I am currently Professor in the School of Sociology and Social Policy at the University of Kent, and am an international expert on the regulation of the sex industry. Over the past twenty years I have conducted multiple peer-reviewed research projects on the sex industries, including comparative work on the regulation of prostitution under different legal systems (sponsored by the Economic and Social Research Council) in England & Wales, Australia, Sweden, Netherlands, Scotland, France and elsewhere. My focus has always been on harm-reduction, exploring ways of enhancing the safety of those working in the sex industry but also minimising the possible harms to those who live and work in areas where sex is sold or transacted.

In 2013 I delivered oral evidence to the All Party Parliamentary Group on Prostitution & Trafficking offences and in 2015 advised the Scottish Communities and Regeneration Committee on the introduction of new legislation intended to license spaces of sexual entertainment. My work was also been cited in the 2012 New South Wales Better Regulation of Brothels paper, and I provided written evidence to the 2015 Inquiry to the Regulation of Brothels.

In relation to the ongoing Home Affairs committee consultation, I would make the following points in relation to the key questions:

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

- Criminalization of sex work in any form is misguided. The major barrier to sex workers leaving sex work is the stigma associated with their former employment, and criminalization of any kind perpetuates that stigma.
- There is an extensive body of evidence demonstrating that any form of criminalisation of sex work has detrimental effects for sex workers, in terms of their safety and also reporting of crimes against them (see Hubbard, 2006; 2009).
- Prostitution, though defined mainly through common law, is defined in section 54(2) of the Sexual Offences Act 2003 as involving the provision of sexual services to another person in return for payment or a promise of payment to that person or a third person (Hubbard, 2013). This definition includes a range of direct and indirect services including direct prostitution as well as the provision of sexual services or displays via telephone or internet. The range of ways sexual services can be sold means that criminalization of sexual services is not enforceable. If any new law is designed to criminalise the purchase of direct sexual services only this ignores the idea that those providing services via phone or webcam may be coerced or exploited.
- Given most forms of sex work are freely negotiated by consenting adults, the criminalization of sex purchase is contrary to many understandings of sexual rights: it is understood that people of all kinds – including those who are disabled - have a right to a sex life, and that the purchase of sexual services
can be educational, therapeutic or important in maintaining some peoples’ quality of life.

- Evidence I have compiled from Sweden and elsewhere suggests criminalization of purchase has not ended the sale of sex, simply changed the ways it is sold (Hubbard et al, 2008). Histories of sex work show us that prostitution cannot be prevented, and that prohibitive laws simply push it underground where workers are more liable to exploitation by third parties.

- Decriminalization, where it has been carried out (e.g. New Zealand) has helped reduce the stigma attached to sex work, allowed workers to operate legitimately alone or in collectives and encouraged them to report instances of rape or violence to the police (Hubbard, 2013). Criminalization has contrary effects, rendering workers more stigmatized, more excluded and less able to operate legitimately. There are also implications here for taxation: most workers declare their income and tax, but would not be encouraged to do so in a legal context where purchase is criminalised.

- In sum, criminalization of sex purchase would not represent a progressive move: while moving the burden from sex workers to clients is well motivated in terms of offering more protection to workers, it fails to recognize that prostitution is legal and that further decriminalization of soliciting and brothel keeping offences would actually offer more protection to sex workers.

What the implications are for prostitution-related offences of the Crown Prosecution Service’s recognition of prostitution as violence against women -

- Prostitution and sexual violence are not the same thing. Sexual services are widely sold consensually between adults. Relationships between sex workers and clients are often mutually supportive and beneficial to both. Violence, though occasional, is not endemic, even in street work scenes that are sometimes portrayed as the haunt of drug-addled workers and clients. Evidence from NSW shows that actually street environments can be safer than other forms of working as most attacks occur in spaces where workers have less control (e.g. client’s homes) (Prior et al, 2013). Managed well-run brothels can also be safe working spaces, especially where CCTV and panic buttons are installed. Where violence, rape or coercion is occurring, workers and clients need the confidence to report this without fear of retribution or legal censure. Significantly, male clients can be important in identifying when there are instances of trafficking or coercion occurring, and in some instances have been invaluable in helping solve the murders of sex working women.

- This said, not all clients are male, not all workers are female. Research suggests that we significantly under-estimate the scope and scale of male and trans sex work, much of which occurs online and via mobile phone connection. Male and trans work does not always fit into the definition of sex work as gendered violence: we are only beginning to understand the significance of women as clients of sex workers. Criminalising the act of a woman buying sex from a man would do little to prevent violence against women.

- In sum, violence against women needs to be prevented, but violence against women is endemic in society. Sex work is not inherently exploitative or
dangerous and laws should focus on punishing sexual violence or coercion, not consensual sex work.

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 -

- The evidence base here remains thin, but it is possible that the laws designed to protect migrants and prevent coercion via trafficking have inadvertently encouraged all migrants working in the sex industries to do so in a clandestine way, and seek protection from third parties because they feel they cannot trust or confide in the police or other authorities.
- The conflation of sex work and trafficking remains problematic. Evidence from human rights organisations suggests trafficking for the purchase of prostitution is much exaggerated by the media. Most migrant sex workers ended up selling sex because when they arrived in the UK it offered a flexible well-paid form of labour that was more attractive than the alternatives. They were not trafficked for sex work.
- In sum, illegal trafficking is a separate issue than prostitution, which is legal in England and Wales. It is an issue that requires reference to those expert in the field of migration, as my research focuses on the regulation of sex work, not border offences.

Whether further measures are necessary, including legal reforms, to: assist those involved in prostitution to exit from it, increase the extent to which exploiters are held to account and discourage demand which drives commercial sexual exploitation -

- In terms of exiting, if and when workers want to leave sex work then they do need support, typically because it is difficult exiting a stigmatised industry. This needs to be provided in an open and professional way, and criminalisation is not conducive to this. It must be borne in mind that some individuals involved in sex work will not wish to exit, and initiatives designed to facilitate exit should not be undertaken at the expense of providing support also to those who continue to sell sexual services. Heavy-handed initiatives demand exit are likely to be counter-productive and costly.
- The notion of exploitation is a difficult one. Current laws which prevent the opening of brothels, no matter how well managed or discrete, effectively identify all brothel owners as exploiting for gain. The same could be said for those who organise escort websites, or run webcam platforms in which sexual services are performed for financial gain. Where managers or organisers support sex workers, and are not forcing women to work in situations where they are vulnerable then it is wrong to identify them as exploitative. The law needs to focus on instances of harm, and not assume all those who are in a financial relationship with workers are seeking to exploit or harm them.
- Ending the demand for sexual services is impossible. It is the oldest profession, and there will always be those who wish to purchase sexual services or sexual entertainment (Hubbard, 2012). Criminalisation of purchase does not change this, merely the way in which clients try to reach
workers. Histories of sex work show us that prohibitive approaches do not prevent either the demand or supply of sexual services (Hubbard, 1999). In general terms, in periods of recession, there are more people prepared to sell sex: unemployment, under-employment, inequality and lack of welfare support can often make sex work seem an attractive options for those on the fringes of poverty.

- In sum, increasing the quality of life, rights and well being of those in the sex work industry is more worthwhile than seeking to reduce demand: there will always be supply and demand, and it is better to be pragmatic and support those in sex work rather than

I hope these observations are useful: I would of course be willing to offer oral testimony or expertise if invited to the Home Affairs Committee. Elsewhere, I have outlined how licensing could be used to regulate where sex is sold, recognising that control may be needed to ensure that some neighbourhoods or communities are not adversely affected by the presence of sex working (Hubbard et al, 2013). Here, my work begins from the perspective that sex working is offensive to some, and that regulation may well be necessary to ensure that those who cannot have their voice heard in debates like this – e.g. children – are not adversely affected by exposure to the sex industry (Hubbard and Colosi, 2013).

I wish you luck in compiling consultation responses and reaching a sensible and well-thought out approach in this area, one in which our moral sensibilities should not overwhelm the weight of empirical evidence.

Yours sincerely,

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Supporting references

Hubbard, P. (1999) Sex and the city: geographies of prostitution in the urban West Farnham, Ashgate,


