have the greatest impact on reducing trafficking?
7. What are the particular stances of the Government regarding sex work?
8. How were the contentious issues regarding sex work dealt with in the prevention policies?
9. Would decriminalising sex work impact anti-trafficking efforts?
10. Personal role in the Olympics? Involvement in human trafficking prevention strategies?
11. Why did the Network exist in the first place? (especially if evidence did not suggest trafficking would increase over this time?)
12. When did the Mayor become concerned with this potential increase of human trafficking at the Olympics? (especially given that the Home Office and other governmental bodies have stated that they did not expect an increase)
13. Where did the intelligence that human trafficking would increase over the Olympics come from?
14. How was the Network formed?
15. How were members chosen to be apart of the Network? Who were represented?

16. What experts were on the Coordination Team (i.e. on human trafficking/sex work etc)
17. How are decisions made when there are differing opinions about approaches to sex work?
18. How were controversial decisions made?
19. What guidelines were used about prevention strategies?
20. What support was there for the Network? How serious was the Government's commitment given that there was no funding available for the project?
21. What lessons from other governments has this Government adopted or been influenced by?
22. Before the Olympics did you think that the Olympics would see an increase in the demand for sex and/or increase in human trafficking?
23. After the Olympics was your prediction correct regarding the demand for sex/human trafficking? How was this established in the end?
24. Were there any victims found during the Olympics? how were they identified?
25. Were the preventative strategies affective in preventing/identifying victims of trafficking?

#### Law Enforcement Officials

1. Define Trafficking
2. Own experience and expertise with victims of human trafficking?
3. Were the majority of victims are female/male? Where are they found? Who identifies them?
4. Is prostitution and human trafficking the same?
5. Is there a difference between off/on street prostitution?
6. What does prevention in human trafficking mean as law enforcement?
7. What is the mandate for this prevention work? Mayor's violence against women strategy?
8. overview of the prevention work you oversee/UKHTC? What is the majority of your work involve around human trafficking?
9. What are some of the difficulties for law enforcement agents with regards to prevention of human trafficking?

10. Sex workers have been complaining that there is an increase in the arrest and brothel closures around the Olympics, was this part of the Government's strategy?
11. What does this law of criminalising the demand mean in practical terms for law enforcement?
12. What was the response of the police to this claim that large sporting events increased the demand for sex and human trafficking? How did you prepare for the Olympics?
13. If past sporting events have not seen an increase in demand for sex or trafficking how do you prepare for this potential risk, as a law enforcement agent?
14. Before the Olympics did you think that the Olympics would see an increase in the demand for sex and/or increase in human trafficking?
15. What would have been the best way to determine this?
16. How can//are law enforcement agents respond to this potentially complex problem?
17. What are some of the prevention programmes/policies in place to reduce human trafficking?
18. After the Olympics what were the results about the demand for sex/human trafficking? How was this established in the end?
19. Hotline? How many victims called it or were identified through it?
20. How about work with international work with partners, what does this mean?



## Appendix Three

### Examples of Sample Letters to the different organisations being interviewed

Ms Charmaine Jelbert  
PhD Candidate  
University of Cambridge Centre for Gender Studies  
Human Trafficking Prevention  
+44 77 22 999 858  
cpj27@cam.ac.uk  
charmaine.jelbert@gmail.com

#### SEX WORKER/SEX WORKERS' ORGANISATION SAMPLE

To Whom It May Concern,

RE: INTERVIEW FOR PHD THESIS REGARDING SEX TRAFFICKING PREVENTION

I am a third year PhD student at the Centre for Gender Studies at the University of Cambridge. My research is focused on the prevention of human trafficking. In particular, my research explores anti-trafficking programmes and policies that are designed for large sporting events. I have conducted research in South Africa around the World Cup in 2010 and worked with many sex workers and anti-trafficking groups in South Africa. Currently, I am focused on the London Olympics and what was done to prevent human trafficking for sexual exploitation, through examining the work of the members on the Human Trafficking Network.

The reason that I am contacting you and your organisation is because I would like to conduct an interview in order to determine your particular position and view point on this issue of human trafficking prevention. I am interested in your perspective especially with regards to the prevention policies the government has chosen in connection to sex work/prostitution. This involves exploring what policy they chose, how it has impacted sex workers and what are some of the issues with the implementation of the policies.

I would be delighted to speak to you and would ensure that all your data would be protected (through coding of names and places, and ensuring the documents with your data is locked). Your participation would be entirely voluntary and conducted at a place and time of your choosing. You may also withdraw at any point before, during or after the interview and I would delete your information accordingly. Should you wish to have the interview I would like to record all the interviews as this will help me focus fully on the interview,

and afterwards I will transcribe the interviews. Again, all the information will be encoded and I will only use your name and quotes with your permission.

I would really appreciate your cooperation in aiding me understand this debate around human trafficking prevention. The ultimate aim for this thesis is to determine the best approach for the prevention of human trafficking. I have attached a list of questions. Please let me know if an interview is possible and when would be convenient for you.

If you have any questions please do not hesitate to contact me.

Kindest regards,

Charmaine Jelbert

Ms Charmaine Jelbert  
PhD Candidate  
University of Cambridge Centre for Gender Studies  
Human Trafficking Prevention  
+44 77 22 999 858  
cpj27@cam.ac.uk  
[charmaine.jelbert@gmail.com](mailto:charmaine.jelbert@gmail.com)

## ANTI-TRAFFICKING ORGANISATION SAMPLE

To Whom It May Concern,

RE: INTERVIEW FOR PHD THESIS REGARDING SEX TRAFFICKING PREVENTION

I am a third year PhD student at the Centre for Gender Studies at the University of Cambridge. My research is focused on the prevention of human trafficking. In particular, my research explores anti-trafficking programmes and policies that are designed for large sporting events. I have conducted research in South Africa around the World Cup in 2010 and worked with many sex workers and anti-trafficking groups in South Africa. Currently, I am focused on the London Olympics and what was done to prevent human trafficking for sexual exploitation, through examining the work of the members on the Human Trafficking Network.

The reason that I am contacting your organisation is because I would like to conduct an interview on this issue of human trafficking prevention related to sexual exploitation. I am interested in your perspective on the Government's response to human trafficking through addressing demand and sex work/prostitution around the Olympics. Particularly, how was their response effective and in what ways was it not, and in what ways did the Government compromise on this issue.

I would be delighted to speak to you and would ensure that all your data would be protected (through coding of names and places, and ensuring the documents with your data is locked). Your participation would be entirely voluntary and conducted at a place and time of your choosing. You may also withdraw at any point before, during or after the interview and I would delete your information accordingly. Should you wish to have the interview I would like to record all the interviews as this will help me focus fully on the interview, and afterwards I will transcribe the interviews. Again, all the information will be encoded and I will only use your name and quotes with your permission.

I would really appreciate your cooperation in aiding me understand this debate around human trafficking prevention. The ultimate aim for this thesis is to determine the best approach for the prevention of human trafficking. I have attached a list of questions. Please let me know if an interview is possible and when would be convenient for you.

If you have any questions please do not hesitate to contact me.

Kindest regards,

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PhD Candidate  
University of Cambridge Centre for Gender Studies  
Human Trafficking Prevention  
+44 77 22 999 858  
cpj27@cam.ac.uk

LAW ENFORCEMENT SAMPLE

To Whom It May Concern,

RE: INTERVIEW FOR PHD THESIS REGARDING SEX TRAFFICKING PREVENTION

I am a third year PhD student at the Centre for Gender Studies at the University of Cambridge. My research is focused on the prevention of human trafficking. In particular, my research explores anti-trafficking programmes and policies that are designed for large sporting events. I have conducted research in South Africa around the World Cup in 2010 and worked with many sex workers and anti-trafficking groups in South Africa. Currently, I am focused on the London Olympics and what was done to prevent human trafficking for sexual exploitation, through examining the work of the members on the Human Trafficking Network.

The reason that I am contacting your organisation is because I would like to conduct an interview about the role of law enforcement's human trafficking prevention efforts for the Olympics. It will be a discussion on some of the advantages and issues with designing such a prevention policy and any potential issues with implementation of these policies.

I would be delighted to speak to you and would ensure that all your data would be protected (through coding of names and places, and ensuring the documents with your data is locked). Your participation would be entirely voluntary and conducted at a place and time of your choosing. You may also withdraw at any point before, during or after the interview and I would delete your information accordingly. Should you wish to have the interview I would like to record all the interviews, as this will help me focus fully on the interview, and afterwards I will transcribe the interviews. Again, all the information will be encoded and I will only use your name and quotes with your permission.

I would really appreciate your cooperation in aiding me understand this debate around human trafficking prevention. The ultimate aim for this thesis is to determine the best approach for the prevention of human trafficking. Please let me know if an interview is possible and when would be convenient for you. I can come to your office or we can arrange a time for me to call you.

If you have any questions please do not hesitate to contact me.

Kindest regards,

Charmaine Jelbert

Ms Charmaine Jelbert  
PhD Candidate  
University of Cambridge Centre for Gender Studies  
Human Trafficking Prevention  
+44 77 22 999 858  
[cpj27@cam.ac.uk](mailto:cpj27@cam.ac.uk)

GOVERNMENT

To Whom It May Concern,

RE: INTERVIEW FOR PHD THESIS REGARDING SEX TRAFFICKING PREVENTION

I am a third year PhD student at the Centre for Gender Studies at the University of Cambridge. My research is focused on the prevention of human trafficking. In particular, my research explores anti-trafficking programmes and policies that are designed for large sporting events. I have conducted research in South Africa around the World Cup in 2010 and worked with many sex workers and anti-trafficking groups in South Africa. Currently, my focus is on the London Olympics and what was done to prevent human trafficking for sexual exploitation, through examining the work of the members on the Human Trafficking Network.

The reason that I am contacting your organisation is because I would like to conduct an interview about the Government's human trafficking prevention efforts for the Olympics. It will be a discussion on some of the advantages and issues with designing such a prevention policy and any potential issues with implementation of these policies.

I would be delighted to speak to you and would ensure that all your data would be protected (through coding of names and places, and ensuring the documents with your data is locked). Your participation would be entirely voluntary and conducted at a place and time of your choosing. You may also withdraw at any point before, during or after the interview and I would delete your information accordingly. Should you wish to have the interview I would like to record all the interviews, as this will help me focus fully on the interview, and afterwards I will transcribe the interviews. Again, all the information will be encoded and I will only use your name and quotes with your permission.

I would really appreciate your cooperation in aiding me understand this debate around human trafficking prevention. The ultimate aim for this thesis is to determine the best approach for the prevention of human trafficking. Please let me know if an interview is possible in the next few weeks and when would be convenient for you. I can come to your office or we can arrange a time for me to call you.

If you have any questions please do not hesitate to contact me.

Kindest regards,

Charmaine Jelbert



## **Appendix Four**

### Example of Consent Form

Thank you for agreeing to take part in this study.

I would like to conduct a series of qualitative interviews with individuals working in the area of human trafficking. This will entail interviews with individuals who either work directly with victims of human trafficking, or those who might come across victims in their field of work.

My research is around human trafficking prevention, with a specific focus on trafficking for sexual exploitation. I have chosen large sporting events as the site for my research, as they are believed to increase the number of victims of sex trafficking due to an increase in the demand for sex over these events. Therefore I have chosen the Olympics in London 2012 as my case study. Now I would like to explore how this event shaped and impacted governmental policies on human trafficking prevention. I would be very interested to speak to you about your experiences and views of these issues.

With your permission, I would like to record the interview on an audio file in order to make sure that I can fully concentrate on what you are saying. I would like to assure you that your name and all other personal information will remain strictly confidential. When I publish this thesis I would like to use your full name but will it keep your name anonymous if you would prefer. The audio file will be identified by a code rather than your name and the information recorded will not be made available to anyone, but my supervisor and myself.

In addition if at any point during the interview you feel that you would prefer for something you have said not to remain on the audio file, I will rewind the interview in your presence and record over it. Furthermore, if you would like to take part, but do not feel comfortable for any part of the interview to be recorded, I will merely take written notes.

Attending the interview is completely voluntary, but if you choose to take part the information gathered could be of considerable value for understanding the link between sex trafficking, sex

work/prostitution and prevention policies and programmes. Thank you for considering taking part in this important area of research.

Kindest Regards.

Charmaine Jelbert

University of Cambridge  
Centre for Gender Studies  
Sir William Hardy Building Downing Site  
CB2 3EN  
cpj27@cam.ac.uk  
[charmaine.jelbert@gmail.com](mailto:charmaine.jelbert@gmail.com)

Charmaine Jelbert  
Human Trafficking Prevention  
Consent form

By signing below I am agreeing to be have the interview recorded.

\_\_\_\_\_ **Full Name**



\_\_\_\_\_ **Signature**  
**Date**

By signing below I am agreeing to allow Charmaine Jelbert to use my quotes, with the proviso that I have read and agreed to the quotes in their context.

\_\_\_\_\_ **Full Name**

\_\_\_\_\_

By signing below I am agreeing to allow Charmaine Jelbert to use my full name in her thesis to accompany my quotes, once I have agreed to the quotes in their context.

\_\_\_\_\_ **Full Name**

\_\_\_\_\_ **Signature**  
**Date**

## Appendix Five

Email from the Helen Bamber Representative to the whole *Human Trafficking Network*. Available from [charmaine.jelbert@gmail.com](mailto:charmaine.jelbert@gmail.com). This email was sent to the emailing list of the *Human Trafficking Network*, which was an open forum to any institution or member of public interested in human trafficking issues.

**Sent:** 09 November 2010 19:11

**Subject:** Follow-up notes from last network meeting

Dear members of the Network

First of all, it was good to meet you all on the 25<sup>th</sup> October, we welcome the opportunity to work with all of you on the issue of human trafficking. I would like to take this opportunity to highlight a few points that I have tried to make in meetings and by email to sub-group leaders.

First of all I would like to reiterate the Helen Bamber Foundation's feeling that the great strength of the Network is our diversity. If 40+ civil society organizations and government agencies can come together, and bridge our differences in order to try and help victims of trafficking in the run-up to, and during the London 2012 Games, that will send a strong and clear message to UK policy makers and international visitors. In order for this to happen, we welcome a democratic process whereby all voices are listened to and taken into account, and where documents are seen and commented on by all agencies before being finalized.

This of course demands of all agencies to take an active role in the Network, including attending meetings and responding to correspondence and circulated draft documents. To that end, the following are my notes on the circulated "Full work programme v1Sept2010".

### "1.1 Action: Campaign to tackle the demand side of prostitution"

This is not the stated aim of the Network. We would like to see "prostitution" changed to "Trafficking" or "Exploitative labour". Tackling the demand for trafficking would involve information and education of customers and potential customers of any goods or services provided by trafficked people.

### "Outcome: Banning of sex ads in newspapers"

Questionable whether this will to stop traffickers and pimps who are exploiting others in sex work. Instead it could potentially increase the risks involved for workers, including traffickers and pimps forcing people to work from underground premises away from the public and police's eyes.

### "Outcome: Greater public awareness about the new offence of paying for sexual services"

Factual error; paying for sexual services is not an offence. Please change this to "the new offence of paying for sexual services of a prostitute subjected to force" (Policing and Crime Act 2009 #14). Awareness about this offence should be coupled with information on what you can do to help if/ when you encounter someone who you suspect may have been trafficked.

3.

### "Outcome: Reduction in the acceptability of paying for sex"

## Appendix Six

Email exchange, protesting the Purple Teardrops ‘ban sex adverts’ campaign. Available from: [charmaine.jelbert@gmail.com](mailto:charmaine.jelbert@gmail.com). This email was sent to the emailing list of the *Human Trafficking Network*, which was an open forum to any institution or member of public interested in human trafficking issues.

Hi All,

I have also sent my apologies to today's meeting but would also like to make it clear that we do **not** support a ban on "Sex for Sale" advertising. After consultation with our service users we have found that independent sex workers often find advertising their services in newspapers to be a relatively affordable and safe way of doing so. Their valid argument is that if it is legal to sex on your own then why not be able to advertise it? It is essential in these discussions around trafficking that we listen to those who are involved in the sex industry. A ban on "advertising the services of someone else" might work - as it at least does not discriminate against those who sell sex as choice.

Best wishes,

<https://mail.google.com/mail/?ui=2&ik=080a51a2c9&view=pt&q=label%3Aphd-human-trafficking-coordination-group-uk%2028%20July%202011&q=true...> 1/2

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## Conclusion

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