

Impact case study (REF3b)

Institution: University of Nottingham
Unit of Assessment: 22 (Social Work and Social Policy)
Title of case study: Informing rights-based challenges to mainstream policy responses to human trafficking
<p>1. Summary of the impact</p> <p>O'Connell Davidson's pioneering research delivered the first systematic study of the demand for prostitution and domestic work and contested mainstream policy responses to human trafficking, childhood and migration.</p> <p>Through adoption by international agencies, citation by leading global organisations, speeches at international conferences and via media debate, the research findings have been influential in informing UK legislation, redefining the focus of international policy on human trafficking and encouraging children's NGOs to adopt new approaches to child migration and trafficking.</p>
<p>2. Underpinning Research</p> <p>The key researcher for this case study is Professor Julia O'Connell Davidson, School of Sociology and Social Policy, University of Nottingham, August 2001 to present.</p> <p>In 2001-2, the Swedish Ministry of Foreign Affairs, the Swedish International Development Cooperation Agency (SIDA), and Save the Children Sweden commissioned O'Connell Davidson and Professor Bridget Anderson (Oxford University) to undertake a multi-country study on the demand for services provided by trafficked persons in the sex and domestic work sectors (6). This study addressed conceptual and definitional problems associated with the term 'trafficking' and the tension between States' concern to control borders and manage migration, and their obligations to respect, protect and promote universal human and child rights. This tension makes it difficult to draft and enforce appropriate legislation intended to protect vulnerable adult and child migrants. The research findings were published by Save the Children Sweden and the International Organization for Migration (1).</p> <p>Following this, O'Connell Davidson and Anderson developed the research through an ESRC funded project in 2002-6 (7) on demand for migrant sex and domestic workers in the UK and Spain. The project collected interview and survey data from migrant domestic and sex workers, their clients and employers, and non-migrants in comparable situations. As a result it was able to shed novel light on the complexities and contradictions which are actually present in this controversial field. O'Connell Davidson focused primarily on prostitution (2, 3) and Anderson on domestic work. Both projects addressed questions about trafficking of children and adults.</p> <p>In 2007 Save the Children Sweden commissioned O'Connell Davidson to produce a report on child migration (8) that focused on child trafficking in the broader context of migration in Europe and the ways in which immigration regimes produce children's vulnerability to exploitation and abuse (4, 5).</p> <p>This corpus of research over a 6 year period challenged three key assumptions concerning human trafficking.</p> <ul style="list-style-type: none"> • Conventional wisdom has approached trafficking as a criminal justice issue, with policy makers assuming it primarily affected the sex sector and could be combated through legislation to criminalise the purchase of trafficked persons' labour/services. The research revealed that exploitation of migrant labour is not confined to the sex sector, but is found in numerous sectors where there is demand for cheap and dependent workers. This demand is shaped by a complex and interlocking set of political, social, institutional and economic factors. Thus, it is difficult to tackle demand for 'trafficked' labour without addressing demand for vulnerable and unprotected labour <i>per se</i>. • It has often been taken as self-evident that demand for prostitution was a 'root cause' of

trafficking. However, interviews with sex workers and their clients, and survey data revealed that customers were not a homogeneous group in terms of their practices, interests or propensity to pay for sex with children or with women forced into prostitution. **A ‘market’ for the services of sex workers is not synonymous with a ‘market’ for the services of vulnerable migrant young women and children.**

- O’Connell Davidson’s work on children, trafficking, and migration emphasises that children are not always forced to move by exploitative adults but can be authors of their own migratory projects; and that trafficking is not the only or primary risk to children who migrate. It highlighted the many ways in which States are a source of harm to children through their immigration policies. In particular the work has identified ways in which **describing certain forms of child migration as ‘trafficking’ might enable immigration control, but conflicts with children’s rights and interests.**

3. References to the research

The quality of underpinning research is evidenced by the fact that the following outputs have been published in peer-reviewed journals or are the result of a commissioned or peer-reviewed funding process.

Research outputs

1. Anderson, B. and O’Connell Davidson, J. (2003) *Demand for ‘Trafficked’ Labour? A Multi-Country Study*, IOM Migration Research Series No. 15. (http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=2_3&products_id=226)
2. O’Connell Davidson, J. (2006) ‘Will the real sex slave please stand up?’ *Feminist Review*, Vol 83, 4-22. <http://www.palgrave-journals.com/fr/journal/v83/n1/abs/9400278a.html>
3. O’Connell Davidson, J. (2006) ‘Men, middlemen and migrants: The demand side of sex trafficking’, *Eurozine*. <http://www.eurozine.com/articles/2006-07-27-davidson-en.html>
4. O’Connell Davidson, J. (2007) *Child Migration and the Construction of Vulnerability*, Stockholm: Save the Children Sweden. <http://europe.savethechildren.se/Global/scs/EUROPE/InterestingReading/ChildMigration.pdf>
5. O’Connell Davidson, J. (2011) ‘Moving children? Child trafficking, child migration, and child rights’, *Critical Social Policy*, Vol 31, 454-477.

Research grants

6. Joint PIs: Professor Julia O’Connell Davidson and Professor Bridget Anderson. Multi-country study on demand-side of trafficking, Swedish Ministry of Foreign Affairs, Swedish International Development Cooperation Agency and Save the Children Sweden, 2001-2002, £53,400.
7. PI: Professor Julia O’Connell Davidson. The Market for Migrant Domestic and Sex Workers, ESRC, 2002-2006, £249,205.
8. PI: Professor Julia O’Connell Davidson. Report on child migration, Save the Children Sweden, 2007, £9,000.

4. Details of the impact

The research in this case study has had an impact on the following four areas of policy and practice:

Influencing UK legislation

In 2008, the Government considered proposals to introduce legislation criminalising the sex buyer in England and Wales. The proposal was presented as an anti-trafficking measure, as it was **claimed that the majority of sex workers in the UK were victims of trafficking.** However, groups opposed to these proposals (including Safety First Coalition, English Collective of Prostitutes, x:talk project collective, International Union of Sex Workers) **drew upon O’Connell Davidson’s research to challenge such assertions and to lobby more effectively** against Clause 13 (subsequently Clause 14) of the Policing and Crime Bill, 2009 (A,B,C). The English Collective of Prostitutes have said “*Prof O’Connell Davidson’s research*

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was crucial in the run up to the introduction to the 2009 Policing and Crime Act... [lending] invaluable weight and credibility to our work" (A).

The research influenced and informed Parliamentary debate. **The Government ultimately enacted a revised version of the original proposals**, criminalising the purchase of sexual services from prostitutes subjected to force, not the purchase of sexual services all together (as set out in the 2009 Bill).

Influencing international agencies/global organisations

The research has been **adopted and widely referenced in reports by international agencies** pressing States to address the labour and migration policies that co-construct demand by leaving some groups vulnerable to exploitation. This includes the International Labour Organisation (D), the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (E), the Council of Europe and the International Organization for Migration. The research funded by the Swedish Ministry of Foreign Affairs (6) was **the first systematic study of demand**, and its findings, as well as those of the ESRC funded research (7), in the words of the Executive Director Anti-Trafficking, Austrian Institute for International Affairs (OIIP), have:

"had and will have a strong impact on further approaches and responses to the complex problem of human trafficking, in the sense of enabling decision-makers, stakeholders, NGOs and International Organizations (such as UNODC, OSCE, IOM, ICMPD...) and politicians to shift the terms of international policy debate on the demand side away from mere guesses and ideologically-rooted suppositions to addressing the conditions that make persons vulnerable to trafficking". (F)

The work has also been **instrumental in providing an evidence base for NGOs** lobbying for trafficking to be understood as a product of restrictive immigration controls, and not merely organised criminality or demand for prostitution (A, G, H).

Influencing the work of NGOs on child migration

In addition to influencing international NGOs addressing trafficking in general, the work of NGOs on **child trafficking** has also been informed by the research. O'Connell Davidson's work on children's agency within migration and the identified need to build resilience among migrant children to protect themselves against trafficking and exploitation was the focus and starting point for a discussion forum attended by 115 researchers and NGO representatives from across Europe at an NGO conference on child migration. Participants considered how research can 'influence actual changes for children in migration', and a quote from that report illustrates how **this research has shifted thinking in the field of migrating vulnerable people**:

"If [Anderson and O'Connell Davidson's] conclusions are correct, which I think they are, we have to ask ourselves if we, as NGOs, have accepted simplifications in analysing root causes and effects of migration based on binaries such as, internal versus international migration, voluntary versus forced, temporary versus permanent, legal versus illegal and so on. And that we by accepting those simplifications may have fed ineffective means and even advocated for inadequate solutions for children in migration. Further, we might have focused too much on media coverage and funding results". (I)

These comments signalled **a change in NGOs' attitudes and approach to child trafficking that was informed and influenced by the research** and which continues to the present day (J). The research has also informed the design of a multi-country initiative (GATE project) working with child migrants funded by the Italian branch of the charity 'Defence for Children International' (J) and O'Connell Davidson has been invited to act as a scientific advisor on this project as the expert in the field.

Actively informing and changing attitudes

O'Connell Davidson has actively raised awareness of issues concerning children, trafficking, and migration among UK and European government officials, policy makers, law enforcers, non-

governmental organisations and trade unions. O'Connell Davidson spoke on trafficking at the RCUK All Party Group for Global Uncertainties, **House of Commons**, November 2012. The research was cited by the **Council of Europe** in the background paper (K) for a conference on preventing trafficking in human beings in Bulgaria, December 2012, which brought together around 130 Ministers, civil servants, law enforcement agents, and non-governmental actors from the 47 Council of Europe members States.

O'Connell Davidson was also invited to give a keynote address at this conference and to run an expert workshop on the demand-side of trafficking. In June 2013, she was invited to speak at the **Organisation for Security and Co-operation in Europe** annual alliance against trafficking conference (attended by more than 300 senior government officials, national anti-trafficking rapporteurs, representatives from NGOs, law enforcement agencies and trade unions) (L). She also gave a keynote at the **Dialogue Forum of the Austrian Government's Anti-trafficking Regional Implementation Initiative** in June 2013, a meeting of around 50 governmental and non-governmental actors and law enforcement officials from 15 European States (F).

The research also featured in media debate on prostitution policy. O'Connell Davidson was invited to **participate in a debate with Fiona MacTaggart MP** in the March 2008 edition of *Prospect Magazine* (M) (circulation c.32,000); she appeared on *More or Less*, BBC Radio 4 (c.1.4m listeners) on 9 January 2009 to **debate the reliability of statistics being cited by MPs pressing for criminalisation of the purchase of sex**, and her critique was reproduced in a *Guardian* article (print circulation c.311,000) by Nick Davies on 20 October 2009 (N), who had approached O'Connell Davidson when researching the piece.

5. Sources to corroborate the impact

- A. Letter from Spokesperson for the English Collective of Prostitutes.
- B. 'Criminalisation of Sex Workers Must be Opposed', x:talk project collective.
<http://www.indymedia.org.uk/en/2009/01/420565.html?c=on>.
- C. International Union of Sex Workers' submission to the Rhoda Grant Consultation on Prostitution in Scotland. <http://www.iusw.org/2012/12/the-iusw-submission-to-the-rhoda-grant-consultation-on-prostitution-in-scotland/>
- D. The Mekong Challenge: Human Trafficking: Redefining Demand, Geneva: ILO.
http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_29_en.pdf
- E. OSCE, Office for Democratic Institutions and Human Rights. <http://www.osce.org/odihr/57555>
- F. Letter from Executive Director Anti-Trafficking, Austrian Institute for International Affairs.
- G. La Strada International 2006.
http://lastradainternational.org/lsidocs/518%20ilo06_demand_side_of_human_tiaef.pdf
- H. Global Alliance Against Traffic in Women: 'Moving Beyond 'Supply and Demand' Catchphrases'.
http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf
- I. Save the Children, Sweden: Conference Report, 'Focus on Children in Migration'.
http://www.childsrights.org/html/documents/adem/16.%20Conference_Report_Warsau.pdf
- J. Letter from Defence for Children International, Italy.
- K. Council of Europe background paper.
(<http://www.coe.int/t/dghl/monitoring/trafficking/Docs/activities/Concept%20note%20conference%20Bulgaria%204-5%20Dec%202012%20BG.pdf>)
- L. 'Stolen Lives, Stolen Money: The Price of Modern-Day Slavery'.
<http://www.osce.org/cthb/103404>
- M. Prospect Magazine article available.
- N. <http://www.theguardian.com/uk/2009/oct/20/trafficking-numbers-women-exaggerated> and email exchanges between O'Connell Davidson and Davies available.