"I Will Uphold Its Democratic Values"

Executive summary

Decriminalisation is a very well established and well supported demand of nearly all sex worker organisations, of major human rights and public health bodies, and of much of the public. It would be a failure of democracy for this committee not to consider decriminalisation in its proceedings.

The criminalisation of clients would increase violence and public health risk against sex workers by destroying any chance of a good working relationship between sex workers, law enforcement and service providers.

The CPS observed that violence against women exists in prostitution but did not recognise that violence against women is inherent in prostitution. To frame the question this way disrespects the independence of the CPS and determines policy without having made it in law.

As a sex worker I enjoy the rights and must carry out the responsibilities of anyone who lives in this country. Criminalisation prevents me from exercising my right to make a living and practice my craft, and full decriminalisation would enable me to fully enjoy my economic, democratic and personal rights.

I am Esther Owen, a professional dominatrix and freelance journalist living in Plymouth, in the UK. I do sex work under the name Mistress Magpie, and I write under the name Margaret Corvid. As a journalist I blog for the New Statesman website and appear regularly on websites including Cosmopolitan.com, the Guardian, Metro.co.uk, and the Establishment. I write on issues including sex worker rights and activism, sexual education, and politics.

As a professional dominatrix, my work encompasses a broad variety of elements of BDSM and fetish activities including bondage, spanking, and role play. It always takes place with the express consent of both parties and with rigorous safety and cleanliness. I do not offer sexual penetrative services and I work fully within the law, independently in my personal fetish studio in my home.

I am writing because, while I am glad that Parliament has taken an interest in sex work, I fear that the first question, and by extension the very basis upon which the committee has convened - whether the burden of criminalisation should fall on those who sell sexual services or those who buy them - is the wrong question to ask. This is because, as many others will tell you in their testimonies, citing the overwhelming evidence of the most sober and empirical research, the safety of sex workers can only be gravely compromised by any form of criminalisation, whether it is of the selling or of the buying. Many other sex workers will have
written to you, but I am writing because as a newly-made citizen of the United Kingdom, my heart breaks to see this ancient Parliament, in the form of this committee, ignore the evidence that has been presented before it in favour of the full decriminalisation of sex work, for sellers and buyers, and for sex workers’ freedom to work and associate safely, on the streets, in brothels and parlours, in hotels, and in homes.

4 The facts of the case for decriminalisation have been shown to this Parliament as recently as last November, in an evidence gathering symposium chaired by your colleague John McDonnell MP, who is now the shadow Chancellor. Amnesty International and the World Health Organisation, and many, many groups, global and national, which combat the spread of HIV and promote public health have shown you, and the legislators of the rest of the world, the evidence. I will not recite it here, because I know that you have heard it, and will read it in the essential words of the other sex workers and experts who have written to this committee. You are a body of democracy, and I know that most important to you will be the fact that sex workers ourselves, here and worldwide, surveyed individually and in our organisations, support full decriminalisation, as is practiced most famously in New Zealand, and the fact that the British public is deeply divided on the issue of sex work. As Dr Nicola Smith and Dr Sarah Kingston of the University of Birmingham wrote last year,

5 A change in the law should come with the support of the general public. A lack of public support and divided public attitudes was one reason why the previous review on ‘tackling demand’ (Home Office 2008) did not seek the introduction of a full ban on the purchase of sex in 2009. Research on public attitudes has demonstrated that there is a deep divide as to whether to criminalise prostitution (Pitcher et al. 2006; Sagar 2005; Williams 2005), and the majority of participants in Kingston’s (2013) research support the legalisation and regulation of prostitution, believing that it could never be eradicated and would be better managed through licensing.

6 I would ask that the committee would hear these perspectives, which are not from a mere minority of activists, but from all of us - all the sex workers, on the streets and off them, migrant and native born, from those of us taking clients to stave off the wolves brought to the door by austerity and from the richest of us. Our voices are joined by those of science, of human rights, and of so many of the public, and I hope that this committee would hear these voices, and would consider the question of full decriminalisation as it deliberates.

7 Many other people will have shared with you the deep body of evidence that shows that sex workers who operate in regimes where the purchase of sexual services is criminalised face significant danger. Street workers cannot look out for each other in a red-light district, and meet clients in isolated places, then go elsewhere quickly to avoid police detection. Sex workers who work indoors sublet flats advertised on services such as AirBandB, and work, isolated and exposed to risk. Brothels face increased raids and must move or shut down, leaving those who work without protection. In all forms of sex work, the sex workers are still there, still working, under the criminalisation of clients, but what both clients and sex workers have lost under this regime are any relationships built between themselves and the law enforcement and front line
workers who try to help keep sex workers healthy and safe. Like abortion, which exists no matter how it is criminalised, sex work will always exist. The evidence and common sense both say so. It exists even in North Korea.

8 But this is not North Korea. This is the United Kingdom, and in March, I will attend my citizenship ceremony in Plymouth, where I will affirm allegiance to its Queen, and I will pledge to uphold its democratic values. I do not demand decriminalisation at the gates of Parliament waving a pitchfork; I write today as a new citizen, as part of my pledge to fulfill my duties and obligations as a British citizen: in particular, my duty to democracy. I am a socialist and a member of the Labour Party, but I write with the sincere hope and optimism of my pledge: that even those of you who hold views that are very different to mine must share with me the unshakeable belief that it is the duty of Parliament to consider all of the salient views and perspectives of fact, and to take popular opinion into account in its decisions. Let the two options you weigh become three; democracy asks that you let decriminalisation compare against two criminalising choices.

9 In March, I will also pledge to observe faithfully the laws of the United Kingdom. I honour those laws, and I respect the police officers and the prosecutors who uphold and enforce them; as I dwell here, they are, by rights, my shield. But as a sex worker, criminalising my clients would mean that only those clients who are willing to break the law would come to see me. I am saddened that this committee would consider that choice, and in doing so would discount my rights under the law to the protection of the police. I am a self employed sex worker who takes care to operate scrupulously under the law, and I would not wish this Parliament to ensure that my only clients are criminals. I screen my clients for safety and compatibility, but a policy criminalising them would, in itself, screen my clients by imposing a significant psychological hurdle. If one must break the law to see me, my market will change. Those who are not willing to break laws will leave the pool of potential clients, and those who are willing to break laws will be the pool that remains. Types of criminality often overlap, and so those who have histories or predispositions to other criminal acts, including assault, robbery, rape, identity theft, and blackmail, will represent a higher proportion of my clients than before. The odds go up that something bad will happen to me, or to any other sex worker. Last week, a sex worker was murdered by a predator in her incall location in Scotland. Under full decriminalisation, perhaps sex workers could establish a close working relationship with police - a relationship that is impossible today due to stigma and the fear of arrest - and could pull potential murderers off the street before they strike.

10 I want to have faith in the police and their services, and I want to have faith in the laws and the prosecutors that defend them. I am chagrined that this committee, in the framing of its questions, misquotes the Crown Prosecution Service, claiming that the CPS has recognised prostitution as violence against women. What they have actually said is

11 Female prostitutes are often at risk of violent crime in the course of their work which can include both physical and sexual attacks, including rape. Perpetrators of such offences include violent clients or pimps. There tend to be higher levels of violence
committed against street sex workers compared with off-street workers, which often go unreported to the police. Prostitutes themselves often take their clients to out of the way places where they are less likely to be interrupted.

12 It is a mistake to conflate CPS' very accurate observation that violence against women exists within prostitution as a “recognition” that prostitution is violence against women. While some feminists do believe this to be the case, the overwhelming majority of feminists and the dominant trends within criminology and sociology reject this assertion, instead emphasising that what violence there is within sex work is caused by criminalisation itself, which emboldens those who would predate upon women. For this committee not to consider that question is a deviation from the democratic course, and in misrepresenting the words of the CPS, in drawing, from its sober observation of fact, a political conclusion that has not been determined by any law, the committee deviates again, and disrespects the impartial nature of the Service and its duties.

13 My concerns stated above are serious and affect the freedom, safety, and democratic rights of sex workers, clients, and society at large. Even though, due to the indoor, independent and specialised nature of my work I suffer less from the risks of criminalisation, I still suffer them; and so, my final points are smaller in scope than those made above, but importantly detail how my personal rights as a citizen, a worker, and a business owner are affected by current restrictions on my work, and would be further restricted by the criminalisation of clients.

14 I am a tax and National Insurance paying, registered self-employed professional dominatrix who receives no benefits and has never taken any benefit, apart from the NHS, in ten years as a legal resident - and now citizen - in this country. While I am able to work, and make a modest income that I supplement with my journalist work, the current legal regime in the UK makes my work more risky and less profitable than it would be under full decriminalisation, and the criminalisation of clients would make it more difficult still.

15 I can work independently out of my home but I cannot work with another sex worker for safety, or join a collective of sex workers. I cannot develop my business because of it; banks, merchant accounts and online payment services are likely to cancel my accounts if they find out that I am a sex worker. I cannot access a loan or business credit to invest in the often expensive specialised equipment that could attract my clients, or combine capital, resources and skills with other sex workers to achieve this. The criminalisation of my clients would reduce my income and, in connecting my daily bread with criminality, would not only threaten my safety; it would likely make it even harder to build my business.

16 In a free country, we all have a right to our livelihoods and our personal freedoms, including the freedom to have sex, or do kink or BDSM, with consenting adults. I have practiced BDSM, an art that, while taboo, has a rich history in the United Kingdom, for my entire adult life. When I faced housing insecurity due to a lack of work in the deprived South West, sex work enabled me to leverage my existing skills into a livelihood without recourse to any government benefit or service. I have that livelihood, and the pride that comes with the experience of having built security for myself as a contributing member of society, with my own wit and hands.
Criminalisation of any sort would destroy the essential trust between myself and my clients, and would alienate me of that agency and of the self-determination which lies at the foundation of British values. For the sake of those values, and for the sake of my pledge, I ask that you consider me not as a victim, not as a criminal, not as a practitioner of an art which you may dislike, but as a democratic citizen and as a subject of the Queen, as a member of society and as a functioning part of this economy, working in an industry that has always existed and that will always exist. I look to you to recognise my rights and personhood, and to recognise the rights and personhood all of the sex workers of this country, those who are citizens and those who are not, and to consider our near-unanimous demand - full decriminalisation - in your debate.

Thank you.