I write because your questions are out of touch with the times in which they are asked. Dating Apps on smartphones can connect sexually consenting adults with others in minutes so that a single evening of ‘no strings attached’ sexual activity can be conceived and committed from an evening to night. Whether that congress is a paid sex act or mere dating event is irrelevant in terms of the technical capability and human desire to do it.

It is not a sensible thing to suggest that humans avoid seeking sexual activity, we’re wired to enjoy good sex. Other factors in a materially-suppressed global economic situation mean that it is feasible for a sex worker to connect with clients and arrange meetings for consensual sexual activity for cash -- and a woman in charge of her body may elect to court and serve clients with sexual services in preference to cleaning offices, packing web-shopping parcels, serving fast food or working as a carer for an unwell person. It is the female sex workers who have to seek clients on the streets and do so unable to collect with other sex workers in brothels are those who get caught and lose out to ongoing enforcement from out-dated laws. It is your responsibility, I think, to protect these people.

I suggest that legalisation best protects sex workers. The best understanding of the impact of legalised sex work is from the 2003 repeal in New Zealand, which charged its commission with a 3-to-5-year follow-up report to ascertain the gain or loss. We gain from their risk-taking strategy and it is plain to read at reference [1] that there is an enormous benefit from asking the right questions, collecting the available data and following it to honest conclusions: we must follow the science to conclude that decriminalisation makes buyers and sellers of sex safer, enables the police to prosecute abusive men and raises standards for men so that they cannot get away with abusing women.

It is my responsibility to the society I am in to draw this to your attention and to ask you to act without bias to history, personal qualms or stigma, or to the pressure of religious groups who believe they hold knowledge of the only appropriate way to live.

Yours, faithfully

Ken Harpur-Lewis (Dr)

The basis for your questions is far from what I expected and I have attempted to respond in line with the questions asked.

In response:
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.
Neither, criminal sanctions should be removed. There is no need to criminalise either party. The statistics gathered following the repeal of soliciting, prostitution and sex work in New Zealand’s 2003 Prostitution Reform Act[1] show that decriminalisation is the only sensible response. Sex workers are safer when not in fear for their own legal standing. Users of sex services are unable to continue a controlling pattern of abuse-then-coerce. A review by the Christchurch School of Medicine[2] found over 90% of sex workers believed the PRA gave them additional employment, legal, health and safety rights.

In a model where only extreme members of society challenge increased sanctions, then the extreme people from the buying side will take more risks and act in desperation, putting workers on the selling side at extreme risk. In the opposite setting, increased sanctions will cause workers on the buy side to work in isolation and in unsafe areas, exacerbating their risk. Increased sanctions means increased risk and harm to citizens and extra tax budget lost to controlling the urges which drive forward human life and earth’s evolution -- nobody has tamed these forces and it is an issue of the safety of sex workers that they are brought into the safe discourse of legalised operation meeting market need.

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

It has short-sightedly led to more arrests for female sex workers. The law is blind to the mode of operation of a brothel, ignoring whether coercion or abuse is present and only noting the length of time that the place has been in operation and how profitable it is. Let us consider a hypothetical situation where a co-operative of female sex workers elect to share a location and to provide security and safeguarding services, this brothel cannot be said to be a ‘violence against women’ while arresting and closing down operations would be to take livelihoods from people who have elected to serve a market need.

It was a mistake and should be acknowledged as such. There is need for criminalisation of violence against women and for extra lengths to be taken to ensure that the Crown Prosecution Service can and does enforce all available sanctions against people who abuse women, but there is no need for sanctions against sex workers, people selling sex or people buying sex.

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.

The statistics do not support the stance taken in the Modern Slavery Act 2015 with regards to trafficking for prostitution. The view that most trafficking happens for abusive and exploitative sex work is an exaggeration of something which I do not wish to deny is a problem. But for such a problem there is no solution -- no protection or assistance -- offered by the present state of the Modern Slavery Act 2015.
Please note these source quotes:
“for every trafficking victim subjected to forced prostitution, nine people are forced to
work”[3]
“Interviews with 100 migrant women, men and transgender people working in all of the main
jobs available within the sex industry and from the most relevant areas of origin (South
America, Eastern Europe, EU and South East Asia) indicate that approximately 13 per cent of
female interviewees felt that they had been subject to different perceptions and experiences of
exploitation, ranging from extreme cases of trafficking to relatively more consensual
arrangements. 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.”[4]
“Most migrants did not work in the sex industry before coming to the UK and decided to do
so after a long string of work experiences in other sectors, which were seen as comparatively
less rewarding both in terms of remuneration and of the working conditions offered. The
majority of interviewees were introduced to the possibility of working in the sex industry
through friends and colleagues they met in other settings and decided to take up the
opportunity after they saw positive examples in their everyday lives, both when they were
home and in the country of origin.”[ibid]

4. Whether further measures are necessary, including legal reforms, to:

Please enact legal reforms to decriminalise buying and selling of sex services. It will increase
the safety of the workers who are meeting a market need for sex services and it will send a
strong message that safeguarding citizens is a key concern in this nation.

a. Assist those involved in prostitution to exit from it
Meaningfully providing skills and training, or removing the stigma of having been a sex
worker in public life is most easily dealt with by decriminalisation.

Whether or not that is achieved, women are still suffer the inequality of wage packets not
matching their peers. It seems an easy way to assist those involved with prostitution to exit
from it if their cost-benefit analysis shows that the female sex worker will not be significantly
worse off for taking employment in another field.

b. Increase the extent to which exploiters are held to account
The basis for this sub-question is unclear. It is easy to presume incorrectly who may be
referred to as ‘exploiters’. If ‘exploiters’ refers to…
...people running brothels under coercive conditions: legalisation will allow workers to report
the abuse and shut it down without repercussions
...people running brothels under non-coercive, co-operative conditions: legalisation will
repeal the brothel-keeping and controlling laws which are used to penalise sex workers who
band together for safety, and will cut out the losses from household earnings to Proceeds of
Crime Act seizure and financial freezing.
men buying sex services from consenting women: this is not exploitative as presumed in the Crown Prosecution Service’s labelling of prostitution as violence against women.

men buying sex services from consenting women, then acting in an abusive manner: then the law needs to protect the sex worker from abusive men, by enacting legitimising legislation and providing support through the police to the CPS to ensure that abusive men -- whether against sex workers or not -- are unable to persist as abusers.

police targeting female sex workers to improve measures of police performance: decriminalisation would free Police to be able to protect sex workers in the community from abusive customers.

migrant workers fleeing from a culture of repressed sexuality whose response to liberal access to members of the opposite sex is not free of the indoctrinated prejudices of their previous home: in a hypothetical situation, a migrant worker is away from his support network of family and friends as well as away from the culture which demonises any contact with members of the opposite sex. Lonely and frustrated, our worker has food, water and somewhere to sleep but further up his Maslow-type pyramid of needs, sexual congress is sought. Knowing that prostitutes can be found through the internet on his smartphone, he hires a female sex worker. When they have a disagreement and she revokes her consent to sexual activity, his anger turns to abuse. The abuse escalates to stalking and threats of violence with the exploiter making use of the fact that the sex worker is unable to seek police assistance. In this hypothetical scenario, decriminalisation would provide a safe way for this abuse to be recorded and crimes prosecuted.

working conditions, pay, hours and human decency in other jobs making it an easy cost-benefit decision to become a sex worker: in such a situation we might hypothesize a zero-hours contract without time available for family emergencies, protected leave days or an entirely fungible state of job security is less preferable to selling sex. Were this the case, the exploiters are the people who run businesses, set legislation and champion profiteering instead of developing a skilled workforce engaged in doing brilliant work to drive forward the British economy; decriminalisation would allow the market in sex services to spur other workplaces to provide better conditions support better work from the British workforce.

c. Discourage demand which drives commercial sexual exploitation

These last two questions are phrased in such a way that lead me to strongly object to the frame of reference of this entire Home Affairs Select Committee Enquiry to Prostitution. presuming that sex workers or their clients are criminal when it is in your power to re-evaluate that paradigm is a failure to the citizens and voters who are at risk in such a system[5]. To take ‘demand’ at its face value, are we talking about sexual drives in the human animal, or the intent to meet someone nice for consensual non-committed acts in private, or an duly ridiculous “animalistic and uncivilised sector of society” whose outrageous desires you must tame? To take ‘discourage’ at its face value, may I remind you of the saying ‘when the only tool you have is a hammer, everything begins to look like a nail’; for parliament, your tools are statute and criminalisation and I conclude that the premise of your committee is to increase, not reconsider fairly, the need for criminalisation.

To take ‘exploitation’ at its face value, do I presume that the legions of lotharios meeting members of their sexual persuasion online and in person and misrepresenting their desire --
such a pattern in male-female dating that it’s a cultural marker in books, film and television to the point that we have the notion of ‘true love’ on top of ‘love’ and the tropes of the partner who is ‘in it for the money’ and the pairing whose needs for comfort or safety or expensive gifts is traded for consenting sexual activity -- do I take it that this exploitation is the remit of this committee? (‘Commercial’ is relevant to the extent that it is the government’s responsibility to curate marketplaces appropriately for both buyer and seller. ‘Sexual’, too, but the questions above are in regard to a marketplace which would otherwise serve market need being skewed by legislation and police enforcement at the behest of the agency, the government, whose job it is to curate, not skew.) To take the logical premise hidden behind ‘which’ at its face value, this inquiry is out of touch with the ability of consenting adults to meet to engage in sexual acts, and that a wholesale reassessment of what private citizens do in private and for why would lead to a strong endorsement of decriminalisation of sex workers and their clients.

You must do better.

Notes:
2: http://www.otago.ac.nz/christchurch/otago018607.pdf
3: https://www.worldvision.ca/aboutus/Media-Centre/Documents/Labour-Trafficking.pdf
4: https://metranet.londonmet.ac.uk/research-units/iset/projects/esrc-migrant-workers.cfm
5: 2014 Vancouver study included in its findings that “criminalisation and policing strategies that target clients… profoundly impacted the safety strategies sex workers employed.”