

Submission of written evidence to the Home Affairs Select Committee's Prostitution Inquiry

Dr. Mary Laing (Northumbria University)

Summary

- The submission documents findings from what the author believes to be the largest survey in the UK ever completed with sex workers and organisations, with questions which were specifically tailored to the Terms of Reference of the Inquiry.
- A majority of survey respondents (sex workers and organisations offering front line services to sex workers) do not think that people should be discouraged from buying sex.
- A majority of survey respondents do not think the purchase of sex should be criminalised.
- A majority of survey respondents believe the CPS' definition of prostitution as 'violence against women' is inaccurate.
- A majority of survey participants do not think that criminalising the purchase of sex would help with tackling trafficking and exploitation.
- A majority of survey participants think that criminalising the purchase of sex would negatively impact on sex worker safety.
- A majority of survey participants support decriminalisation of sex work.

Dr. Mary Laing

This submission is a summary of an evaluative survey I supported National Ugly Mugs (NUM) to complete with sex workers and specialist sex worker support organisations. The survey focuses on areas of concern outlined by the Home Affairs Select Committee Prostitution Inquiry. Some findings were presented in NUM's written submission of evidence to the Inquiry; this document provides a more detailed overview.

I am submitting this in my capacity as Senior Lecturer in Criminology at Northumbria University. I am also the Joint Academic Board Representative for NUM alongside Rosie Campbell (OBE) (Leeds University) who also supported the survey. I have over 10 years experience of researching the sex industry. I have also delivered voluntary outreach services to male and female sex workers working on the street and in brothels in various cities in the UK and Canada. My research has been published in peer reviewed journals and academic books.

I am happy to discuss the survey with the committee in more detail if required.

The survey has been covered by The Independent newspaper¹, will be published as a short report for NUM and may also be published as a journal article.

¹ See <http://www.independent.co.uk/news/uk/home-news/british-prostitutes-warn-that-criminalising-clients-would-reduce-safety-a6877816.html> and <http://www.independent.co.uk/voices/punishing-clients-is-the-best->

Consultation Response

1. The Survey

- 1.1. In response to the Home Affairs Select Committee Inquiry into Prostitution, NUM, supported by myself and Rosie Campbell undertook a survey to assess the NUM membership's views.
- 1.2. Two short surveys were designed; one for sex worker members and the other for organisation members². Organisation members deliver front-line services to between 20 and 2000 sex workers. NUM believes in total 10,000-15,000 sex workers across the UK access services who are NUM members. The surveys consisted of multiple choice questions and one open question. Survey Monkey was used to host the survey, collect responses and analyse the quantitative data.
- 1.3. All members who had supplied NUM with an email address were emailed and asked to complete the survey. The survey was emailed to 364 organisations and 1928 sex workers; it was open for 8 days and 2 follow up prompts were sent.
- 1.4. 52 organisations and 218 sex workers responded, giving a 14.3% response rate for organisations and 11.3% response rate for sex workers. It must be considered that sex workers are a very hard to reach group, and taking part in a survey, especially with the remit to feed into a government inquiry is daunting.
- 1.5. The author believes this is the largest survey of its kind completed in the UK. Although there are a few studies with larger numbers of sex worker respondents, it is believed that no other survey explores the view of sex workers and organisations with such high numbers of combined respondents.

2. Findings: Organisations

- 2.1. In total, 52 organisations completed the survey. Of these, 47 were complete responses. Response numbers are indicated throughout.
- 2.2. 92.3% (N=48) of organisations delivered services primarily to female sex workers; only 7.7% (N=4) delivered services primarily to men³. No respondents identified as primarily working with trans* or 'other'⁴ identifying sex workers.
- 2.3. 58% (N=29) of organisations provided services primarily to street-based sex workers, followed by those working with sex workers in brothels/parlours/saunas (24%, N=12), those escorting privately/independently (14%, N=7) and those doing escort agency work (4%, N=2).
- 2.4. 58% (N=29) of organisations stated people should not be discouraged from purchasing sex from consenting adults; 26% (N=13) stated maybe or don't know and 16% (N=8) said people should be discouraged.

[way-to-limit-prostitution-a6878016.html](http://www.independent.co.uk/voices/letters/how-about-listening-to-sex-workers-a6879686.html) and <http://www.independent.co.uk/voices/letters/how-about-listening-to-sex-workers-a6879686.html>

² It is noteworthy that police services cannot be members of NUM.

³ Please note that percentages have been rounded throughout the report.

⁴ 'Other' identifying sex workers could include those identifying as 'queer' or those who identify outside normative categorisations of gender.

- 2.5. 75% (N=36) of organisations said people should not be criminalised for purchasing consensual sex. Only 12.5% (N=6) of organisations said people should be. The remainder said 'maybe' (4.8%, N=2) or 'don't know' 8.3%, N=4).
- 2.6. 83.3% (N=40) of organisations said that the criminalisation of clients purchasing consensual sexual services would make sex workers accessing their services feel less safe. Only 6.25% (N=3) of respondents said that criminalising clients would make sex workers feel more safe. The same number said it would have no impact and 4.17% (N=2) of respondents said they didn't know if it would have an impact.
- 2.7. About half (48.9%, N=23) of organisations said that the likelihood of sex workers accessing services would decrease if sex buying was criminalised and about a third (29.8%, N=14) said access would remain the same. A minority suggested that access to services would increase (10.6%, N=5) and the same said they didn't know if there would be a change.
- 2.8. A majority of 64.6% (N=31) organisations said that criminalising the purchase of sex from consenting adults would not assist in tackling trafficking for the purposes of sexual exploitation, only 10.4% (N=5) believed that criminalisation of clients would assist with tackling trafficking for the purposes of sexual exploitation. 18.7% (N=9) said maybe and 6.3% (N=3) said they didn't know.
- 2.9. According to the Terms of Reference of the inquiry, the CPS recognises all sex work as violence against women. Organisations were asked if this is an accurate description of what sex work is. 75% (N=36) said no, and only 12.5% (N=6) said yes, with the same number stating 'maybe'.
- 2.10. Organisations were asked if they would be supportive of government reforms to enable the provision of assistance for sex workers to exit. 66% (N=31) stated that assistance should be provided but ONLY to those sex workers who request it. 31.9% (N=15) said that assistance should be given to all sex workers. 1 (2.13%) respondent said they didn't know.
- 2.11. Organisations were asked what type of regulatory system they would ideally like to see in England and Wales. 60.9% (N=28) stated they would like a decriminalised system such as that in operation in New Zealand; or a legalised system such as that in The Netherlands (17.4%, N=8). Only 2 (4.4%) organisations said they would like demand side prohibition as in Sweden which criminalises the purchase of sex; and 2 (4.4%) said they favour a regulationist system as in England and Wales.
- 2.12. The final question on the survey was an open question with space for text asking for any further comments. Only 11 organisations offered qualitative comments which were analysed via thematic coding; one was excluded for not being relevant to the analysis. The sample size of qualitative comments (N=10) is very small and themes contained very small numbers of discussants. Nevertheless a short discussion of the comments offered is presented.

THEME	NUMBER OF DISCUSSANTS
Diversity	5
Support Services	5
Criminalisation/decriminalisation	4
Sex work is not 'violence against women'	4

Policing	3
Sex work as abusive/damaging	2
Creative legal solution needed	1

2.13 It was found that the most common themes across comments were: the importance of recognising diversity in sex work (N=5) for example, Organisation 4 noted: *'[t]he plan to criminalise clients of sex workers further demonstrates a lack of understanding of the diversity within sex work.'* Organisation 2 also noted that the definition of sex work being 'violence against women' was deeply flawed because *'it actively negates male sex workers!'* Five organisations talked about the importance of holistic service provision for sex workers, for example Organisation 6 stated:

'The priority re legal change should be decrim⁵ and the priority re sex work support should be ensuring adequate funding to put in place best practice provisions for all areas of health, safety and welfare support for sex workers not just exiting, but that also as a key part of holistic support'

Similarly Organisation 3 noted: *'any policy that further stigmatises sex work serves to reduce sex workers access to support and safety'*. Four organisations mentioned the problems of criminalisation or the potential role of decriminalisation. Organisation 5 stated: *'We would have grave concerns about the impact on sex workers, should criminalising of customers occur'*. A further four discussed the problematics of defining sex work as 'violence against women' as Organisation 9 wrote: *'Your stance all sex work is violence often means real violence is not dealt with.'* Three discussed the policing in terms of the role public protection for sex workers (Organisation 10); progressive relationships (Organisation 5) and the time and cost of diverting police time *'from addressing serious and realistic issues that can affect sex workers such as generic robbery and violence'* if the criminalisation of clients occurred (Organisation 4). Finally two organisations discussed how they believed sex work could be 'damaging' or 'abusive'. Organisation 1 noted this was due to the religious approach of their organisation but they still sought to *'respect the individual choices'* of service users; and Organisation 8 noted this in the context of street sex work and the importance of access to appropriate drug treatment: *'Without properly funded, quick, access to drug treatment in place nothing will work to reduce street sex working which is largely dangerous abusive to women'* (Organisation 8). Finally, Organisation 7 noted that a 'creative' legal solution was required.

3. Findings: Sex Workers

- 3.1. In total, 218 sex workers completed the survey and 206 of these were complete responses. Response numbers are indicated throughout.
- 3.2. 78.7% (N=170) of respondents were female; 14.4% (N=31) were male, 5.1% (N=11) were male-female trans* participants, there was 1 (0.5%) female-male trans* participant and 3 (1.39%) sex workers identified as 'other'.
- 3.3. Respondents were asked what areas of the sex industry they primarily worked in. 87.1% (N=189) of respondents worked privately/independently; 4.2%

⁵ Decriminalisation

(N=9) of participants worked in a brothel/sauna/parlour, 3.7% (N=8) escorted through an agency; six respondents (2.8%) were street based and 5 (2.3%) reported they mostly worked in an 'other' part of the sex industry.

- 3.4. 93.0% (N=200) said people should not be discouraged from purchasing sex from consenting adults. Only 1.4% (N=3) said people should be discouraged, 3.3% (N=7) said maybe and 2.3% (N=5) said they didn't know.
- 3.5. 96.2% (N=205) said people should not be criminalised for purchasing sex from consenting adults. 1.4% (N=3) said people should be criminalised, 1.8% (N=4) said maybe and 0.5% (N=1) said they didn't know.
- 3.6. Participants were asked if they thought criminalising the purchase of sex would impact on their safety. A majority of 78.4% (N=167) said yes; 7.5% (N=16) said maybe, 3.8% (N=8) said they didn't know and 10.3% (N=22) said no. Given that the safety of sex workers is of central concern to NUM, the team thought it appropriate to gather further data in relation to potential impact of criminalisation of clients on safety. A further single survey question was therefore devised and sent out separately to the membership. 232 sex workers responded, 81.5% (N=189) said criminalisation of clients would make them feel less safe; 3% (N=7) said it would make them feel more safe; 9.9% (N=23) said it would have no impact and the rest said maybe (3.5%, N=8) and don't know (2.2%, N=5).
- 3.7. 76.7% (N=161) of participants said that criminalising the purchase of sex would not assist in tackling trafficking for sexual exploitation. 6.7% (N=14) said that they felt that it would maybe help, and 7 (3.3%) participants said they didn't know. 13.3% (N=28) stated they thought it would help.
- 3.8. According to the Terms of Reference of the Inquiry, the CPS recognises all sex work as 'violence against women'. Sex workers were asked whether they thought this was an accurate description of what sex work is. 95.3% (N=201) said no, 5 (2.4%) participants stated 'maybe', 2 (1%) stated 'don't know' and only 3 (1.4%) said yes.
- 3.9. Members were asked whether they would be supportive of government reforms to enable the provision of assistance for sex workers to exit sex work. 77.1% (N=162) supported the provision of assistance, but selected the option stating that 'assistance should be provided ONLY to those sex workers who request it.' 14.8% (N=31) stated that assistance should be provided to all sex workers; 11 (5.2%) said no and 6 (2.9%) stated that they didn't know.
- 3.10. Sex workers were asked, in an ideal world, what type of legal regulatory system they would like to see in England and Wales. 67.3% (N=140) stated they would like to see a decriminalised system; 19.71% (N=41) prefer the regulationist system we currently have in England and Wales; 6.73% (N=14) stated they would like legalisation; only 2.4% (N=5) stated they wanted to see demand-side prohibition as in Sweden and 3.9% (N=8) 8 stated none of these.
- 3.11. The final question on the survey was an open question with space for text asking for any further comments. Comments were coded using thematic coding. 88 sex workers wrote comments, 7 were excluded and 81 coded according to their primary code. Due to word limits only the four most common codes are discussed. These are displayed in bold. I am happy to provide further analysis to the committee if requested.

CODES	Resources should be targeted at exploitative contexts/sex workers who need them.
Consent and choice to sell sex.	Value of/valuing sex work and clients; impact on client base.
Value of sex work to workers.	CPS' definition of sex work as 'violence against women'.
Criminalisation and impact on safety/support.	Sex workers should be listened in the context of policy making.
Decriminalisation/legalisation.	Tackling trafficking and criminality.

3.12 Consent and choice in decisions to sell sex was a dominant theme. Sex workers commented that where adults were engaged in the consensual buying and selling of sexual services, there should be no criminalisation. Sex Worker 24 commented: *'What consenting adults choose to do with their bodies for money or free should not be within the jurisdiction of the government.'* Sex Worker 25, linking this to the value she attaches to sex work said:

'I'm a mother and a sex worker. A normal person who has done many different jobs in my life and CHOOSE sex work because it best suited my needs I need money to provide for my family and many jobs do not allow you the freedom sex work has given me. I get to see my children grow up and provide for them at the same time.'

Others linked important notions of choice and consent to the CPS' definition of sex work as violence against women, which as previously evidenced was seen by a majority of the sex worker membership as inaccurate:

'To say all sex work is violence against women is to say that all sex workers are victims. The same logic would mean that women who enjoy sex work and work of their own free will are all somehow mentally disturbed. This is extremely bigoted and extremely anti-feminist. To take away the rights of an entire group of non-coerced adult people to define their own sense of self is just so wrong and to say that they are somehow unable to recognise themselves as victims, despite them explaining that this is not their experience is beyond patronising.' (Sex Worker 1)

Sex workers discussed the value and positive attributes of their work For example: *'I choose to be an escort and I love what I do. I would not ever want to change my profession. I am educated I do this because I have a passion for it.'* (Sex Worker 16);

'I support my family through sex work, not for drugs or alcohol. I charge £350 per hour and have put my daughter through 2 degrees and now support my son's further education. This legislation would mean the end of

my support of my children and would unjustly penalise them and me'. (Sex Worker, 35)

Another important theme was how the criminalisation of clients could impact negatively on safety when selling sex. For example:

'The Swedish model of criminalising clients and their purchase of sex would have a negative impact on sex worker safety, pushing the industry further underground, when what we actually need is for the industry to become safer through allowing sex workers to work together in groups, receiving support (rather than intimidation) from police, and removing some of the social stigma attached to the job that ultimately attracts the criminal minority to our industry' (Sex Worker 64)

The potential of decriminalisation or legalisation was also an important theme. A majority explored issues including how a different regulatory approach such as decriminalisation could improve sex worker safety: *'[o]nly decriminalisation will help improve sex worker's safety and help end stigmatisation, which ultimately is what makes our work more less safe'* (Sex Worker 47); prevent harm: *'[d]ecriminalisation is the only way to keep sex workers safe and to fight the stigma that causes us harm, both physically and in our communities'* (Sex worker 33) and fight criminality: *'With a regulated industry it would be much easier to weed out the traffickers etc'* (Sex Worker 26).

3.13 The committee should carefully consider the views of sex workers during the Inquiry: *'I hope the views of sex workers are prioritised in the decision making process. Our voices are repeatedly silenced despite these decisions primarily affecting us'* (Sex Worker, 32).