

Written submission from the Sex Work Research Hub (PTN0006)

This response is from a group of academics and specialists working in the field of sex work, based primarily in the UK, with combined expertise of many years researching sex work and related issues, funded by a variety of governmental research councils, charities and higher education institutions. The signatories to this response are members of the Sex Work Research Hub, hosted by York University, which connects researchers across a range of universities and disciplines working on sex work or sexual exploitation; and also sex work support projects, sex workers and other stakeholders, such as lawyers, police and policy makers, across the UK. Its aims are: to support, develop and carry out research projects and evaluations; respond to government policy, legislation proposals and consultations; and produce knowledge that delivers tangible public benefit and impact. Collectively, members of this group have made several representations to UK and Scottish governments, including expert statements to the All Party Parliamentary Group for Prostitution, England and Wales, as well as responding to other national policy consultations to the Home Office. We wish the contents of this letter to be made public and disclosed in any analysis of findings.

Representatives from this group would also be happy to attend any parliamentary sessions to give expert advice and to assist deliberations.

Response to committee questions

1. What, if any, are the inequalities and harms associated with buying and selling or trading sex? Who is affected? How?

First, there is a problematic assumption that prostitution equals harm against women. However, studies show that there is a distinction between street-based sex work and indoor-based work, with indoor workers being generally less vulnerable to violence than their street-based counterparts, especially when they can control their working environment and work with others (Church et al, 2001; Jeal and Salisbury, 2007; Prior et al, 2015; Pitcher, 2015b). There is a considerable base of research showing that sex workers experience positive relationships with many of their clients, especially regular clients, and that many encounters take place without incident (Pitcher, 2015a). There is also evidence that violence is decreased where systems are in place for regulating establishments and protecting sex workers (Bretns and Hausbeck, 2005; Hubbard et al, 2013; Pitcher and Wijers, 2014). Furthermore, as Sanders and Campbell (2007) demonstrate, measures can be put into place to reduce crimes against sex workers and thus violence is not an inevitable consequence of sex working.

A systematic review of all sex work research conducted in 33 countries from 1990 to 2018, found that criminalisation of sex work is linked to ‘extensive harms’ among sex workers (Platt and Grenfell, 2018). Sex workers who had experience repressive policing were found to be three times as likely as other sex workers to experience sexual or physical violence, twice as likely to contract HIV or another sexually transmitted infection, and one and a half times as likely to report having condomless sex with a client. Fear of police and an increased police presence were associated with sex workers avoiding healthcare services, presenting less often for HIV testing, and having less access to HIV prevention (Platt and Grenfell, 2018; British Medical Journal, 2019; Amnesty International, 2016).

The public health evidence strongly supports the removal of criminal sanctions against those who sell sex and those who buy it. Extensive research demonstrates how such sanctions exacerbate violence against sex workers (Krusi et al 2014; Sherman et al 2015; Shannon et al 2014). A recent systematic review showed that female sex workers who had previously been targeted by sex work criminalisation were up to seven times more likely to experience violence (Deering et al 2014). In London, for example, female indoor sex workers who had been arrested or imprisoned were 2.6 times more likely to have been assaulted by a client in the past year, regardless of where they worked, and whether or not they had a partner, were born in the UK or used drugs (Platt et al 2011).

Research also shows that these harms are reinforced when criminal sanctions are moved from sex workers to sex buyers. In Vancouver, during a pilot period of enforcement against clients, sex workers explained how this model reduced their capacity to be selective over and screen out dangerous clients, with consequences including being forced to provide sexual services without payment (Krusi et al 2014). Fear of arrest, deportation, not being taken seriously by police or being publically identified deter sex workers from reporting violence against them including where clients are criminalised, and sanctions against clients are likely to discourage co-operation with police to report exploitation and trafficking (Mai 2009).

Criminal sanctions also harm sex workers’ broader health and access to care. Data from multiple countries link criminalisation of sex work with up to a 5-fold increase in risk of HIV infection or other sexually transmitted infections, and up to 4 times the likelihood of accepting more money for being pressured into or engaging in unprotected sex with clients (Erausquin et al 2011; Zhang C, et al 2013). In the UK, police raids on venues have disrupted access to outreach services (Boff 2012) shown to be vital for sexual and broader health; while

in Sweden, anti-harm reduction policies accompanying the sex purchase ban leave sex workers without access to services to protect their health (Levy and Jakobsson 2014).

Whilst sex workers of all genders work in the UK sex industry and it is important for policy to recognise this, there are more women than men in the UK sex industry for a range of socio-economic reasons including gender inequalities in pay and options for employment in a climate of austerity, gig-economy, precarity and the feminisation of poverty. An equality issue for all in sex work is that as sex work is not recognised as labour, is stigmatised and quasi criminalised sex workers are denied even the basic labour rights and protections afforded to other groups of workers, this is something we would expect the committee to consider.

2. What local initiatives are you aware of that address inequality and harm? Are they effective? Why?

While criminal justice responses are largely inappropriate in relation to street-based sex work (except in instances of violent or other crimes committed), policies that meet the concrete needs of sex workers and wider society could make a tangible difference. For example, the Merseyside approach has focused on the public protection of sex workers, prioritised safety of sex workers and treated crimes against sex workers as hate crimes. Under this approach a range of practical initiatives was put in place, including sex workers included in police hate crime policy to increase the prioritisation of reports of crimes made by sex workers, improved monitoring and police accountability, a victim focused response, police sex work liaison officers and enhanced specialist support for sex worker victims of rape and sexual assault. Rosie Campbell's research (Campbell, 2014) has found that this approach has been demonstrably effective in better meeting the needs of sex workers who chose to access rights to protection and justice in order to better address violence against them. It has led to increased confidence in the police amongst sex workers, increased reporting of crime and improved investigation and prosecution of crimes against sex workers. Community-based initiatives involving local residents, sex workers and local agencies may also help towards an integrated solution to the management of street spaces (Pitcher et al, 2006).

In 2014, Leeds City Council and the West Yorkshire Police piloted a new approach to street sex work in the Leeds area of Holbeck. Within a designated non-residential area, between the hours of 8pm and 6am, there would be no police prosecutions for soliciting or selling sex. A dedicated police sex work liaison officer was brought in, as well as an increased police

presence, outreach workers and health officials. The initiative was brought in after ten years of trying and failing to end street sex work in Holbeck, and there is evidence of its benefits from a service perspective. An increased access to outreach services and higher take up of social and health care interventions has been shown; there has been a 110% increase in interactions between street working women and support services. Additionally, reports that sex workers are less fearful of arrest and are therefore more likely to report are evidenced. Sex workers reporting crime and providing full details of the incident to West Yorkshire Police increased from 7% in 2013 to 52% in 2015 (Brown and Sanders, 2017).

Both these local initiatives support and feed into National Ugly Mugs a national sex work safety charity which offers a national third party reporting and alerting scheme for sex workers in the UK and provides support to sex worker victims of crime. This was the first national such scheme in the world.

3. What, if any, are the challenges for those facing inequality and harm in accessing services (for example, healthcare; support services; advice)? What needs to change?

There is now a considerable body of research and guidance on good practice for support services for sex workers from organisations such as the World Health Organisation. This has long established that sex workers are reluctant to access mainstream health and social care services for fear of judgement and fear of breaches of confidentiality, if they do access sex workers may not disclose their sex work. Hence bespoke outreach and community based models of intervention have been identified as good practice offering a range of health and social care support including for example harm reduction services, sexual health and wider primary care health services, emotional and psychological support, legal information and advice, welfare benefits and housing advice and support, support for sex workers who have been victims of crime and exit support. There are numerous examples of such services throughout the UK, we can provide details, although many of these services have been eroded by cuts and restructure (Platt et al 2016 British Medical Journal). It must be considered that some sex workers will not wish to exit, and initiatives designed to facilitate exit should not be undertaken at the expense of providing support to those who continue to sell sexual services, holistic person centred support is identified in good practice. There needs to be greater reflection on the diversity of sex work, which encompasses many different ways of selling sex (See Good Practice Guidance for Working With Online Sex workers based on the largest study of UK online sex industry to date - which highlights services for sex workers in the

UK have focused on street sex workers a cohort of sex workers amongst whom a range of complex needs have been identified and amongst whom policy focus has fallen) and a diverse array of sex sellers. Policy that develops from the presumption that there is a need to assist exit tends to assume that all of those that are involved in prostitution are victimized women, whilst the reality is significantly more complex. A one size fits all approach is unlikely to be productive in this context, and more nuanced person centred approaches are required to serve the more complex and varied needs of those individuals involved in sex work.

What is crucial is that realistic opportunities are created for those individuals who wish to do so to adopt alternative lifestyles: this means for those with drug and alcohol dependency needing access to treatments (we can point you to reports which highlight effective practice in this area) , ensuring access to counselling support for those who wish to have it, providing a range of educational and training opportunities, linking exit to alternative forms of employment that offer an adequate living wage, providing concrete assistance with childcare responsibilities, and more broadly facilitating in tangible and holistic ways individuals' greater social integration and inclusion. Hence policy on sex work links to wider policy development on employment and benefits reform. What is not required, and is highly unlikely to produce any positive impact, are heavy-handed interventions that compel exit (either explicitly, or through thinly-veiled 'incentives' that carry repressive consequences for non-compliance) or initiatives that are insufficiently resourced and ill-equipped to respond to the complex desires and disadvantages that are experienced by many of those who currently sell sexual services. In this respect, Scoular and Carline's evaluation (2014) of engagement and support orders (under section 17 Policing and Crime Act 2009) is instructive, since it demonstrates that the use of 'compulsory rehabilitation' often further isolates those who are involved in the most vulnerable sectors of the sex work industry, negatively impacting upon their trust of, and engagement with, outreach organisations, hampering the ability of such organisations to conduct their harm-reducing work without the shadow of the criminal justice system.

4. What relevance does the Public Sector Equality Duty have for the way that public authorities address prostitution in their area?
5. How could law and policy be improved to address inequality and harm?

Extensive evidence demonstrates that any form of criminalisation of the sex industry has a detrimental effect on sex workers, in particular their safety and reporting of crimes. Existing evidence (e.g. Mcleod, 1982; McKeganey and Barnard, 1996; O'Neill 1997, 2008; O'Neill and Campbell, 2002, Pitcher et al, 2006; Kinnell, 2006; Pitcher and Wijers, 2014) shows that an environment of enforcement can lead to sex workers being reluctant to approach the police or other agencies when crimes are committed against them. Campbell (2014) also identifies that in terms of the existing laws on soliciting, "kerb crawling" and brothel keeping, an enforcement-based approach creates a climate which works against the reporting of violent and other crimes by sex workers and leaves sex workers unprotected. She highlights that the current UK framework creates a highly adverse climate which makes it problematic for sex workers to access protection from the police and to get justice within the criminal justice system. Within the current UK framework, those who can offer protection, i.e. the police, are also the people who can arrest sex workers, their clients or others they work with. Offenders exploit this vulnerability and specifically target sex workers because of their sex worker status and in a belief that they are 'easy targets' whom they perceive are unlikely to report to the police because if they did so they would not be taken seriously.

Decriminalisation would remove one of the key barriers which creates an adversarial relationship between sex workers and the police and would provide an improved context for building trust in the police amongst sex workers. It would encourage the reporting of crime and enable improved investigation and prosecution of offenders who commit a range of crimes against sex workers. This is a major advantage of the proposed legislation. It is important to note, however, that proactive policies and initiatives would have to be put in place to improve relationships in local areas between police and sex workers. There are good practice models from which lessons could be learned for protection-focused policing, for example treating crimes against sex workers as hate crime, which involves a number of policing initiatives (Campbell, 2014).

6. How effective are different international approaches at addressing any inequalities and harm associated with buying and selling or trading sex?

Current and ongoing research shows that the criminalization of clients has gravely harmed sex workers in Sweden, Ireland, Canada, and France, which has further been corroborated by recent research on the so-called Nordic Model (Vuolajärvi 2018). Since the Nordic model was introduced in Ireland in 2017, there has been a 54% increase in crime against sex

workers reported to Ugly Mugs Ireland, and violent crime is up by 77%. This was the case also with the introduction of the so-called Swedish Model in France in 2016, which made sex workers more exposed to violence, disrupted their recourse to crucial health services and medical treatments, and rendered their livelihoods more precarious and exploitative (Mai, Giametta and Le Bail 2018). Similar trends have also been seen in Canada, and Canadian sex workers have been successfully campaigning to show that any form of criminalisation of the sex industry is anti-constitutional (Krüsi A, Pacey K, Bird L, et al., 2014).

The evidence shows that where sex work is decriminalised in part, as in New South Wales, or in full, as in New Zealand, sex workers are better able to manage their working environment and assert their employment rights, which includes being able to refuse certain clients and to report instances of violence to the police, as well as challenging exploitative management practices (Abel et al, 2010; Donovan et al, 2012). They are also able to negotiate safer sex more openly and have the backing of the law if clients attempt to enforce unprotected or unpaid-for sex (rape), or pursue other actions e.g. hate crime (Campbell 2014). In Canada, Judge Justice Himmel, in a landmark decision in 2012, struck down the Communication and Living on the Avails laws and amended the Bawdy House Laws to no longer apply to prostitution stating, in recognition of sex workers' human rights: "These laws individually and together force prostitutes to choose between their liberty interest and their right to security of the person as protected under the Canadian Charter of Rights and Freedom." (O'Neill and Laing 2015).

The 2003 Prostitution Reform Act was introduced in recognition of the harms caused to sex workers through punitive laws which criminalised aspects of prostitution. Decriminalisation, such as in New Zealand, removes the laws governing sex work as a discrete industry and all sex work-related offences. As such, it aims to remove the social exclusion which makes sex workers vulnerable to exploitation (West, 2000). However, this does not mean that sex work then becomes unregulated, but that it is subject to the same controls and regulations that govern other businesses.

Decriminalisation of sex work in New Zealand also meant that resources could be focused on situations where women and men did experience coercion or exploitation.