



National Ugly Mugs (UKNSWP) submission of written evidence to the Home Affairs Select Committee's Prostitution Inquiry

Summary: Key points

- The stated aim to “assess whether the balance in the burden of criminality should shift to those who pay for sex rather than those who sell it” is flawed and biased, presupposing that criminalising consensual sex work (SW) is desirable despite overwhelming evidence to the contrary.
- The noted CPS definition of SW as “violence against women” is deeply flawed, removing sex workers’ (SWs) rights to consent and erasing the experiences of male and trans*¹ SWs.
- Criminalising sex between consenting adults breaches human rights.
- Criminalising purchasers of consensual commercial sex would be un-policable.
- Criminalising purchasers of consensual commercial sex would contradict draft National Police Guidelines.
- Enforcement of laws governing sex work reduces the likelihood that SWs will report crimes to police which has huge implications for public protection.
- There is no reliable international evidence that criminalising the purchase of sex reduces the numbers of people selling sex but there is a great deal of evidence that it seriously harms and further marginalises SWs.
- A clear majority of SWs and organisations providing frontline services to them say that criminalising the purchase of sex would negatively impact on the safety of SWs.

¹ We use the term trans* throughout to recognise the multiplicity of ways in which trans* people identify in the context of gender

National Ugly Mugs (NUM)

Our Mission: Ending violence against sex workers

NUM is a pioneering, national organisation initially funded by the Home Office which provides greater access to justice and protection for SWs who are often targeted by dangerous individuals but are frequently reluctant to report to the police. These offenders are often serial predators who pose a serious risk to the public.

NUM:-

- Takes reports of incidents committed against SWs and produces anonymised warnings which are sent directly to SWs and support projects throughout the UK.
- With consent, shares anonymous intelligence with police.
- Supports SWs in making full reports to police so that the perpetrators can be identified, arrested and convicted.
- Provides expert guidance and advice to police and deliver training throughout the UK.
- Has approximately 300 frontline support organisations as members including the majority of specialist outreach and support projects who each have regular contact with between 20 and 2000 SWs throughout the UK.
- Has over 3030 individual sex worker (SWr) members
- Benefits an estimated 15,000 to 20,000 SWs.
- Deals with approximately 60 incidents against SWs per month.
- Has prevented crime and regularly contributes to police investigations leading to the apprehension of a number of offenders including serial offenders.

NUM is formally supported by the National Police Chiefs Council, the Home Office, the National Crime Agency and is represented on the National Police Working Group on Prostitution. NUM has won numerous awards including the Guardian Charity Award, the Third Sector Excellence Award for “Small Charity, Big Achiever” and the “Highly Commended Charity” at the Charity Times Awards.

Consultation response

NUM completed an evaluative survey with members, asking questions relating to the Inquiry. Responses were gleaned from 52 organisations, a majority of whom work with street SWs (58%, N=29); and 218 SWs, a majority of whom were private or independent workers (87.1%, N=189). Full survey findings have been submitted to the Inquiry by Dr. Mary Laing and will be published on our website. The findings will be referred to throughout.

NUM partnered with Leeds University in a research project in 2015 focusing on job satisfaction and working conditions, conducting the largest ever survey of UK SWs (N=241). Responses to this survey will also be referred to.

1. Terms of Reference (TOR)

- 1.1 The stated aim to “assess whether the balance in the burden of criminality should shift to those who pay for sex rather than those who sell it” is flawed and biased, presupposing that criminalising consensual SW is desirable despite evidence to the contrary. Our survey found that 96.2% (N=205) of SWs said people should not be criminalised for purchasing sex from consenting adults. Similarly, 75% (N=36) of organisations said sex buyers should not be criminalised. The committee should consider pressing issues related to the public protection, health, safety and rights of SWs, rather than just criminalisation of clients.
- 1.2 The TOR refers to the CPS’ “recognition of prostitution as violence against women” suggesting the inquiry will hold this view. This claim is a critiqued ideological, moralistic radical feminist analysis. Our survey showed that 75% (N=36) of organisations and 95.3% (N=201) of SWs felt this definition was inaccurate. SWr 65 commented: *‘It is shocking to me that any of the work I have undertaken would be deemed to be ‘violence’ against me’*. The inquiry will reach biased conclusions if this definition is adopted from the outset.
- 1.3 The CPS’ ideological definition also seeks to redefine notions of consent; therefore failing to distinguish between actual violence and consensual sex between adults with monetary exchange; perpetuating the false stigmatizing notion that violence is an occupational hazard. It is not empirically sound in the context of current legal definitions of consent. For example, to conflate the rape at knife point of a SWr with an encounter where a SWr meets with a client and has consensual transactional sex in a hotel room and receives £250 is not accurate.
- 1.4 The definition doesn’t acknowledge male and trans* SWs who, according to the latest research, represent between 17% and 33% of the overall SWr population (Pitcher, 2015; Smith and Kingston, 2015). In our survey, 14.4% (N=31) of SWr participants were male, and 12 individuals in total

were trans*. Male and trans* SWs can experience multiple stigma, be vulnerable to violence, and are arguably less likely to engage with services/police (Laing and Gaffney, 2014). Of all the incidents reported to NUM, 25% of those reporting are willing to formally report to the police; falling to 14% for male, and 15% for trans* SWs. 12% of incidents reported by males are rapes, yet only 10% are willing to report to police. The inquiry must consider equalities legislation implications of policy that approaches SW as only violence against women.

1.5 The TOR also refers to assisting “those involved in prostitution to exit” and “discouraging demand”, failing to acknowledge that many SWs work within the law and have no wish to exit. There is significant evidence demonstrating that attempts to reduce demand have serious adverse impacts on the safety and human rights of SWs. Our survey found that 93% (N=200) of SWs said people should not be discouraged from purchasing sex from consenting adults. Similarly, a majority of organisations (58%, N=29) stated the same. Decades of evidence demonstrates the importance of access to holistic health/safety, social care and harm reduction all of which are vital and for exiting support to be successful (Hester and Westmorland 2004).

2. Impact of existing legislation on access to police protection

2.1 SWs are often targeted by offenders but rarely report to the police. Almost 2000 reports have been made to NUM since July 2012; but only 25% of the victims were willing to formally report to the police. Of these, 283 were rapes, 86 were attempted rapes and 150 were other sexual assaults. Our 2015 survey with Leeds University found that 49% of SWs are “worried” or “very worried” about their safety and 47% have been targeted by offenders. Yet, 49% were either ‘unconfident’ or ‘very unconfident’ that police would take their reports seriously.

2.2 SWs are targeted for a number of reasons, including stigma, marginalisation, their quasi-criminalised status and because offenders know it is unlikely they will be reported to the police. SWr reports to NUM commonly evidence this. A SWr recently reported that an offender said after raping her: *“I know you won’t report to the police and even if you do they won’t believe you because you’re a whore”*.

2.3 Evidence suggests that in areas where police and/or local authorities pursue an enforcement-based approach SWs are less likely to report to the police when they’re a victim of crime. This applies to enforcement against clients, on SWs themselves, supposed controllers (brothel keeping legislation which is, most often used against SWs themselves) or when police or Home Office enforcement officers raid indoor SW premises to “save” victims of trafficking.

- 2.3.1 For example, Lancashire Police, Merseyside Police and Greater Manchester Police all operate a harm reduction approach where enforcement of existing legislation is seen as a last resort and SWs are far more likely to report to the police than in other areas. Since July 2012, according to NUM data, 46% of SWs in Lancashire, 30% in Merseyside and 31% in Greater Manchester report to the police when they are the victim of a crime.
- 2.3.2 In contrast, Nottinghamshire Police and Humberside Police, both of which pursue enforcement activity against both clients and SWs, rarely have crimes against SWs reported to them. Since July 2012, according to NUM data, just 4% of SWs in Nottinghamshire, 0% in Humberside (it should be noted here that only a small number of SWs in Humberside have reported incidents to NUM) report to the police when they are the victim of a crime.
- 2.3.3 Leeds is a powerful example of the impact of enforcement on levels of reporting. Prior to a policy change in Jan 2014, police pursued a resource intensive, enforcement-led approach targeting both SWs and clients. Between July 2012 and January 2014 only 7% of SWs were willing to report victimisation to the police. Seeing that outcomes were not being achieved, towards the end of 2014, police started to work with partners to establish a multi-agency approach, including a 'managed area' for street sex work and a SW liaison officer to build trust and provide harm reduction support to SWs. In 2015, 52% of SWs who experienced victimisation reported to the police. This is the highest level of reporting in the UK.
- 2.4 Offenders who target SWs are dangerous to the wider public. It poses serious concerns for public protection that 75% of offences nationally are never reported to the police.
- 2.5 The draft National Strategy on Policing Sex Work (publication pending) recognises that enforcement of existing SW legislation negatively impacts on the safety/welfare of SWs. The strategy focuses on SWs' rights to public protection. Moves to criminalise the purchase of sex would be incompatible with National Police Guidelines.
- 2.6 Criminalising the purchase of sex would be un-policable and divert scarce resources away incidents of violence, trafficking and exploitation. With 43 autonomous police forces in England and Wales, further criminalisation would heighten the impact of the existing patchwork approach to policing SW in the UK and result in greater displacement of SWs throughout the UK.

3. Impact of criminalisation on SWs' safety

- 3.1 Our survey found that 83.3% (N=40) of organisations thought that criminalising the purchase of sex would make those accessing their service feel less safe. Only 6.25% (N=3) said they thought criminalisation of clients would make SWs feel more safe.
- 3.2 SWs were also asked in our survey if they thought whether criminalising the purchase of sex would impact on their safety. A majority of 78.4% (N=167) said yes, they felt that criminalisation of clients would impact on their safety; 10.3% (N=22) said that no they felt it would not impact on safety. Given that the safety of SWs is a central concern of NUM, we thought it appropriate to gather further data in relation to this. A further single survey question was sent out to SWr members asking how criminalisation would impact on their safety. Out of 232 SWr responses, 81.5% (N=189) said they would feel less safe and only 3% (N=7) said they would feel more safe.
- 3.3 Criminalising clients will not stop the purchasing of sex; it will however result in clients being more secretive, making it more difficult for SWs to implement safety strategies and checks.
- 3.4 Criminalisation of either SWs or clients displaces SWs into unfamiliar environments, forces them into hurried negotiations and allows less time for the screening of clients.
- 3.5 Laws against 'brothel keeping' result in SWs working alone to avoid criminalisation. Lone working makes SWs vulnerable to targeting by violent offenders. As one SW responding to our survey said *'Currently, we are not taken seriously when we report these crimes (particularly rape) and have no way to protect ourselves from them, as the only legal way to work is as a lone woman in a private residence. This is what leaves us vulnerable to crime and is the issue that needs addressing'* (64)
- 3.6 The law in England and Wales entrenches stigma and isolates private/independent SWs leaving them vulnerable to being stalked and harassed often with the threat of being 'outed'. Our 2015 survey with Leeds University found that 60% of SWs had to pretend or lie about their work and 15% said nobody knows that they SW. There was an increase of 188% between 2014 and 2015 in the number of incidents of stalking and harassment NUM dealt with, rising from 48 in 2014 to 135 in 2015. Criminalisation of clients would heighten stigma attached to SW. Stigma has been evidenced to be an important factor in cases of violent assault and murder of SWs, with offenders often making comments demonstrating this. Our 2015 survey found that 71% of SWs experience stigma at least sometimes during the course of their work.

- 3.7 A majority of SWs are independent escorts, who largely make contact with clients via online advertising. They commit no crime, nor do their customers. Although still stigmatised, there is less fear of criminal prosecution for them or their customers. Criminalisation of clients will alter this, increase stigma, illicit markets and mean advertising and accessing clients will become more hidden.
- 3.8 The claim that clients should be criminalised but SWs decriminalised to improve SWr welfare is disingenuous, unrealistic and fails to reflect the complex relationships SWs have with clients. Many SWs have regular clients of many years or decades. Criminalisation would radically and detrimentally impact on working practices, creating illicit markets and exacerbating stigma.
- 3.9 Blanket criminalisation of people who pay for sexual services is not an effective anti-trafficking measure and would be counter-productive in addressing trafficking and coercion. In our survey, 76.7% (N=161) of SWs stated that they thought criminalisation of clients would not assist in tackling trafficking, only 13.3% (N=28) said it would. Similarly with organisations, a majority of 64.6% (N=31) 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 it would. Blanket criminalisation would divert and dilute limited police resources away from investigations to identify and prosecute traffickers. It would make customers in all consenting commercial sexual exchanges criminals thus deterring those who wish to report concerns about coercion and trafficking from doing so for fear of incriminating themselves – there is academic evidence of this being the case in Sweden (Levy,2015). There are existing laws that can be utilised to prosecute offenders involved in trafficking for sexual exploitation.
- 3.10 The “Swedish Model” introduced in Sweden 1999 (and Norway in 2009) which criminalises the purchase of sex has failed to achieve any of its stated aims and has forced SWs to work in less safe conditions entrenching stigma and marginalisation (Levy,2015).
- 3.11 This inquiry must consider whether criminalising the purchasing of sexual services when both parties are consenting adults is compatible with human rights law.

4. Impact of criminalisation of SWs’ access to services

NUM supports SWs to access health/social care services nationally and currently works in partnership with over 300 organisations.

- 4.1 Specialist services are vital for delivering support to meet specific service needs but SWs face significant barriers in accessing support. A key barrier

is stigma and criminalisation of SW, especially in the context of the soliciting and brothel keeping legislation. Many are reluctant to come forward for fear of criminalisation or outing and are wary of authorities and organisations. Projects have developed strategies to reach out and gain trust amongst SWs, but these are often undermined or adversely affected by the enforcement seeking to disrupt SWs and clients. If clients were criminalised nearly half (48.9%, N=23) of organisations in our survey said that the likelihood of SWs accessing services would decrease. A minority suggested that access to services would increase (10.6%, N=5).

4.2 Other problems experienced by projects include;

- 4.2.1 Operations enforcing soliciting legislation can reduce engagement with outreach services with SWs being reluctant to access harm reduction services, fearing being seen by the police.
- 4.2.2 Police officers searching SWs and premises and seizing condoms as evidence; deterring SWs from carrying condoms, undermining sexual health promotion agendas.
- 4.2.3 Projects are developing 'netreach' strategies to contact SWs advertising online. These methods of contact would be undermined by the blanket criminalisation as advertising methods would become more illicit and less open.

4.3 The focus on exit by the Inquiry rather than something more holistic is problematic. This is a vital component of holistic support but there is a need for appropriately funded support for SWs which is not just about exit. In our survey a majority of organisations (66%, N=31) and SWs (77.14%, N=162) support the option of providing exit support to SWs who request it. Not all SWs wish to exit the sex industry. Our 2015 survey found that 68% of SWs make their own decisions at work "all of the time" compared to 0% who make their own decisions "none of the time".

5. SWs' experiences

In our survey, SWs noted that they should be central voices in the development of policy directly affecting them: *'When dealing with marginalised groups, it is always best to listen to the people the legislation affects, rather than ruling on the side of subjective morality'* (SWr, 34). SWr-led organisations should be consulted as part of any inquiry into prostitution laws in the UK. In our survey, organisations and SWs stated that their preferred model of governance was decriminalisation with 67.3% (N=140) SWs and 60.9% (N=28) of organisations stating this. Notably, the demand-side prohibition which is what is being proposed by the inquiry was only preferred by 2 individual organisations and 5 individual SWs.