Written evidence submitted by Pandora Blake

Introduction

1. I am Pandora Blake, a London-based sex worker in the porn industry as a filmmaker and performer, and as a BDSM service provider to paying clients. I am affiliated with the Sex Worker Open University and with the English Collective of Prostitutes, but I am responding to this consultation in my personal capacity.

2. I write this as a white, middle-class woman working indoors, and I have been fortunate. I have never been harassed or arrested by police, my workplace has never been raided, and I am able to choose my clients selectively and keep myself safe at work. But not every sex worker is so fortunate. Sex workers without similar class, race or educational privileges experience more stigma and are at greater risk of harassment and abuse from police and clients.

3. If any aspect of sex work is criminalised, all sex workers will become more vulnerable. But it is the more marginalised workers who will carry the heaviest burden of criminalisation. If someone is doing sex work to survive, out of a lack of options or economic desperation, then criminalising their clients will not help them. It will reduce their options, disempower them, put them at greater risk of attack, and make it harder for them to find different work if they want to.

4. Last year Amnesty International voted in support of full decriminalisation of sex work. This recommendation was based on a substantial review of the evidence, which concluded that the best way to improve human rights is to remove all laws criminalising any aspect of buying or selling sex. Amnesty called on governments to review prostitution laws, but not with a view to criminalising clients, as this would do more harm than good.

5. It is astonishing that the wording of this inquiry ignores Amnesty’s recommendations. The evidence is clear that criminalising any aspect of sex work, including buying sex, increases harm. This consultation echoes the unsuccessful All-Party Parliamentary Group on Prostitution and the Global Sex Trade inquiry, which failed to introduce a similar measure in March 2014; the evidence has not changed since then. The APPG was discredited after it refused to offer any evidence supporting its recommendation to criminalise clients. I find it shocking the Home Office would so quickly reconsider a legal model that has been proved to decrease health, safety and human rights.

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

Criminalising clients makes prostitution more dangerous
1. In November 2015, I attended the evidence gathering symposium in Parliament hosted by the English Collective of Prostitutes. Dozens of sex workers from across the world gave evidence, along with academics presenting up to date research on prostitution. The evidence was clear from both the research and the personal testimony that criminalising any aspect of sex work makes it less safe.

2. Imposing a criminal sanction on clients affects workers. Clients willing to break the law are less likely to be safe, and under the threat of police interference clients are less likely to co-operate with workers. There is substantial evidence from Canada, Northern Ireland, Scotland, Sweden and other countries where buying sex is illegal that these laws do nothing to make sex work safer. On the contrary, when buying sex is criminalised, there is less work available, and sex workers are obliged to lower their rates, offer services they might not normally want to offer, and are less able turn down clients.

3. This risk falls most heavily on those who are already working in precarious conditions. Single mothers, people of colour, transgender sex workers, migrant workers and street sex workers suffer most when buying sex is criminalised. These are hardworking people, often supporting families, who are simply trying to survive in difficult circumstances. Criminalising their clients does not help them: it further marginalises them and puts them at greater risk of attack.

4. When clients are criminalised working outdoors becomes more dangerous. Clients don’t want to be seen and are unwilling to stop for long, so negotiations are rushed. Workers have to move into more isolated areas to attract clients, and need to make a snap judgement before getting into a car. It makes it harder for workers to assert boundaries, negotiate condom use and keep themselves safe.

5. Criminalising clients also harms indoor workers. Many indoor workers conduct safety checks over email by asking to see ID before confirming a booking. When they fear prosecution, clients are reluctant to provide this information.

6. In Sweden, sex workers describe that they are now at greater risk of violence and abuse, and are struggling to make ends meet. Landlords have been pressured by police to evict sex worker tenants under threat of being prosecuted themselves. Police have outing sex workers to hotels and, worst of all, sex workers have lost custody of their children. Research conducted by Rose Alliance, the sex worker organisation in Sweden, found that 63% of sex workers said that the law had created more prejudices. When they came to the UK they said: “We are still criminalised if we work together in premises, we risk eviction by landlords, condemnation by social workers and even losing custody of our kids because we are seen as ‘bad girls’ unwilling to change. This law should be abolished, not exported to other countries.”

7. Criminalisation of clients in Scandinavia and Canada has decreased sex worker’s control over transactions, increased their risk of HIV and other STIs, and reduced their access to healthcare and services. The World Health Organization (WHO),
the United Nations Populations Fund (UNFPA), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Global Network of Sex Workers Projects (NSWP) agree that penalising laws around sex work are one of the greatest barriers to HIV prevention and treatment.

**The best way to reduce harm is decriminalisation**

1. Rather than shifting criminal sanctions around within the sex industry in ways that harm the most vulnerable members of our society, why not follow Amnesty’s advice and remove criminal sanctions altogether? New Zealand decriminalised sex work 13 years ago with the Prostitution Reform Act, which has had verifiable success in reducing harm, improving health and safety, and making it easier for people to stop doing sex work if they want to.

2. One condition of the New Zealand Prostitution Reform Act was that a full review of the law and its impact would be undertaken after 5 years. This review found that the Prostitution Reform Act in New Zealand had successfully safeguarded the human rights of sex workers, reduced exploitation, promoted health and safety, improved working conditions and public health, and made it easier for people to avoid to cease working as sex workers.

3. More recently, in 2007 the Christchurch School of Medicine review found that over 90% of sex workers in New Zealand believed the Prostitution Reform Act had improved their employment, legal, health and safety rights. Many found it easier to refuse clients, and to go to the police if they were attacked or exploited.

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

1. Filtering out law-abiding clients increases the risk of violence, and criminalisation amplifies social stigma and discrimination against sex workers - which is in turn linked to increased rates of violence and abuse. When clients are criminalised, they are less likely to report violence or exploitation that they witness against sex workers.

2. When prostitution is itself defined as “violence against women” this makes no distinction between consenting and non-consenting interactions. Women Against Rape report: “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.” Sex workers understand when they are consenting and when they aren’t, and receiving payment does not compromise our ability to consent to sex.
3. Current UK brothel-keeping laws criminalise sex workers for working together for safety. The criteria for brothel-keeping prosecutions don’t even ask whether coercion occurred, only how long the sex workers were working for and how much money was made. Take the case of Sheila Farmer in Croydon in 2012: she was attacked by a client and later worked together with friends for safety. A neighbour complained and the police forced her to move; while she was moving she was arrested for brothel-keeping. She was detained and her insulin was confiscated. She faced a 7 year prison sentence. To be effective the CPS policy needs to distinguish between small collectives, where women work co-operatively, keep their own money and set their own hours, and establishments run by coercive bosses.

4. If the aim of this inquiry is to reduce the number of people doing sex work, criminalising clients will not succeed. In Sweden there has been no decrease in the total numbers of people doing sex work; and proponents of the Swedish model freely admit that they intended to make the work more dangerous. The Swedish government’s Skarhed report on the criminalisation of clients claimed that the negative effects of stigma due to the law "must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution". This makes it clear that criminalising clients is not a harm reduction measure, but intentionally makes sex work more dangerous. But people cannot stop doing sex work unless they have no better options.

5. In New Zealand the five-year review found that the number of people doing sex work had not increased. To leave sex work people need more options, not fewer; and we must target the economic factors that drive people into prostitution, by improving welfare and working to reduce the number of people facing homelessness, benefit sanctions, low wages and in-work poverty.

6. Sex work itself is not inherently violent - it is criminalisation that puts sex workers at risk. When sex work is decriminalised, relationships between sex workers and police are better and sex workers are empowered to report attacks to the police and challenge exploitative managers. Under the Swedish model, police have refused to prosecute rapes reported by sex workers – and worse still, police themselves have abused the law in Sweden to harass sex workers and subject them to verbal and physical assaults. When the conviction rate for reported rape is still an abysmal 6.7%, criminalising clients diverts police time and resources away from tackling genuine violence, and lets the authorities off the hook when they refuse to effectively investigate and prosecute these crimes.

7. Consenting sex is not a crime. Gay sex was decriminalised in the UK in the 1960s - why not do the same for paid consensual sex? In arguing for the
criminalisation of clients, prohibitionists are policing consenting adult sex rather than addressing actual rape and violence.

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.

1. Claims that most sex workers are trafficked victims have been comprehensively discredited; the most recent figures showing that the percentage is less than six per cent (Mai, 2011). The claim that over 80% of sex workers are trafficked is demonstrably false. It is more likely that a trafficking victim will end up in domestic, agriculture or construction industries - “for every trafficking victim subjected to forced prostitution, nine people are forced to work” in other fields (source). High budget police operations have failed to find victims of trafficking in the sex industry. Before the Olympics there was a “trafficking crackdown” with large amounts of money funding raids on known premises, resulting in women being dragged out into the street, arrested “for their safety” and photographed by police, even though they protested they were working consensually. Others were threatened with deportation.

2. Police harassment and the way in which sex work is policed disproportionately affects migrants, trans people, people of colour, and those in precarious housing or living in poverty. These workers are further marginalised by criminalisation, which makes them more vulnerable to police harassment and abuse. 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.”

3. Most people understand trafficking as bringing people into the country by force and coercing them to work. Sex workers have helped victims escape but the laws make this harder; trafficking law covers anyone who helps a person working in the sex industry come into the UK or move around within it, and doesn’t have to include coercion. So a driver could technically be charged with trafficking offences - this is ludicrous and does nothing to reduce coercion.

4. Forced labour, abduction, kidnapping, false imprisonment, rape, grievous bodily harm, and extortion are already illegal. Since 2010 it is illegal for a client to pay for sex with someone who has been coercion - so the trafficking law is redundant and just makes things worse.

5. Laws aimed at reducing sex trafficking often end up targeting people of colour and migrants undertaking consensual sex work. In Sweden and Norway since clients were criminalised, police have deliberately targeted consensual migrant sex workers with the aim of getting them evicted and deported. 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). Sex work law should not be misused as a weapon against migrants.

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

- Assist those involved in prostitution to exit from it

1. Decriminalisation is the best way to make it easier for people to exit prostitution if they want to. The PRA in New Zealand has made it easier for sex workers to seek other work, due to reduced social stigma. The New Zealand government is committed to helping young people avoid or exit the sex industry should they wish.

2. To leave sex work, people need other options. Twenty-nine per cent of children in the UK live below the poverty line. One in four low-income mums are skipping meals to make sure they feed their kids. Many people with chronic health problems or disabilities turn to sex work to survive after being let down by the welfare state. The Conservative government is increasing benefit sanctions which have already led to the deaths of too many people living with sickness or in crippling poverty, and British people are starving to death as a result of austerity. Police in Hull and Doncaster have acknowledged that benefit sanctions have directly led to an increase in the number of people doing sex work. To reduce prostitution we need to reduce the number of people living in poverty.

3. Women of colour on average earn only two thirds of the wages of white women, and many women and mothers of colour are forced to work three jobs in order to feed themselves and their families. If we want people to be able to leave prostitution, we need a legal model that is supportive and gives them more options, rather than criminalising their means of making a living and making things harder.

- Increase the extent to which exploiters are held to account

1. Since the PRA was introduced in New Zealand, sex workers have been able to bring abusive bosses and clients to justice. Last year a sex worker successfully sued her manager for sexual assault; under decriminalisation, the police and courts were on her side and helped her seek justice. A client who refused to use a condom was prosecuted; another client who refused to pay was escorted by police to the cash machine, where they ensured he paid as agreed. In the 5 year review of the PRA, 90% of sex workers in New Zealand felt their legal rights were protected under decriminalisation. Organisations such as Women Against Rape,
the Royal College of Nursing and Hampshire Women's Institute all agree that decriminalisation would improve the health and safety of sex workers.

2. Current prostitution laws claim to target exploitation, but they are frequently used against women working together for safety. In 2009 two women working together in Woking reported an attack: the charges against the attackers were dropped but they were charged with brothel-keeping. The CPS and police should prosecute rapists, not survivors. Rapists and other violent men often target sex workers assuming they cannot call the police. Trafficking law also claims to target exploitation but the law is more often used to target immigrant women for deportation. If sex workers are denied the protection of the law, their vulnerability is magnified. Criminalising aspects of any exploitative industry makes it harder to bring exploiters to account

- Discourage demand which drives commercial sexual exploitation

1. Criminalising clients does not reduce demand. Research on the Swedish law which criminalised clients found: “no convincing empirical evidence that the law has resulted in a decline in sex work . . .” Prostitution is driven by the need for money as much as the desire for sex.

2. The fact that exploitation exists within an industry does not mean that industry should be banned - 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.

3. Claims that violence, particularly trafficking, can be reduced by criminalising clients are disproven by a 2014 Vancouver study which found that “criminalisation and policing strategies that target clients… profoundly impacted the safety strategies sex workers employed.”

I would be happy to attend the Select Committee to give oral evidence on this issue and answer any further questions.