Written evidence submitted by Dr Jessica Baily

Background

I am making this submission as an individual concerned about the rights and welfare of sex workers / people working in prostitution. I have been involved in feminist activism of various kinds over the past ten years, as well as conducting research about feminist activism, and have witnessed and participated in many discussions about prostitution as part of this. I began with the view that prostitution entails violence against women and broadly supported the ‘nordic model’ as a way to address this, but I have come to realise that this approach would not benefit sex workers and indeed would harm them. My current view is based on listening to the experiences and opinions of sex workers themselves (for example through sex-worker-led organisations such as the English Collective of Prostitutes), as well as research by organisations such as Amnesty International (see https://www.amnesty.org/en/qa-policy-to-protect-the-human-rights-of-sex-workers/ for a summary). I include this background information because I think it is important to note that many people who see themselves as feminists or supporters of women’s rights make judgements about what is best for sex workers without listening to what sex workers are advocating themselves. Any changes to the law should be evidence-based and prioritise the human rights and wellbeing of sex workers, and sex workers’ own voices should be considered as key evidence in making a decision.

Response to the terms of reference:

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

Any criminalisation of the act of selling sex makes working conditions more difficult and dangerous for sex workers. Criminalising clients rather than sex workers will not serve to protect sex workers as it will continue to place sex workers in an antagonistic relationship with the police, making it more difficult for them to report any violence and abuse they experience.

Criminalising clients also drives sex work underground, meaning that sex workers have less time to assess clients for safety. Sex workers in Sweden and elsewhere have explained how the Nordic model has made their working conditions more dangerous. See for example the testimony of one sex worker from Northern Ireland, Laura Lee: http://www.theguardian.com/society/2016/feb/05/sex-worker-activist-laura-lee-northern-ireland-law-challenge-interview

A more positive alternative would be to decriminalise sex work entirely, as has been successfully carried out in New Zealand following the New Zealand Prostitution Reform Act in 2003.

- What the implications are for prostitution-related offences of the Crown Prosecution Service’s recognition of prostitution as violence against women.
This removes the agency of prostitutes and their ability to organise and protect their rights and welfare as workers.

It also completely ignores men and people of other genders working in sex work.

- Whether further measures are necessary, including legal reforms, to:
  - Assist those involved in prostitution to exit from it
  - Increase the extent to which exploiters are held to account
  - Discourage demand which drives commercial sexual exploitation

As mentioned above, decriminalisation of sex work is the most positive legal change that could be made, which would help to de-stigmatise sex work and allow sex workers to access support, and escape the harms of criminalisation.