Written evidence submitted by Rape Crisis South London

The burden of criminality must be removed from those who sell sex.

Executive Summary

Introduction

Rape Crisis South London, or the Rape and Sexual Abuse Support Centre (RASASC), was set up in 1985. We are an all-woman, independent organisation based in Croydon, providing a high standard of professional support to female survivors of sexual violence. We provide an independent and confidential Outreach Service to female survivors who have also experienced societal marginalisation for any/multiple reason(s), including (but not limited to) their involvement in the sex industry and the prison system.

This submission draws on our 30 years of expertise, which is both informed by practise based evidence and survivors’ voices, and reaffirmed by academic research. We wish to submit this evidence because as a feminist organisation we are committed to advocating for the rights and freedoms of survivors of sexual violence who have been oppressed by gender inequality. Criminalising those who sell sex would be akin to punishing oppressed individuals for the limitations which have been unjustly imposed upon them by an unequal society, and this is what our submission demonstrates. This submission focuses on women because that is where our professional expertise lies, and because the majority of people who sell sex are women and the majority of people who buy sex are men.¹

Overview

- Evidence the need to ensure women who sell sex are safe and therefore not just free from criminalisation but proactively supported and protected;
- Evidence the need to ensure women who sell sex can access support from specialist sexual violence support services, alongside and as part of a network of other specialist services;
- Evidence that these long-term, gender-specific, specialist support services are key to both deterring buyers from perpetrating violence, and facilitating the empowerment and recovery of the most marginalized sellers;
- Evidence that proactive support and protection must therefore be indicative of (and will in term foster) a shift in attitude towards women who sell sex, from the government and services alike.

Evidence

1. Prostitution is a form of Violence Against Women and Girls (VAWG), and therefore not only is it both a cause and a consequence of gender inequality, but of the gendered nature of poverty within that. The most common reason cited for selling sex is to get money. It makes sense that the demographic of the women who have engaged with our Outreach Service mirrors what we know about who is most likely to live in poverty in the UK. 100% are women, 57% are BME and 52% have a disability. Whilst frequently misnomered as ‘survival sex’, poverty and limited socio-economic status are the main drives behind women (and mainly racialised and marginalised women within that) needing to sell sex in order to survive. This fact is acknowledged by practitioner and peer groups alike from the English Collective of Prostitutes to women selling sex on the street, who are all in agreement that financial inequality is the primary context behind many secondary push factors, such as drug habits and homelessness. To criminalise those who sell sex is therefore akin to punishing the disadvantaged for their limited access to their fundamental rights and freedoms. Criminalising the sellers merely increases the extent to which women at the bottom of the socio-economic scale have to make choices based on survival, entrenching them further in the cycle of poverty. Surviving within this cycle has a profoundly negative effect on women as (dis)empowered individuals, and structurally it strengthens the link between criminalisation and selling sex for survival, rather than facilitating their ability to exit.

2. The criminalisation of women who sell sex can therefore be understood as part of the systemic disempowerment of women. In this way criminalisation of sellers isn’t just unfair and unhelpful to those who sell sex, but actively fuels the prostitution industry by legitimising men’s entitlement to women’s bodies and undermining women’s rights to protection from discrimination. This systemic discrimination is recognised on a very real and visceral level by the women we work with who frequently acknowledge the sense of ownership men feel they have over them and how if they’ve paid for their time (bearing in mind that for on-street sellers in Lambeth, for example, £20 is the going rate for a trick) they can do whatever they like with them, including acts they haven’t consented to. Common reports include being forced to have anal sex and being forced to perform oral sex when this has not been stipulated in the initial agreement. Both these acts are rape. Women reiterate frequently that the threat and reality of sexual and physical violence is constant. Let alone the profound emotional, psychological, physical effects this has on women (explored in paragraph 6), this also tells us what we need to know about how to deal with punters. Both research and testimonies from women demonstrate that the ways punters talk to, act

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5 Farley, M., Bindel, J. and Golding, J.M. (2009) Men who buy sex who they buy and what they know. Available at:
around, target and abuse the sex sellers are as perpetrators of sexual violence. Perpetrators of sexual violence are at risk of criminalisation; this does not deter them, but it does encourage perpetrators to specifically target marginalised and women who are less able/likely to access support. We have to change how we criminalise and protect the sellers in order for punter criminalisation to have an effect. To put it simply, the more clear it is made to punters that these women matter, the less likely they will be to perpetrate violence against them, and the more these women will feel able to exit. Criminalisation of buyers will only work as a deterrent alongside a shift in attitude towards sellers, of which decriminalisation of sellers is merely one aspect.

3. The case for not criminalising those who sell sex is therefore not only moral but logical. If for legitimate moral and economic reasons the UK government aims to lower offending rates and re-conviction rates, then we need to criminalise prostitution in a way which hinders men’s sense of entitlement over women and bolsters women’s rights to protection from discrimination. This cannot just be done by criminalising the buyers, who (as explained in paragraph 7) continue to buy sex despite this calculated risk of their own arrest. Sellers and buyers alike know that perpetrators are unlikely to be found guilty in a court of law. The Metropolitan Police have spent considerable time and money trying to ascertain how they can get people who sell sex to report crime to the police; if people who sell sex were not criminalised but actively protected and supported they would be far more willing to report, due to a combination of feeling more valued and supported in general and the shift of responsibility for violence onto the perpetrator. Symbolism matters precisely because it has very real effects; if the burden of criminalisation shifted from sellers to buyers, sellers would be able and more importantly want to cooperate with police.

4. The laws which police use to criminalise those who sell sex are based on outdated and inherently discriminatory ideals. Laws which primarily effect oppressed people should obviously be moral in terms of social and criminal justice, and the notion that all human beings deserve protection from discrimination and maltreatment. At the same time, they should not be moralistic, as in the outdated and judgmental privileging of ‘public decency’, which is rooted in gendered classism, and exercised through segregation. For women who already recognise that they are segregated from and marginalised by society because of gender, race and socio-economic status, being in the group of ‘at risk of criminalisation’ only adds to their lack of self-worth and their belief that it is not possible to change their lives, whether because they are structurally trapped in poverty or because they don’t feel like they deserve it. For the women we work with, it is mainly both. The laws, and the manner in which these laws are carried out, must change to reflect the humanity and vulnerability of the sellers, who despite popular narratives around prostitution are primarily marginalised women.


5. Perpetrators of sexual violence target the women who they know that society perceives as the most vulnerable. We know this from our years of expertise working with hundreds of thousands of anonymous individuals; we all know this because understanding sexual violence to be about power and control, it makes sense. For most of the women we work with, who are seen by these punters as having very little power in society due to their gender/race/socio-economic status (and their risk of criminalisation) fear of being arrested is not the problem in itself, but the fact that it is indicative of the total lack of value and support from services, police and the Criminal Justice System (CJS). Whilst there have been concerted efforts to target punters through police adverts, the problem frequently acknowledged by the women selling sex is that these men already know they are at greater risk of being arrested - if these men cared about reducing this likelihood, they would be buying sex from the much greater pool of sellers working indoors and online. For criminalisation of buyers to be a deterrent it has to be combined with the decriminalisation of sex sellers, but only if the decriminalisation of sex sellers is clearly within the context of a society and a CJS which values, supports and believes women in prostitution. It is this change in environment which sees both sellers and buyers understand that sellers deserve safety and specialist support services. This explains the dramatic results\(^7\) in Merseyside, for example, which since still bound by standard UK law can only cite the shift in focus towards protection and support as responsible for the increase in conviction rates and in turn the safety of the women. As explored earlier, the more clear it is made to punters that these women matter, the less likely they will be to perpetrate violence against them. For the shift in criminalisation to have an effect, not only do buyers need to know that women are valued, but sellers need to feel and see this, too.

6. The burden of criminality should not fall on those who sell sex because it is widely evidenced that the key turning point in breaking the cycle of offending is enabling women to access specialist support for their various needs. One of these needs is support for the sexual violence they have survived. We evidenced earlier that if the burden of criminalisation shifted from sellers to buyers, sellers would be able and want to cooperate with police; the same goes for engagement with support services. The need for long-term consistent support is there, and is requested by women, but their ability to engage is interrupted and undermined by stints in prison and the effect this has on the traumatised individual.

7. Women who sell sex should not merely be free of the burden of criminality, but as survivors of trauma they require access to the highest standard of professional sexual violence support services. This is what they deserve, and, alongside other kinds of support, what will ultimately enable them to exit prostitution. Earlier I evidenced that 52% of the women accessing our service have a disability, and 75% of these women have been given (at least one) mental health diagnosis. These are commonly handed to female survivors of sexual violence, and many clients who access support at our centre have similar histories of diagnoses, particularly those who have survived extended instances of sexual abuse as a child and/or an adult. These diagnoses are often evidence of the lack of specialist support

for sustained exposure to the trauma of sexual violence, and many of our clients need sexual violence support as well as other more generalized support before they can heal and move on with their lives.

It is not just punters who perpetrate sexual violence towards women who sell sex. Punters, as perpetrators, intentionally and specifically target women who have been marginalized by society, and perpetrators in the form of partners, dealers, pimps, and members of the public, are no different. Most of the women we work with have experienced multiple forms of sexual violence in both the historical and recent past. Whilst all rape and sexual abuse is inherently violent, there are particular acts which are experienced more commonly by women who sell sex, such as kidnap, torture and physical attacks so extreme they equate to attempted murder. This explains why our clients who sell sex report experiences of dissociation similar to those experienced by survivors of ritual abuse in childhood,\(^8\) and is further evidence of the need for specialist sexual violence support services.

8. Most of the women we work with feel that they are in a cycle which is difficult to break. This is because they are having or have had multiple difficulties such as homelessness/prostitution/drug and/or alcohol problems and mental health problems. And yet, the most common root cause of them feeling out of control in their lives is childhood sexual abuse from a family member, which until they get support from us has been missed by other agencies, due partly to a lack of specialist training. When assessing the need for our own Outreach Service, for example, we found that whilst it is commonly acknowledged that links must be formed between services for substance misuse, homelessness, sexual health and mental health, services offering specialist sexual violence support were consistently absent from the network. This support cannot just be offered through counselling and helpline work, but via Specialist Outreach Workers who proactively engage with women who, because of societal marginalisation, are far less likely to access support via the most common referral paths. Most of the women who access our Outreach Service have never even been offered specialist sexual violence support, and either didn’t know it was there, or didn’t think they deserved it. The lack of funding for this type of specialist outreach support is therefore not only causing a great strain on the women themselves, but on other agencies and workers, who can offer support around some of the consequences of sexual violence, but who find themselves stuck because the root cause has never been deal with. The workers are stuck, and so are the women they support. In failing to change the current system the UK government not only fails to protect, support and value some of our most marginalised women, but wastes scarce human and monetary resources. Ironically the law must shift its priority to providing the former if they are to refrain from committing the latter.

**Conclusion**

This submission has demonstrated through practise based evidence and supporting research that:

Due to the gendered nature and structure of the sex industry, it is neither morally nor logically justifiable to criminalise those who sell sex for selling sex;

that many women who sell sex have experienced multiple forms of sexual violence and therefore must have access to specialist sexual violence support services as part of a network of specialist support;

that providing this specialist support is what these women deserve, and so the message this provision sends about how they are valued and protected is not only helpful to them, but more of a deterrent to buyers than the risk of arrest.

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Bibliography


