Written evidence submitted by Sex Workers Alliance Ireland

I am Coordinator of Sex Workers Alliance Ireland. In the Republic of Ireland, it is currently legal to both sell and buy sex, within extremely narrow parameters. It is legal for me to work because I work alone, and I work indoors. We are not allowed to solicit, work in pairs or groups, work outdoors, hire anyone as security or to manage our bookings, and noone, not even a partner or relative, is allowed to share in the earnings of our work. Most workers get caught with charges for "brothel-keeping", tho this definition includes even only two women working together for safety. This criminal record often forms a barrier for people to leave the industry and secure other work even if they wanted to.

We are currently fighting against legislation that would criminalise the purchase of sex. Despite this law's inability to reduce the amount of people in prostitution, despite its ineffectiveness at preventing people from being trafficked for the purpose of sexual exploitation, and despite sex workers worldwide saying that client criminalisation has or would make them less safe, the law is promoted as a progressive measure towards ending gender inequality. It views sex work as gender-based violence. It views all women in sex work as victims or as suffering from false consciousness. This lacks information and imagination. It erases the voices and experiences of the many men and trans people working in the industry. The rhetoric of these sex work prohibitionists, referring to "men purchasing women", is objectifying, and patronising.

People who do sex work do so for money, to earn a living. If people are doing sex work just to survive then making it difficult or more dangerous for them and trying to remove this option by making it more risky or illegal, without any viable alternative, is dangerous and irresponsible. People who choose to sell sex out of financial strain are already willing to take risks in such precarious and potentially dangerous work. If you are really concerned about vulnerable and marginalised people then the Government should stop cutting social welfare and single parent payments, should invest in social housing, education and training and domestic violence and sexual violence support services. The supply and demand arguments are reductive and do not take into account the many and complex reasons why people do sex work.

Criminalising the client tips the power dynamic in his favour, makes him more able to call the shots. He may no longer want to come to our incall location for fear of being seen and instead insist we go on an outcall to him, to a place we are unfamiliar with and have no control over. Street workers would be dealing with nervous and rushed clients and so could not go through their safety protocols, have less time to negotiate services offered or condom use. If even for a short time there is a reduction in clients, they are bound to be less desirable, people with less to lose, and workers may compete for them with lowered prices and unsafe sex. Third parties looking to exploit us know we will have more trouble finding clients or securing work apartments after this law, and so we may reach out to them for help. People who have been coerced or are being abused would be further away from support services and authorities, everyone in the industry having good reason to not engage with the police, and so abuse would go unreported and undetected.
This model of client criminalisation gives impunity to perpetrators posing as clients. They realise we are alone, they realise we don't want to be under policy scrutiny and risk losing our livelihood or our homes by making ourselves known to Gardai. A sex worker in Norway where they have such a law is quoted saying you manage a bad situation to the end, explaining that you risk losing everything if you go to the cops and so only do if you really believe you are going to die. We sex workers will be less likely to report even instances of our own abuse should there be any, as we don't want to be under police scrutiny, risk losing our livelihood, or our housing. We are a risk-taking population, largely because we have had to be. It is important to mention that I also have conversations with many clients who believe the work is already illegal, and have believed so for the many years they have been clients.

In Sweden, where the idea is that sex workers cannot be criminalized, sex workers can be evicted from their homes, as landlords can be prosecuted for facilitating prostitution. I have been explicitly denied housing because of my work here, I have been evicted, tho I was not working from home, for simply being a sex worker, and I can only expect that to get worse with further criminalization.

The reason why this law remains in Sweden is because they choose to look at prostitution as inherent violence towards women. This framing of the entire industry perpetuates very dangerous stigma against us. This ignoring of our agency and bodily autonomy, this denial of our varied experiences and voices, this application of unrealistic, un-protective laws is what makes women further targets for violence.

Laws against abuses of power, coercion, and rape are already in place. Decriminalization has proven a better model for enforcing these laws. The Human Rights Review Tribunal in New Zealand awarded a woman 25,000 dollars in 2014 in a sexual harassment lawsuit against the brothel owner in Wellington where she worked.

Access to the justice system is dependent on being secure and safe in coming forward to report a crime. Criminalisation (even criminaлизation of the purchase of sex alone) actually hinders sex workers’ rights and their ability to use the law to protect themselves.

Amongst sex workers there is currently a great distrust of Gardai. With criminalisation, sex workers’ relationship to the Gardai will inevitably deteriorate further, as they don’t want to be under scrutiny and risk losing their means of survival. Sex workers will therefore be even less likely to contact authorities and report crime. This offers impunity to perpetrators. Traffickers prey on illegality, are able to make more money in countries where there is criminalisation, and take advantage of the criminalised landscape that leaves people vulnerable due to difficulty moving and working transparency. Because sex workers and clients will have reasons to avoid Gardai, they will be less likely to liaise and help Gardai to identify and tackle exploitation and trafficking.

With criminalisation, workers cannot properly carry out their screening, or negotiation of boundaries and condom-use, because the client is nervous and rushed and more likely to be the one to determine where the work will take place. Outreach workers and health services find it difficult to engage and reach sex workers in these hidden criminalised settings. UNAIDS, the World Health Organisation, the Global Commission on HIV and the Law and the Lancet medical journal have all produced evidence and reports clearly showing the negative impacts on HIV prevention and public health policy when the
buying of sexual services is criminalised. The Lancet stated in their HIV and Sex Workers Series in July 2014 that full decriminalisation, specifically, would avert new HIV infections by up to 46% in the next decade.

Transactional sex is not inherently exploitative or empowering, there is potential for both. If we must believe that a person when she says she did not consent to sex, it follows that we must believe her when she says she did. The State has no business punishing people for decisions they make about what they want to do with their own bodies. The pro-choice, trans rights and drug decriminalisation movements, are also issues of bodily autonomy. We mustn’t make a moral judgement but take a harm reduction approach in arenas where criminalisation only exacerbates any possible problems.

In Ireland at the moment, services are being cut to rape crisis centres and domestic abuse services, and single mothers have little affordable housing or childcare. While we address structural inequalities in our society we can’t take away an option for people to make money without any viable alternatives, and we must be prepared for the reality that some may still choose to sell sex instead. Poverty is disempowering. Prohibitionists insist that people in extreme poverty or dealing with drug addictions are unable to give consent. It is such a dangerous concept, because then what are we to call it when sex workers do say no?

Prostitution is not inherently exploitative or empowering and sex workers therefore need labour rights and deserve human rights. Acknowledging the existence of the sex industry is not an endorsement of prostitution but it is essential to effectively protect those involved. The World Health Organization, Amnesty International, Open Society Foundation, UNAIDS, Global Alliance Against the Traffic of Women, these groups back full decriminalisation as the best model to support sex workers in protecting ourselves. The most under-resourced workers are surely going to keep working, and what with this law that forces the industry underground, in more dangerous circumstances.

It is essential that decision-makers listen to the perspectives of current sex workers. We know there are many varied reasons why people work in this industry. The fixation of the debate on whether the work is exploitative or empowering sensationalizes the issue; it refuses to acknowledge the wide range of workers’ experiences and relationships to the work. The fact is that it is many people's livelihood. It can be dangerous or we can seek laws that are based on information from the workers about our environments and what we need.

We suggest viewing decriminalization, and consideration of sex work as the unique working environment that it is. We believe this to be the human rights approach that can create the conditions for us towards healthy, humane, safe, and dignified lives.