***THIS IS AN ARTICLE THAT SET OUT THE CONCERNS WITH THE NEW LAW IN NORTHERN IRELAND WITH REGARD TO PROSTITUTION.***

***How can making clients more secretive possibly be considered a positive step?***

At midnight on 13 January 2015, a Bill criminalising the purchase of sex became law in Northern Ireland. It follows the Swedish system, which prosecutes the buyer and not the seller of sex. Since Sweden introduced the law in 1999, a number of countries have considered following suit.

Norway and Iceland adopted the law in 2009, and since 2006 Finland has criminalised the purchase of sex if it is related to trafficking. In 2013 a similar law in Scotland failed to make it through parliament.

In October, the Northern Ireland Assembly voted by 81 to 10 to make it a crime to pay for sex. This was despite [research](http://www.northernireland.gov.uk/news-doj-171014-independent-research-into) commissioned by the Department of Justice in October which showed that only two per cent of sex workers surveyed supported the change in law. The study showed that 61 per cent of sex workers in Northern Ireland thought the law would make them less safe and 85 per cent did not believe that it would reduce sex trafficking.

And crucially, only 16 per cent of people who responded to the client survey said that the law would make them stop paying for sex altogether. As well as the fact that many of the people who know the industry best feel threatened by the new law, there are a number of conceptual problems with it.

It pushes the idea that men are criminally culpable for their actions but women are not, implying that women have lesser moral agency.

The Irish charity Ruhama – who have welcomed the change – [points out](http://www.ruhama.ie/page.php?intPageID=4) that prostitution is very rarely a free choice, and that most sex workers are forced into their lifestyle by a combination of factors. I acknowledge that this could, in theory, be said to limit the amount of ‘agency’ sex workers have over their bodies.

But to concede this has a dehumanising effect, stripping women of responsibility for what they do in undesirable circumstances where they are, nevertheless, giving consent. We do not automatically define sex that is paid for as rape. That is the key distinction here.

The issue of female autonomy is not solely an abstract one. In 2013, a Swedish sex worker known as Petite Jasmine was [murdered](https://www.facebook.com/photo.php?fbid=547596545276509&set=a.547593911943439.1073741825.246033365432830&type=1&theater) by an ex partner after a long standing dispute over child custody.

Jasmine had been denied custody on the grounds that, as a sex worker, she was a victim unable to make her own decisions, who needed to be saved from herself. She was viewed as being so weak and, implicitly, stupid, that her partner was deemed to be a better parent, despite his history of being abusive.

[Activists](http://www.mamacash.org/news/rose-alliance-board-member-petite-jasmine-murdered/) insist that the Swedish framework contributed to her murder.

Supporters of the Northern Ireland Bill (called the Human Trafficking and Exploitation Bill) say that it is an important step in holding purchasers of sex to account for continuing the cycle of abuse and violence against women. And in theory, yes, it is a refreshing change to see the stigma of sex work shifted on to the man involved.

The usual trope sees the woman selling sex as the tainted and culpable party; it is the female prostitute who is the known face of the transaction. The paying customers have for centuries been allowed to remain invisible and protected from the stigma.

But in practice the move will not, as promised, ‘end the cycle’; it will simply drive the problem further underground.

In 2010, the Swedish government [said](http://www.government.se/sb/d/13420/a/151488) that street prostitution had halved since the change in law.

But their figures do not include those who work via the internet or in bars. Inevitably, the digital age has changed prostitution, and the internet has provided yet another way for men to be more secretive when buying sex.

The Department of Justice’s research [identified](http://www.djsresearch.co.uk/CentralGovernmentMarketResearchInsightsAndFindings/article/Survey-suggests-that-17500-men-in-Northern-Ireland-pay-for-sex-each-year-01724) only 20 individuals who work on the streets in Northern Ireland, and found that the ‘majority’ advertise their services online from home.

Men who fear being prosecuted are less likely to want to fix a time and place for meeting; it means meetings will be spontaneous and unrecorded, that women may end up in locations which noone knows about. They will lose valuable ‘assessment’ time, as clients try to persuade them more quickly into cars because of the police threat.

I cannot see any benefit in making customers who pay for sex more secretive.

The fact that those seeking sex will be driven underground also means that sex workers will continue to notice a heavy police presence. The police will inevitably have to target prostitutes in order to find the men who buy from them – again, this will encourage them to meet more secretively so as not to put their clients in danger of arrest.

The other problem with the Northern Ireland Bill is, as Amnesty have [pointed out,](http://www.belfasttelegraph.co.uk/debateni/blogs/human-trafficking-clause-that-criminalises-prostitution-is-no-safeguard-for-sex-workers-30071270.html) that it confuses the issues of prostitution and trafficking. Reducing trafficking is described as the law’s primary aim, but research by the Association of Police Officers has [shown](http://www.acpo.police.uk/documents/crime/2010/201008CRITMW01.pdf) that these are two very separate issues; their study estimated that of 30,000 sex workers in England and Wales, 17,000 were migrants and of these 2,600 are trafficked.

Conflating the issues is not helpful, as the needs of trafficked migrant workers are completely different to those of prostitutes working in their own countries.

The primary issue that anyone should be concerned about with the sex trade is how to make it safer. How to reduce the transmission of HIV and other STIs, how to flag up violent clients, (the [National Ugly Mug](https://uknswp.org/um/) campaign is brilliant), how to provide safe exit routes for sex workers who want to change their lives.

The new law introduced in Northern Ireland does not address any of these issues; and politicians are not listening to sex workers themselves, the most important voices in the debate.