Written evidence submitted by Professor Ramsay Burt

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.

I am in agreement with Amnesty International's decision in August last year in support of full decriminalisation (not just sex workers but also clients, indoors and outdoors), and their call on governments to review the prostitution laws and provide resources in the form of “state benefits, education and training and/or alternative employment” to help sex workers leave prostitution if they want.

Criminalising clients for purchasing sexual services, as sex workers are finding in Northern Ireland at the moment, will make clients hide their identities for fear of prosecution and thus make it more difficult for sex workers to check from their colleagues whether prospective clients have a history of abuse and this make their job more dangerous.

I agree with the All-Party Parliamentary Group on Prostitution and the Global Sex Trade inquiry (March 2014) who concluded that

“At a time when unemployment, benefit cuts and sanctions, lowering wages, increased homelessness, and debt are forcing more women, particularly mothers, into prostitution, it is unacceptable for MPs to promote increased criminalisation. These proposals will further divert police time and resources from investigating rape, trafficking and other violent crimes, to policing consenting sex.”

As the English Collective of Prostitutes point out: 'John McDonnell MP, now Shadow Chancellor, who led opposition within parliament set the standard when he said: “We must listen to sex workers.” Instead sex workers are being bypassed, disparaged and ignored. We have told parliament repeatedly that decriminalisation in New Zealand has made it safer for sex workers, and that parliamentarians who claim to want to abolish prostitution must say how else we are supposed to survive. Any Inquiry must first and foremost address that.

Why not remove the criminal sanction altogether? In the same way that gay sex was decriminalised in England in the 1960s, there is no justifiable reason for the continued criminalisation of consenting sex between adults where money is exchanged.

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

I agree with the English Collective of Prostitutes who point out: This Crown Prosecution Service policy results in increased arrests of sex workers. For example, the criteria for brothel-keeping prosecutions doesn’t rely on whether women are being coerced or abused, only on how long they have been working and how much money is been made. So no distinction is made between small collectives, where
women work co-operatively, keep their own money and set their own hours and establishments run by coercive bosses.

Women Against Rape comments: “We've helped thousands of rape victims and all have had strong views about when sex was consenting and when it was not, regardless of whether it was part of a long-term relationship, casual or paid for. Only 6.5% of reported rape ends in conviction — targeting clients further diverts police time and resources away from tackling the violence sex workers report.”

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.

Again I agree with the English Collective of Prostitutes who point out:

- The trafficking of men, women and children for labour exploitation is far more widespread than sex trafficking – “for every trafficking victim subjected to forced prostitution, nine people are forced to work” in other fields. See here. Why then disproportionately target the sex industry?
- Trafficking is forced or bonded labour, abduction, kidnapping, false imprisonment, rape, grievous bodily harm, extortion. Existing laws cover all these offences and could be used to prosecute the assailants of women and children, whatever work they are being forced into.
- False claims that over 80% of sex workers are trafficked have been peddled by politicians looking to increase the criminalisation of prostitution. In fact, less than 6% of sex workers in the UK are trafficked (Mai, 2011). “Many migrants prefer working in the sex industry rather than the “unrewarding and sometimes exploitative conditions they meet in non-sexual jobs” (Evening Standard, 2011).
- Despite government claims about prioritising trafficking, most victims get no protection. A parliamentary committee (2005) found they are frequently deprived of “protection, access to services and justice” and “treated as immigration offenders facing detention and removals.”

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

   Assist those involved in prostitution to exit from it

As the English Collective of Prostitutes point out:

- Women are the hardest workers yet are the poorest everywhere — why not address this “inequality”. Benefit sanctions and cuts, rising homelessness, domestic violence and low wages, have caused an increase in prostitution. Why aren’t these issues being addressed by politicians who claim to want to save women from prostitution?
- Empower in Thailand spoke in the UK parliament recently and said that sex workers are earning at least twice the minimum wage. For some women exploitation in a brothel is an escape from destitution or more acute exploitation in domestic work, agricultural work, factories and sweatshops.
Increase the extent to which exploiters are held to account

- Who are the exploiters? Brothel-keeping and controlling law claims to target those who exploit sex workers but in reality are used against women working together for safety. These laws criminalise consenting relationships between prostitute women and partners, family members, friends, working colleagues and others. Trafficking law also claims to target violent exploiters but the law is more often used to target immigrant women for deportation.

- Women working on the street say they pay up to 80% of their income in fines — what exploitation! Proceeds of Crime (POCA) legislation is used to seize savings and assets (eg: a house, car, jewellery) from people convicted of prostitution offences. The burden of proof is reversed so the person has to prove the money did not come from criminal activity. Debts under POCA are the only ones which can’t be cancelled by a prison term.

- If politicians were really objecting to exploitation they would object to the working conditions in those jobs which are usually the alternative to sex work and that create the conditions for prostitution to flourish. We’ve not heard them complain about Amazon, or other corporations which cut wages and work their employees into the ground – far from it they are rewarded for making fortunes at the expense of others.

Discourage demand which drives commercial sexual exploitation

As the English Collective of Prostitutes point out:

- An example of a biased and presumptive question. Who is to say that prostitution is driven by men’s desire for sex rather than women’s need for money?

- Research on the Swedish law which criminalised clients found: "no convincing empirical evidence that the law has resulted in a decline in sex work . . ." Under the constant threat of police interference, sex workers are forced to hurry the process of screening and negotiating with clients, which makes them take more risks. It also found that sex workers have often been prosecuted as ‘pimps’ when they band together for safety. Landlords have been pressured by police to evict sex worker tenants under threat of being prosecuted themselves. Police have also been known to report sex workers to hotels and – most devastatingly – sex work is frequently cited as a reason for refusing child custody. Rose Alliance, the sex worker organisation in Sweden, conducted their own research and found that 63% of sex workers said that the sex purchase law had created more prejudices.

- Domestic violence, including rape, is the most common form of violence against women, yet no-one suggests that relationships between women and men should be banned.