Executive Summary:

1. The criminalisation of women who sell sex must be eradicated. Women who sell sex should be free from the fear and stigma that surrounds the sale of sex and also supported by services in a holistic way.

2. Models that support women who sell sex and decrease the stigma that surrounds reporting must be bolstered. If any burden of guilt is to be placed on those who buy sex then this must be done in a way that does not continue to further a climate of fear and danger for those who sell sex.

3. It is essential that the specialist support services which work alongside women who sell sex across the country are fully funded.

4. Exiting services alone are not enough; and specialist sexual violence outreach services and specialist sex work projects are essential and often overlooked. These services not only support women, but arguably also deter buyers from perpetrating violence.

Introduction:

Rape Crisis Surrey and Sussex (RCSAS) was set up in 2014 as part of the Ministry of Justice’s commitment to expanding the number of centres around the country. We are the sister centre to Rape Crisis South London (RASASC), established in 1985 as part of a Women’s Aid project, who won the tender to establish the centre along the same lines and professionalism as the South London centre. We are a women-only independent organisation based in Crawley, and provide a high standard of independent professional support to female survivors of sexual violence. We are a member of Rape Crisis (England and Wales) and adhere to their occupational standards of service delivery.

Our core services are face-to-face counselling that lasts up to a year provided by fully qualified female professional counsellors; an advocacy or ISVA service that supports survivors before and through the criminal justice process; and an outreach service. As part of our outreach service we have workers who work alongside women who are marginalised by mainstream society, and one of our workers specialises in working alongside women who sell sex.

This submission draws on our 30 years of expertise across both RCSAS and RASASC, 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 it is recorded up to a global level that the majority of people who sell sex are women and the majority of people who buy sex are men.
Evidence:

1. The sale of sex, the sex industry and sex work more broadly is rooted in Violence Against Women and Girls (VAWG). What this means is that not only does it bolster gender inequality for all women and girls, but also that it is entrenched within a host of different systems that continue to oppress all women. This can be evidenced with a look to the gendered nature of poverty, and also the intersectional nature of this oppression. From our frontline work we know that the most common reason for selling sex is to earn money due to limited funds and low social economic status, or simply a lack of opportunities. Our workers have noticed that in recent years, alongside austerity measures, there has been an increase in women who sell sex online to survive; something bolstered by other organisations such as the English Collective of Prostitutes (ECP), who noted that that more and more women, in particular mothers, are going into sex work because of benefit cuts, sanctions or destitution. Criminalisation of women who sell sex is consequently a further enforcement of the regular violence that women experience within their lives, and punish women for living in a system whereby they are disadvantaged simply for being born women. Criminalising the buyers of sex, while a way of challenging the violent roots and appearing to send the signal that women are not to be stigmatised, does not overcome or challenge the heart of the problem. In fact it arguably reduces women's choices further and continues to disempower women. Simply put, criminalising sellers or buyers alone is not complex enough for the complexity of the problem women who sell sex and society faces.

2. The laws which police use to criminalise those who sell sex are based on outdated and inherently discriminatory ideals. From the frontline work that our outreach worker does, as well as the various research in existence, it is evident that a huge percentage of women who sell sex have experienced some form sexual violence at some point in their lives. We also know from our years of expertise working with thousands of anonymous women that perpetrators of sexual violence target women who are more vulnerable. The sexual violence they inflict on women is about power and control, and about taking power away from someone and asserting power over someone who has less power than them due to their gender/race/socio-economic status. Due to the current laws in existence the women we work with who sell sex and experience violence rarely feel able to access support services or feel able to report. Women fear criminalisation, migrant women fear deportation, they fear backlash from pimps or punters, and most importantly they fear disbelief and stigma - in short there is a huge amount of fear present in all aspects of the lives these women live. It is essential to note that these women are fully justified in this fear. In part this is due to the fact that women are still prosecuted for the sale of sex or given ASBO’s. There are also the more general failures of the Criminal Justice System in England and Wales to consider; only around seven percent of all reported cases of sexual violence cases result in a charging decision and there is a huge amount of disbelief of all survivors of sexual violence. Nevertheless this fear is also due to the fact that men who buy sex do not worry about the CJS. This is partially due to the aforementioned failures of the system, but it is also because these men do not believe women will report and also have such a deep sense of entitlement. We see this on a regular basis in our frontline work, and this is also supported by an array of literature that highlights the ways that men target women. 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. It is essential to change how we criminalise those who buy sex, remove the criminalisation of those who sell sex, and protect the sellers in order for punter criminalisation to have an effect.

3. As noted above the way to challenge the fear that women who sell sex endure is to eradicate the criminalisation of women who sell sex and find creative ways to ensure these women feel supported. It is essential to find a way to criminalise prostitution which also hinders men’s sense of entitlement over women and bolsters women’s rights to protection from discrimination. A change of atmosphere and environment within the CJS is of fundamental importance for women who sell sex. 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. The only way to challenge this is to foster a system that is rooted in unequivocal belief where women are actively supported. 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. A look to the successes within Merseyside is a testament to the way that this way of working can be successful. While still hindered by the complex and contradictory laws and policies across England and Wales the focus on belief and understanding of the way in which the sale of sex is rooted in VAWG has led to all crimes against women who sell sex being prosecuted as hate crimes. This symbolism is hugely important for it sends a signal to both punters and women that women who sell sex matter. 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.

4. Notably alterations to the laws that surround the buying and selling of sex alone is not be enough. As was mentioned in point two, we know from the work that we do that a huge percentage of women who sell sex experience sexual violence. They are survivors of trauma and do not only deserve to reside in a system that believes them, but also in a system that funds the support they need. Many women who access our services have been given (at least one) mental health diagnosis during their lifetime. Many women we meet on Outreach have been reliant on drugs or alcohol at some point in their lifetime. A huge percentage of the women we work with who sell sex have also endured multiple interlinking yet unrelated forms of sexual violence. These are further traumas that these women experiences and they are also a result of the lack of specialist support for sustained exposure to the trauma of sexual violence, 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.

5. In addition to the fear mentioned above, there are also very few services that specialise in working alongside women who sell sex. RCSAS is the only service...
supporting women across East Surrey and West Sussex, in East Surrey there is one other sex worker focused sexual health project and in West Sussex there is one other project - however this latter project is only funded to work within Brighton and Hove. Most of the women we work with feel they are in a cycle that is impossible to break out of; something that stems from their continued experiences of homelessness/prostitution/drug and/or alcohol problems and mental health problems. Support for these women can only be offered by specialist services that provide a host of services; from counselling to helpline work to ISVA services to specialist Outreach workers who proactively engage with women who 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 not only fails to protect, support and value some of our most marginalized women, but wastes scarce human and monetary resources

Conclusion:

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

1. 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;
2. 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;
3. 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.