Written evidence submitted by Chris Atchison

Executive Summary

- The assumption that all sexual service for money exchanges are 'inherently' violent or exploitative and that legal reforms designed to hold people who purchase sexual services accountable and to discourage the demand for sexual services are based on flawed logic and incomplete information.

- There are particular individuals and situations that exhibit cruel and unjust (exploitative) behaviours and conditions, but my research indicates that these appear to be the exception and not the rule.

- The assumption that relations that occur between sex workers and people who purchase sexual services are exploitative because the balance of control and power is asymmetrical, favouring of the client (i.e., only the worker is being ‘used’ by the client as a means to an ends) also is not supported by the accounts of the clients I have surveyed.

- The majority of interactions clients have with sex workers are peaceful. Having said this it is important to point out that a small portion of clients I have surveyed, interviewed or observed, report having committed violent offenses against sex workers.

- My research indicates that actual occurrences of violence and victimization in the sex trade vary significantly across different contexts, specifically in different venues where commercial sexual interactions take place.

- Criminalizing all buyers of sexual services equally would not only result in innocent people being marked for life with the label ‘criminal’ but would also make it significantly more difficult to properly prevent and address actual acts of violence that do occur within the sex industry.

- Stigma, shame, and criminal persecution are not effective strategies for changing behaviour. My research indicates that such approaches simply result in displacing the behaviour to hidden and potentially more dangerous locales.

- Even when arresting and charging clients does have a specific deterrent effect, such approaches do not promote long-term behavioural or attitudinal change that would be necessary for people to stop seeking sexual service providers to fulfill their needs are to be brought about (i.e., general deterrence).

- I recommend treating the sex industry as any other industry and regulating it through existing criminal, human rights, labour, and health legislation and regulations.

- I recommend, as others have internationally, that harm reduction and health promotion policies be developed and implemented on the basis of the direct and active contribution of people who are actually involved in the sex industry as well as the empirical evidence provided by the growing wealth of ethical and methodologically sound body of international research that has been done in this area.

Personal Background
1. I have been researching adults who purchase sexual services (clients) and working in a supportive capacity with sex work(er) researchers and outreach organizations since 1995. During this time I have been the principal investigator on three major studies of clients (two of which are the largest and most comprehensive studies of this population ever conducted), acted as co-investigator on three additional studies of health and safety in the off-street sex industry, and provided research counsel or assistance on six other projects focusing on the impact of work environment and communications networks on the health and safety of off-street sex workers; violence in off-street sex industry work places; sex industry labour conditions; community attitudes toward prostitution; online sex industry advertising; sex work exiting and re-entry; and, mobile outreach service provision for street-based and survival sex workers. I have also been involved extensively in committees and working groups formed to study and develop social and health policy as well as regulatory approaches to addressing issues related to the sex industry in Canada. In brief, over the past two decades, I have conducted over 2000 hours of micro-ethnographic research in various physical and virtual sex industry/sex buyer communities and I have surveyed or interviewed 2590 Canadian adult sex buyers about their experiences purchasing sexual services. I would like to draw upon the results of my research to provide an empirical foundation to assist the Committee in forming an evidence-based approach to the development of prostitution policy in the United Kingdom.

2. The central argument I make within my submission is that assumptions that all sexual service for money exchanges are 'inherently' violent or exploitative and that legal reforms designed to hold people who purchase sexual services accountable and to discourage the demand for sexual services are based on flawed logic and incomplete information. Moreover, changes to the law that target the people who purchase sexual services will likely result in a variety of harms affecting people involved in the sex industry, including harms to those that are the most vulnerable. In order to support my arguments I will draw upon an overview of the empirical evidence provided by my studies of people who purchase sexual services – a group that is rarely represented in 'consultations' surrounding the development of socio-legal initiatives relating to the sex industry. Much of the evidence I provide here also appears in various articles, book chapters, and academic conference papers that I have presented internationally over the past 20 years. In this submission I will specifically speak to the following questions:

   a) Is prostitution inherently exploitative?
   b) How much violence is there?
   c) Can demand for prostitution be curbed and the attitudes and behaviours of sex buyers changed through targeted criminal sanctions?

**Is prostitution is inherently exploitative?**

3. Exploitation is defined as causing someone to provide, or to offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service. In determining whether a person exploits another courts are generally asked to consider whether the accused: (a) used or threatened to use force or another form of coercion; (b) used deception; or (c) abused a position of trust, power or authority.

4. There are undoubtedly situations where some sex workers are exploited by third parties such as business owners, managers, ‘madams’ or ‘pimps’. However, my research indicates that many sex workers work independently. In fact only 35% of clients we heard from in my most recent...
study of over 1200 clients indicated that they had, on at least one occasion in their lifetime, had to arrange sexual services with a sex worker through a third party. The remaining 65% maintained that they always ‘negotiated’ the exchange of sexual services for money directly with the sex worker. Assuming that independent sex workers – who make up the majority of people selling sexual services – are not threatening, forcing, coerencing, or deceiving themselves, the only other party that could be responsible for the “inherent exploitation” experienced by sex workers who work independently would have to be the client.

5. When it comes to the claim that it is clients who exploit service providers my data offer some interesting insights that not only demonstrate that such assertions might not be valid but it also provides a pretty interesting picture of how clients perceive the control and power they do have when with service providers. The majority of clients I have surveyed provide no indication that they have ever threatened, forced, coerced, deceived or abused a position of trust, power or authority to get service providers to provide sexual services – a claim supported by much of the extant research with sex workers. Having said this, a minority of clients we surveyed do admit to exhibiting clearly exploitative behaviours. When it comes to overtly coercive and deceptive behaviour, a very small percentage (<10%) indicated that they had pressured a sex worker into doing something sexually that they were not prepared to do and an even smaller percentage (<2%) reported that they had refused to pay for services they had received. When it comes to more direct threats and force, less than 4% admitted to having insulted or put down a sex worker and less than 1% had made threatening gestures toward a sex worker, had threatened to destroy a sex workers property, had verbally threatened to hurt a sex worker, had verbally threatened to assault a sex worker, or and had physically restrained a sex worker and not allowed them to leave when they wanted to. Certainly, there are particular individuals and situations that exhibit cruel and unjust (exploitative) behaviours and conditions, but my research indicates that these appear to be the exception and not the rule.

6. The assumption that relations that occur between sex workers and people who purchase sexual services are exploitative because the balance of control and power is asymmetrical, favouring of the client (i.e., only the worker is being ‘used’ by the client as a means to an ends) also is not supported by the accounts of the clients I have surveyed. Many of the participants in our most recent study indicated that they either felt that the service providers they engaged with had more control or power, or that control or power were relatively equally distributed. For example, when we asked them who got their way when they had a disagreement with a sex worker, 34.6% stated that the worker got his or her way, 56.6% felt that resolution was equal, and only 8.9% felt that they got their way. Similarly, when we asked about who has more say about the terms of service, 57.2% of clients felt that the sex worker had more say, 26.2% felt that both parties had relatively equal say, and only 16.6% felt that they had more say than the worker. Finally, when we asked about who they felt had more power in the relationship, 46.2% felt that the sex worker had more power, 46.2% felt that both parties had relatively equal power, and only 18.8% felt that they had more power than the sex worker.

How much violence is there?

7. It is increasingly common to hear individuals who advocate for the prohibition of sexual service for money exchanges to claim that violence and danger are 'intrinsic' to selling sexual services. By extension, they also suggest that the sources of this violence and danger are, among others, people who purchase sexual services.

8. In all of my studies of clients I have sought to better understand issues and instances of violence and victimization that take place when sexual services are being sold and purchased. In my two
most recent studies we asked participants to tell us about violence that they instigated as well as that which they were victims of. Results from these large-scale investigations have produced consistent findings when it comes to the levels of self-reported violent and aggressive actions that respondents report committing against sex workers. Overall, the majority of interactions clients have with sex workers are peaceful. Having said this it is important to point out that a small portion of clients report having committed violent offenses against sex workers. These offenses include: making threatening gestures toward a sex worker; verbally threatening to hurt them; verbally threatening to physically assault them; throwing an object at them out of anger; biting, scratching or pushing them out of anger; hitting or slapping them out of anger; physically assaulting them; and, physically restraining them and not allowed him or her to leave when they wanted to.

9. Non-violent behaviour in the form of verbal assaults and property crimes are more frequently reported by clients in our samples. More specifically, clients report that they have insulted or put down a sex worker; verbally abused or harassed them; taken money, jewellery or other items of value from them; intentionally damaged their property; and, robbed them. Having said this, by far the most commonly reported non-violent means of “attacking” a sex worker reported by clients we have sampled comes in the form of posting a negative review about the worker in an online forum.

10. A small percentage of clients also report experiences of violent victimization while purchasing sexual services. The specific victimization they have reported includes being: physically assaulted by an agency owner, manager, ‘pimp’ or ‘madam’; verbally threatened by an agency owner, manager, ‘pimp’ or ‘madam’; threatened (gestures) by a sex worker; verbally threatened that they would be hurt by a sex worker; threatened with physical assault by a sex worker; hit or slapped by a sex worker who was angry with them; and, physically assaulted by a sex worker. Again, as is the case with client-instigated conflict, non-violent victimization in the form of verbal assaults and property crimes is more commonly reported by clients we have sampled. Participants reported that on at least one occasion a sex worker had robbed them, had stolen their property, and had stolen money, jewelry or other items of value. A somewhat smaller percentage reported being robbed by an agency owner, manager, ‘pimp’ or ‘madam’. Finally, quite a few participants reported that they had been verbally abused or harassed by a sex worker or agency owner, manager, ‘pimp’ or ‘madam’.

11. More sophisticated analyses of my data has revealed that actual occurrences of violence and victimization in the sex trade vary significantly across different contexts, specifically in different venues where commercial sexual interactions take place. The street-based portion of the sex industry seems to be a context that holds the most potential for violent interactions to occur, and where concerns around safety for both sex workers and clients are the greatest. Part of dangers for those involved in the street-based sex industry is a result of the isolated nature of locations that they are forced to move to because of their constant fear of arrest, "concerns about community safety", the absence of clear and commonly understood behavioural norms or regulations, and the increased likelihood that either the worker or client will be under the influence of drugs or alcohol.

12. Given what we know about the diversity of these various experiences and responses to violence and victimization in the sex industry, I wonder how criminalizing all clients equally – whether or not they actually victimize a sex worker – is meant to address concerns and challenges that both clients and sex worker report. The fact that less than 1% of clients in my two separate large-scale studies admit to committing criminally violent offences and less than 5% admit to committing verbal abuse or property crimes against sex workers – whether provoked or unprovoked – does
not justify treating the other 95-99% of buyers of sexual services as criminals. Criminalizing all buyers of sexual services equally would not only result in innocent people being marked for life with the label ‘criminal’ but would also make it significantly more difficult to properly prevent and address actual acts of violence that do occur within the sex industry.

**Can demand for prostitution be curbed and the attitudes and behaviours of sex buyers changed through targeted criminal sanctions?**

13. In order to curb demand and to help bring an end to the violence and exploitation experienced by some people who are involved in the sex industry, some have called for criminalizing the purchase of sexual services. At least a portion of the logic underlying the proposal to criminalize the purchase of sexual services appears to be grounded in the beliefs that: demand is the sole reason that the sex industry exists; and that transforming sexual activity into a good or service to be sold and purchased and objectifying the human body are ‘socially harmful’ activities. Moreover, the class of people who should be held legally accountable for these ‘evils’ are clients.

14. The belief that demand is solely responsible for the existence of the sex industry ignores the fact that in many cases supply actually produces demand. Results from the research that my research partners and I conducted with clients in 1996 revealed that visibility or availability accounted for the reason that 36.2% of clients we surveyed first purchased sexual services. Moreover, when we asked participants to rank various factors in their general decision as to when they purchased sexual services, 59.6% said the simple availability of a desirable looking sex worker was either important or very important.

15. I’ll set aside the moral argument about whether or not attaching an economic value to sexual activity (sexual labour) is more ‘socially harmful’ than attaching economic value to intellectual, physical, emotional or any other form of activity or labour because I don’t feel that such an argument can be resolved in the limited space I have here, nor can it be resolved by way of legislation. The aspect of the logic that I would like to take issue with is the implicit assumption that the purchaser of the sexual services or labour, by virtue of agreeing to pay the price that the seller of the service is demanding, should bare sole legal responsibility for the ‘social harm’ resulting from said commodification. While one might not agree with sex and sexuality being commodified, it is hypocritical and discriminatory in a society where sex and sexuality are used liberally to sell all sorts of goods and services to criminalize the purchase of direct contact sexual services while at the same time sanctioning (or at least not directly criminalizing) the sale of such services (i.e., asymmetrical criminalization).

16. Yet another assumption underlying the call to criminalize the purchase of sexual services appears to be that demand can be curbed and attitudes and behaviours changed by simply arresting, incarcerating and/or fining the people who engage in such behaviour. Results from both my 1996 study and my ethnographic evaluation of Toronto’s Prostitution Offender Diversion Program show that stigma, shame, and criminal persecution are not effective strategies for changing behaviour. Such approaches simply result in displacing the behaviour to hidden and potentially more dangerous locales. Moreover, labelling as criminal people who pay for sexual services, while at the same time legalizing the actions of people who sell such services, will create a situation that some have referred to as the “perfect crime” where people purchasing sexual services become the ‘legitimate targets’ of robbery, fraud, theft, blackmail and assault. Because of their participation in what would be considered illegal activities, these people will be even less likely to report victimization they experience to the police. More importantly, those people who seek recourse for the victimization they experience may be more likely to turn to
vigilante tactics; this will put people involved in the sex industry at even greater risk of violence and victimization.

17. Even when arresting and charging clients does have a specific deterrent effect, there does not appear to be any strategy or consideration for how long-term behavioural or attitudinal change that would be necessary for people to stop seeking sexual service providers to fulfill their needs are to be brought about (i.e., general deterrence). In other words, there is no provision for any forms of ‘curbing demand’ that rely on intervention or education. The assumption appears to be that the deep-seated attitudes about the legitimacy of the commodification of sex and sexuality, the ‘objectification’ of the human body, and the ‘social harms’ caused by the people who engage in such behaviours can simply be legislated out of existence; such logic is fundamentally flawed.

A Way Forward

18. In my work with Canada’s sex industry over the past 20 years I have witnessed firsthand and heard from countless research participants – sex workers and clients alike – that while most commercial exchanges occur without instance, there are real issues faced by a minority of people in the sex industry. Frequently these issues are tied to larger and more socially pervasive structural oppression that intersects on axes of, among other things, gender, race, class, culture, and sexuality. We can all agree that as a society we are morally obligated to provide such people with assistance in various forms. We can also agree that stigma and discrimination are common experiences of most people involved in the sex industry, and that this negatively impacts their ability to access support.

19. Alternatively, I would recommend treating the sex industry as any other industry and regulating it through existing federal, provincial and municipal laws and regulations. I also recommend, as others have internationally, that harm reduction and health promotion policies be developed and implemented on the basis of the direct and active contribution of people who are actually involved in the sex industry as well as the empirical evidence provided by the growing wealth of ethical and methodologically sound body of international research that has been done in this area. Finally, I would also propose that the money that would have been used to detect and prosecute clients be used to fund combating real violence and victimization experienced by some people who are involved in the sex industry as well as to provide support resources and services to those who request or need them.

Written Evidence submitted by Chris Atchison (individual), Research Associate, Department of Sociology, University of Victoria, Victoria, British Columbia, Canada