Written evidence submitted by Dr. Robert Shields

I am a retired Scientific Journal editor and think it is important that policies should be evidence based. I am very familiar with the academic literature on prostitution from the UK, and many other countries and also very familiar with arguments of abolitionists and those advanced in favor of the criminalization of clients.

Executive Summary

- The proposal to criminalize clients is a retrograde step in public policy reversing the progress made since the Wolfenden Report (1956-57 Cmnd.247 Report of the Committee on homosexual Offences and Prostitution) which led the retreat of the criminal law from private sexual morality of consenting adults. It fundamentally denies the right of sex workers to exercise personal autonomy in their private lives. With no sound evidence base the criminalization of the client would constitute interference in the human rights of all sex workers and their clients.
- The CPS’s recognition of prostitution as “violence against woman “ is an assertion borrowed from abolitionist discourse and has no evidential basis.
- It is unclear what effect the 2015 Modern Slavery act will have since trafficking for sexual services is rare-although some provision for the protection of witnesses are to be welcomed.
- That prostitution is necessarily exploitative as suggested in the posed questions is disputed-this is a political view point rather than one based on evidence.

1. Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.

1.1 The question presupposes (by the use of the loaded word continue) there is some amount of criminal sanction which must be proportioned between the buyer and the seller. Certainly historically it is the seller (generally women) who have borne the brunt of the sanction and with the exception of curb-crawling the clients have got off lightly. It is my considered view (as well as that of Amnesty International) that prostitution should be decriminalized (as it has been in New Zealand and in several states in Australia as well as in Denmark) so that no criminal sanction should fall on prostitution apart from such things as general public nuisance which can be dealt with by existing legislation.

1.2 The idea that clients should be penalized comes from radical feminists who have allied themselves with religious groups. This makes as much sense as having dentistry legal but punishing those who go to dentists. Their aim is the abolition of prostitution. Other feminists hold that prostitution can be a valid choices for those who choose to engage in it, and that this prostitution must be distinguished from forced prostitution (for a discussion on feminist views on prostitution both radical and liberal feminist see https://en.wikipedia.org/wiki/Feminist_views_on_prostitution). The idea sees its expression in the so called “Swedish model” which has been adopted (in various forms) by some other countries as well as in Northern Ireland.

1.3 The idea is punishing the client will lead to a decreased demand for prostitutes hence decreased trafficking and also “send a message” that society views prostitution as...
unacceptable and so enhance gender equality. The evidence for the effectiveness of this policy is slim. While it is true immediately after the introduction of the *Kvinnofrid* street prostitution did decline (only to subsequently increase) the decline coincided with increased police activity and also the increased use of the mobile phone and internet (street prostitution has decreased in many countries at a similar time for this reason) so prostitutes need not be outside to attract clients. When the law was introduced no monitoring of its effect was put in place (unlike in New Zealand where prostitute numbers were monitored pre and post decriminalization-and no change found) so the Swedish statistics have to be cobbled together and guessed at from other sources. Certainly the Swedish enquiry (*Skarhead* report) into the effectiveness of the law could not say if indoor prostitution (which is the majority of prostitution) had declined or increased after the law was implemented. An internet search for escorts in Stockholm reveals that prostitution is still very active in Sweden.

1.4 The implications for civil liberties in this country for such a law are frightening. How would the authorities detect sex purchasers? Would they mount stings by setting up bogus advertisements as has occurred in the USA? Will they name and shame? Will they use wire-taps? The argument is made that if the clients can find prostitutes so can the police. This ignores the fact that prostitutes don’t disclose their whereabouts until the client is in their vicinity-so are the police going to stake out her address to catch clients coming out of houses, apartment blocks and hotel rooms in order to discourage people engaging in consensual sexual activity? Such a law criminalizes a vast group of people who are otherwise law abiding. (*Why the Nordic model of prostitution does not work* [http://www.ibtimes.co.uk/sex-law-expert-belinda-brooks-gordon-why-nordic-model-prostitution-does-not-work-1434028](http://www.ibtimes.co.uk/sex-law-expert-belinda-brooks-gordon-why-nordic-model-prostitution-does-not-work-1434028))

2. **What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women?**

2.1 Yet again we have weasel words. “recognition” is better replaced by “assertion” for it is an opinion masquerading as fact. That prostitution is violence against women is part of the abolitionist mantra. They believe prostitution is and of itself constitutes violence and that violence is intrinsic to prostitution. (for an analysis of the Abolitionist agenda and the way they distort prostitution research (often by taking the worst examples from street prostitution and generalizing to all prostitution) see Weitzer R (2010) *The mythology of prostitution: Advocacy Research and Public Policy* Sex.Res.Soc Policy 7 pp15-29 [http://link.springer.com/article/10.1007%2Fs13178-010-0002-5](http://link.springer.com/article/10.1007/s13178-010-0002-5). It does the CPS (who should have concern for evidence) no credit to see them repeat this abolitionist assertion as self-evident fact.

prostitutes respond to public consultations (for instance to that of MSPs Trish Godman and Rhoda Grant when attempting to introduce client criminalization in Scotland) and doubtless similar responses will be seen when the response to MSP Jean Urquhart’s consultation on the proposed decriminalization of prostitution in Scotland. [http://www.scottish.parliament.uk/S4_MembersBills/2015-09-3_Prostitution_Law_Reform_Bill_consultation_-_final.pdf](http://www.scottish.parliament.uk/S4_MembersBills/2015-09-3_Prostitution_Law_Reform_Bill_consultation_-_final.pdf) The background for her proposed bill is worth reading for further evidence in favor of decriminalization of prostitution. What all these surveys show is that prostitution is very varied and that there is no evidence to support the assertion that prostitution is “violence against women” as the CPS asserts or that it is inherently exploitative.

2.3 Here I give some examples of the lived experiences of prostitutes. Since January 2004 there have been nearly two hundred threads on Mumsnet on various topics surrounding prostitution and on over thirty of those threads over eighty current or ex-prostitutes have described their experiences-examples outlined below with Mumsnet names. Some have posted on only one thread, some just on prostitution threads but a number contribute to non-prostitution threads on Mumsnet mostly but not always changing their user names.

This being Mumsnet it is not surprising the majority have children. Some describe themselves as currently working as prostitutes (cookiechipmonster escort222 Kimcar, Lou4fun, Migsy86 minniehaha Mandamumu offs ohmetoo protonbomb sabrinayork sapphiresentarfish shdnobetta theoledragon watchingrain Winegoggles xxcxx) but the majority have left prostitution (exited) some after a short time (catlike Gileswithachainsaw, Meretrix, Mycrazylife Prepared for flames runntugged strawberrymewmew whoreof babylon) some after a few years (22 honey) or left after many years (Caitlincourtesan Geriatricbabymama, Getoveryourlittleself, hannah459, ImOneToo, OFFS, Protonbomb ShdNoBetta) and the experiences they describe are very varied. Some have worked in massage parlours or brothels (CanYouSeeWhyINamechanged xxcxx 22honey) some for agencies (Evicengirlbutnotdirty) and many were independent escorts (ImOneToo, KimCar Mandamumu, OFFS, winegoggles,) finding clients via the internet and working in rented flats or from hotels. Most provided penetrative sex, a very few only massage and “hand relief” (Runntugged, TheOleDragon) some were dominatrices where penetrative sex was rare (Lucydayz needfootmassage whoreofbabylon)

Very few entered prostitution below the age of eighteen (AbortionFairyGodmother aliasforallthis, fridakahlo, Rmott 22honey) some in their twenties and a number later still (auntma ShdNoBetta). Mostly the reasons for becoming prostitutes were financial, some were in dire financial straits WhoreofBabylon (or needed money for drugs (CanYouSeeWhyINamechanged, Ladyanonymous Knownotlies 22honey) or became unemployed, partner left etc.)-for them prostitution was a means of survival for them and their children (Aformersexworker, anothersex worker Foofie, OFFS) but a number used prostitution to supplement income from other jobs or saw prostitution as giving them money and flexibility to look after children (aliasforallthis, avaboosmummy, carmenelectra, charliegirl1, doublelife III, jordyliss loudfun OFFS workinggirljém) and pursue education avaboosmummy sapphiresentarfish or other interests shdnobetta xxcxx. The vast majority describe
entering prostitution by choice Bellezeboobian, Getoveryourlittleself KimCar, OFFS, Sabrinayork, sapphirestarfish wingoggles, xxcxx 22honey

Some reported being promiscuous in their youth (auntma, doublelife111, OFFS, xxcxx) or swingers (Charliegirl1 becauseeyesaidso Hubbiefananonanymousman ) so felt at ease about sex or believed they might as well get paid for the sex they were doing anyway. Some reported being raped as young women (ConfessionTimeForMe) or suffered abuse in childhood (aliasforthis2, 22honey) others were in abusive relationships (as reported by 22honey) but others never suffering abuse either as children or young adults (alienzombiemum becauseeyesaidso strawberrymewmew winegoggles.xxcxx)

Some had little education and so few alternatives, others were well educated (KimberlyC, KimCar, TheOleDragon and some had “A” levels or degrees(Blackbess Charliegirl1 Getoveryourlittleself, MissHoneyMoon Ohmetoo, Protonbomb, Runntugged) and so could find other work if they wanted. Some are working to fund further education and training others to supplement income from other jobs (becauseeyesaidso). Very few describe themselves as coerced by another (Rmott), some had partners or were married OFFS Foofie,

Some partners might be described as pimps (migsy86) others as stay at home housekeepers, some partners had jobs) some found it hard to separate real sex from work sex many had children (theoledragon sprogssprogssprogs) ranging from young to adult. And they describe sexwork as a job

Some enjoyed working as prostitutes (doublelife11, girlfriendexperience KimberlyC KimCar, Mandamumu offs PenelopePitstopx protonbomb ShdNoBetta Winegoggles workinggirljem xxcxx 22honey). A few said they enjoyed the sex-or did some of the time (anothersex worker avaboosmummy Bellezeboobian Charliegirl1 justreading Meretrix OFFS winegoggles xxcxx others that they never enjoyed it or hated it (Aformersexworker ChangeInbrief Obviousnamechangetoday Ohmetoo puttheskywayaway sillymillyb) and others that it was neutral (like washing the dishes AlienZombieMum) or that it was sometimes mildly unpleasant (like cleaning behind the fridge (ohbella) and some that it was mostly boring Meretrix or routine (like going to the dentist migsy86). A few described their work (or the money derived from it) as empowering (avaboosmummy doublelife11, OFFS, Prepared for flames, Protonbomb Winegoggles,) many did not (AbortionFairyGodmother, aliasforthis Meretrix)

Very few said they were assaulted or raped in their work (aliasforthis2 Annamaria71 Rmott), many never experienced any violence (becauseeyesaidso, ImOneToo Runntugged sapphirestarfish Siobhan1986 Winegoggles xxcxx) and they reject the view that they had no choice in which clients they see and what acts they performed. Some reported that some clients were unpleasant or that the majority were CookieChipMonster that some had bad personal hygiene (alienzombiemum, becauseeyesaidso canyouseewhyInamechanged Imonetoo), some clients were sexually inept (sabrinayork xxcxx winegoggles) some clients lacked social skills so could not interact with women Blackbess Getoveryourlittleself PenelopePitstopx
others reported that on the whole that clients were a pretty ordinary cross section of men who treated them with respect and did not boundary push (ImOneToo KimCar OFFS sabrinayork ShdNoBetta Winegoggles 22honey (but see ohmetoo)) and although some clients were selfish and only after their own enjoyment others spent time pleasuring them becauseeyesaidso, doublelife111 Mandamumu Winegoggles. Most respondents were independents and clients contacted them by phone or email— they took care to screen their clients by their attitude and language (Alienzombiemum Kimcar). Violence from clients was extremely rare (Imonetoo offs 22honey). Some report that they had disabled clients (foofie Meretrix winegoggles). Clients were mostly married (charliegirl cookiechipmonster doublelifelll foofie figo98 jordylass 22honey watchingrain winegoggles) but see janethecat who did outcalls to clients homes, some were widowed or divorced and might struggle to attract a woman (justreading) other clients were attractive but did not want to be involved in a serious relationship (justreading). Some say that clients come to them because of lack of sex in their marriages (justreading watchingrain winegoggles), wanting intimacy or hugs (foofie misshoneymoon preparedforflames watchingrain) or simply that they seek variety in the sex they have (Charliegirl1 Prepared for flames prostituteandproud) or wanted many sex partners (auntma) or simply wanted companionship or to be close to a woman (Foofie Mandamumu OFFS Sabrinayork watchingrain). Clients in the main could not be described as misogynists (avaboosmummy charliegirl1 22honey) although some are (watchingrain), and there are some dickheads (Kimcar OFFS) so the prostitute will not see them again but the majority of clients like women and love sex (justreading). Prostitutes report they screened and had choice over clients and would have no hesitation in terminating an appointment if the client was unpleasant or boundary pushed avaboosmummy. Some of the contributors have long exited and look back on their experiences saying they sometimes enjoyed it (anothersexworker avaboozemummy becauseeyesaidso blackbess caitlincourtesan Mugglewump preparedforflames whoreofbabylon), others that they did not or that it was traumatic (aliasforthiss2, Annamaria71 CanYouSeeWhyINamechanged, Confessiontimeforme fridakahlo, Geriatricbabymama, Knownotlies Namechangeforme Strawberrymewmew) but others long exited would do it again under the same circumstances (alienzombiemum). Others say that they were deluded into believing they enjoyed it at the time but looking back have a different view (abortionfairygodmother CanYouSeeWhyINamechanged Strawberrymewmew) but others don’t (janethecat). Almost without exception (but see exitedwoman) prostitutes whether current or exited reject the Swedish model even if they had an unpleasant time in prostitution and reject the term “prostituted person” or deny that prostitution is rape. Many mentioned that prostitutes should be allowed to work together for their own safety (this is not allowed by current legislation).

The point is not to claim that prostitute posters on Mumsnet are representative of the total population of prostitutes (in the sense that the proportion reporting particular experiences reflect the proportion in the population of prostitutes as a whole—there were no street prostitutes for instance) but that the experiences of
prostitution were very varied, some good and some dire. Of course the contributors were self-selecting, had access to the internet and the more disadvantaged prostitutes might not contribute to the threads, but the point is that there is a spectrum of experiences in prostitution, this variety of experiences in confirmed by a number of well conducted qualitative and quantitative academic studies (see above) as well as ethnographic studies of prostitutes.

Very few of the prostitutes describe themselves as “happy hookers” (KimCar, ShdNoBetta) few fit the “oppression paradigm” of those forced into prostitution by abuse drugs, pimps or dire experiences as children; the majority occupy the space between these extremes. There is no evidence of prostitution as being inherently violent to women or that it is inherently exploitative.

What is particularly interesting is the way that prostitutes whose posts do not conform to the oppression paradigm are abused by the self-declared feminists on Mumsnet (doublelife escort222, escortandmum escortkarin kimberlyC misshoneymoon mandamummu msmont sapphirestarfish sprogssprogssprogs) are a few who were the subjects of such abuse. If their posts are in the slightest way “happy hookerish” their veracity is denied, there are claims that they are male fantasists, (an accusation only stopped by providing their working names and websites) they are called trolls, shills, sock puppets for the pimp-punter lobby, disgusting (one of the mildest form of abuse), and throwing the majority of prostitutes (claimed to be the oppressed) under the bus. (eg PosieComeHereMyPreciousParker ElisabethAlice sapphirestarfish and others on http://www.mumsnet.com/Talk/relationships/1080476-How-do-you-feel-about-prostitution?pg=5&messages=100)

Other posters find that attempts are made to reframe their experiences (despite their denials) and shoehorn them into the “oppression paradigm” migsy86 OFFS, or to claim that they are suffering from false consciousness (denying abuse or claiming they chose prostitution but in fact were coerced by pimps, poverty drugs etc) or that are putting on brave face and denying how awful it is as a means of self-preservation (sapphirestarfish strawberrymewmew) or that their experiences are not representative, or represented a view of a tiny minority (however the results of quantitative surveys cited in para 2.2 show that this is not the case).

Somehow these Mumsnet feminists know more about prostitution than the prostitutes themselves. But importantly the CPS’s determination of prostitution as violence against women is at odds with the facts I would also recommend that you look at the SAFFE website (http://www.saafe.info/) and the SAAFE forum (http://www.saafe.info/main/index.php) where prostitutes have an active discussion about their lives

2.4 It is true, especially in street prostitution that prostitutes experience violence (although most client–prostitute interactions pass off without incidence). It is also true that little of this violence is reported to the police as the prostitutes fear prosecution and the
victimizers know this to be the case. This is best addressed by decriminalization of prostitution so that prostitutes trust the police more and know that violence against them will be treated seriously.

3. What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured?

3.1 There is no doubt that trafficking (as defined in the Palermo protocol and in the 2015 Modern slavery Act) does occur in prostitution but it is actually quite rare. There is a deliberate attempt by abolitionists to conflate trafficking and prostitution and to exaggerate the trafficking for sexual purposes when in fact the trafficking for other purposes (agriculture and domestic labour) are extensive. We do not know the extent of trafficking for sexual purposes what we do know is that a concerted attempt to find trafficked women in operations Pentameter 1 and 2 found few trafficking victims (http://www.theguardian.com/uk/2009/oct/20/trafficking-numbers-women-exaggerated)

3.2 It is true that many prostitues working indoors are foreign (many from the former Soviet block countries) but the evidence that they are trafficking victims is meagre-some knew that they would be involved in prostitution when entering the UK others after a string of low paid jobs saw it as an opportunity to accumulate money in the short term to send home to families or to save for property or for business ventures (May N Migrant workers in the UK Sex Industry https://metranet.londonmet.ac.uk/fms/MRSite/Research/iset/Migrant%20Workers%20in%20the%20UK%20Sex%20Industry%20Policy-Relevant%20Findings2.pdf Only a minority, amounting approximately to 6 per cent of female interviewees, felt that they had been deceived and forced into selling sex in circumstances within which they had no share of control or consent. Obviously in such cases the perpetrators should be punished

3.3 However “Contrary to the emphasis given in current public debates about cases of trafficking and exploitation, the evidence gathered in the context of this project shows a great variety of life and work trajectories within the sex industry, which were influenced by key factors such as: social-economic background; educational aspirations and achievements; immigration status; professional and language skills; gender and sexuality; family history; and individual emotional history. Interviewees were from privileged, average and underprivileged socio-economic backgrounds; from structured as well as problematic families and their experience of education varied between elementary to post-graduate. In the majority of cases, the decision to migrate is based on the perception of a lack of opportunities of personal and professional development at home, with particular reference to the field of education.” This reemphasises the point that the nature of prostitution is very varied.

3.4 If real sex trafficking (as defined by the Palermo protocol-which is largely embodied in the 2015 act) is to be punished it is important that victims who might provide evidence are protected. I therefore welcome section 47 of the act.

4 Whether further measures are necessary……

4.1 Exiting. Most prostitutes only work for a relatively short time in prostitution (as evidenced by the high turn-over of profiles on adultwork the major UK site where prostitutes advertise). So mostly the majority self-exit, either through burn-out, achieving their financial goals or returning to their home country. “While there is a common perception that sex workers are in the industry through desperation and lack of choice most are not…and did not feel that any assistance with exiting was necessary.” (Report of the prostitution law review
committee on the operation of the prostitution reform act 2003 New Zealand Government p70 [http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/documents/report.pdf]. However exiting can be hard for some as the money and flexibility becomes addictive and gaps in the CVs are hard to explain to prospective employers. A few, mostly street workers are addicted to drugs and lead a miserable existence so help should be focused on curbing their addictions and retraining.

4.2 Exploiters: Contrary to popular stereotypes pimping (in the sense of controlling the actions of a woman for gain) is rare in the UK (For Love or money: Pimps and the management of sex work Police Research paper 134 Home Office [https://www.researchgate.net/publication/265108234_For_Love_of_Money_Pimps_and_the_Management_of_Sex_Work]. However prostitutes may work as self-employed for escort agencies, brothels Saunas which take a high proportion of their earnings. While some may be content with this as they don’t need to put their profiles on the internet or they can just turn up and do their shift others might find the conditions exploitative. This would be obviated by decriminalization of the industry and proper and more transparent contracts of employment. Evidence shows that decriminalization leads to better health and well-being of prostitutes (The sex industry in New South Wales A report to the NSW Ministry of health 2012 [http://www.nswp.org/sites/nswp.org/files/NSWSexIndustryReportV4.pdf]).

4.3 Discourage demand which drives sexual exploitation Yet again we have the implicit assumption (derived from an abolitionist perspective) that prostitution is intrinsically sexual exploitation, many prostitutes (who after all know the business better than those outside) dispute this. Of course there can be exploitation in prostitution as there can be in many other lines of work. As far as discouraging demand this is a moral and societal question—whether it is right for the state to take a moral view (when the morality of prostitution is disputable).

A report was published by the Home Office in 2009 (Tackling the demand for prostitution: a rapid evidence assessment of the published research literature [http://webarchive.nationalarchives.gov.uk/20100113210150/http:/homeoffice.gov.uk/rds/pdfs09/horr27c.pdf]) concluded “Given finite resources, policy makers need to decide whether they wish to tackle all demand (including buying sex abroad), all domestic demand, or the demand for street prostitution. That decision will have significant implications for the strategies adopted and resources needed in terms of policing and delivering.”

It is also disputable whether there is a common societal view on prostitution—most surveys of opinion indicate that public feel that decriminalization and tolerance is a preferable response than punitive measures.