Written evidence submitted by
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I am writing to provide evidence in response to the Home Affairs Committee Prostitution Inquiry 2016. I am a doctoral researcher at the Dickson Poon School of Law at King’s College London conducting research on the impact of the laws regulating sex work on the lives of sex workers in England and Wales. My research focuses on how the laws impact sex workers’ well-being and safety, the experiences of sex workers with the police, and their opinions of legal reform proposals such as decriminalisation and the ‘Nordic Model’. As an Honorary Researcher at the Homerton Hospital NHS Foundation Trust, I have cooperated with the NHS service Open Doors and independent sex workers’ organisations to recruit my interview partners.¹ I have conducted over 50 interviews with current and former indoor and outdoor sex workers. My interview partners’ experiences range from completely voluntary involvement in the sex industry to survival sex work. Additionally, I have interviewed victims of trafficking who have been coerced into prostitution. The diversity of my sample gives me unique insight into the role of the law in ensuring the safety of people involved in myriad aspects of the sex industry.

My submission will address several of the issues raised by the inquiry, namely whether criminal sanctions in relation to prostitution should fall on 1) the person selling sexual services, 2) or the person who buys sexual services, 3) and whether further measures are necessary to assist those involved in prostitution to exit from it.

1. The effects of criminalising sex workers on their safety

1.1 Indoor workers are prevented from working together for safety

The current legal framework of prostitution is preventing sex workers from working safely. It is illegal to work together, which puts them at greater risk of violent attacks. Many interviewees mentioned that they want to work with other sex workers to increase their safety:

“What I would ideally like to do would be to rent a separate property, but I can’t afford to do it just on my own so I would like to do it with a couple of colleagues I have met through this work. It would increase security if you have got two girls working from the same property. You can look out for each other and I would feel safer because clients don’t actually know where I live and I am not in my personal private space, but as you know the law prohibits us from doing that because if there is more than one of us working out of one property, it is classed as a brothel which is ludicrous because that is not the situation we would want to set up. We would want to set up a mini-cooperative - a safe and stable place.”

(Interview partner 6, independent escort)

¹ The views expressed in this letter are exclusively my own and do not represent the views of any of the organisations I cooperated with.
Several women I interviewed have explicitly mentioned that when they called the police to report a violent attack, the police advised them to work together with other sex workers. They 'turn a blind eye on it', because their main concern is 'to keep the girls safe' (Interview partner 17, independent escort). Despite the occasional assurance of police officers not to target sex workers themselves, most independent sex workers I interviewed are afraid of working together as they are unwilling to risk being charged with brothel-keeping.

1.2 Outdoor workers have reduced access to police protection

Under the current legislation, street-based sex workers are highly criminalised. Outdoor sex workers often receive fines for loitering and soliciting, or are issued with Anti-social Behaviour Orders. Many sex workers I interviewed explained that if they receive fines, they will only have to work more, which in turn leads to further fines. Many indicated that some police officers do not treat them with respect and that they are worried about not being taken seriously. As a result, they would not report crimes committed against them to the police, as they mistrust the police and public authorities in general. If the police fine and arrest sex workers while at the same time being tasked with protecting them, it is obvious why the rates of crime reporting are so low among sex workers. Many of the women I interviewed have been a victim of physical and sexual violence. Yet, they cannot report these brutal attacks to the police due to worries about outstanding fines. Furthermore, the current legal framework does not sufficiently protect against police corruption and abuse. Two of my interview partners who work in different boroughs of London explained to me that police officers have demanded free sexual services in exchange for not arresting them. Only if selling sex is completely decriminalised, will sex workers be able to seek support and protection from the police. It the responsibility of the state to create a legal framework that provides everyone with equal access to the protection the police provide. To ensure that sex workers’ basic human rights to safety are protected, no criminal sanctions should fall on the people who sell sexual services.

2. The effects of criminalising clients on sex workers

2.1 Sex workers’ capacity to refuse clients will be reduced

Turning to the question of whether or not clients should be criminalised, the evidence I collected draws attention to unintended negative consequences for sex workers’ safety. I explained to my interview partners that the Nordic Model would decriminalise the selling of sex, while at the same time making the buying of sexual services illegal. When I asked what my interview partners thought of the Nordic Model, the vast majority raised serious concerns about it:

“There are plenty of men out there who would not wish to break the law so they would decide to stop seeing escorts, which obviously has an economic impact on women who do escorting work. And that will then lead to women making less good choices about who they see or about having to offer services that perhaps they do not want to do. I also think again going back to the police that even though the idea is that the escorts would not be
One interviewee raised concerns regarding the impact of client criminalisation on her career prospects:

“I think it is very, very dangerous. And it terrifies me that they will bring the Nordic Model in. I think it will make it harder to screen. It is bad enough as it is now. I think it will cause more confusion. And then the impact on me and the work I do outside at the moment… When I go to placement interviews, they ask if it is legal what you are doing because it is a consideration. At the moment I can say, yes it is completely legal. The way I work is legal, everything is legal for me. But how can I then say that if the client is criminalised? And I am not sure what that would do. I don’t think I would be able to be as open as I would want to be. And I think it could stop organisations from taking me on or allowing me on courses because I am part of an illegal transaction. Because it does sound a bit weird, well what I do is ok but actually my clients are illegal. But that is something I foresee. And it is not helpful to women who want to do other jobs as well or use it to fund education.” (Interview partner 10, independent escort)

2.2 Sex workers will have less time to evaluate a situation

Many outdoor sex workers are afraid of the impact the Nordic Model could have on their ability to screen clients and negotiate the service to be provided before making the decision to enter a client’s vehicle. When I asked the street-based sex workers about the Nordic Model, many of them told me that they thought it was already illegal for men to buy sex. When I explained to them that it was kerb-crawling that was illegal, my interviewees mentioned that they are under the impression that the police only ever cautions or arrests sex workers instead of the kerb-crawlers attempting to buy sexual services. While the outdoor workers stressed that decriminalising soliciting and loitering would be immensely beneficial for them, they did not understand why making it illegal to buy sex would prevent clients from seeking sexual services if the criminalisation of kerb-crawling clearly fails to achieve these objectives. Many of my interview partners pointed out that the criminalisation of clients would decrease the time available to make a decision on a particular client or negotiate the services and their price. To give an example, an outdoor worker commented on the potential effects of the clients’ fear of the police on her:

“If they would make it illegal for the men, where am I supposed to go to pick up my punters? They would be really scared and I would not have any time to talk to them before getting into the car. No I am against this. It makes no sense. How can it be legal for me to sell it, but illegal for them to buy? I don’t understand how that could work. It would just be even worse than what it is now. If they know it is illegal they would want to go to back streets. That is even more dangerous than it is now. If it was legal, then it would just be in the open.” (Interview partner 45, street based sex-worker, London)
Taking this evidence into consideration, I recommend that no criminal sanctions should fall on those who purchase sexual services from consenting adult sex workers.

3. Designing effective and voluntary exit strategies

3.1 Not all sex workers seek to exit

More resources are needed to support sex workers who would like to exit as well as victims of coercion and trafficking to leave the sex industry. However, it is crucial to acknowledge that not all sex workers wish to exit. Many of the sex worker I have interviewed, made a conscious choice to work in the industry and want to continue working as a sex worker. Many of my interviewees started to work as sex workers to fund degrees, to be able to support their families, to leave partners they were financially dependent on, or because they enjoy the flexibility sex work provides them with in comparison to other forms of work. One interviewee expressed her preference of sex work over low skilled labour:

“They talk about exit strategies but I am not totally convinced about these exit strategies. What are they? What kind of work are they? I don’t want to go and be cleaning toilets. I am a lot happier with what I do now. It gets me a decent amount of money in a short amount of time.” (Interview partner 11, independent escort)

To give another example, of my interviewees told me about how she appreciates the flexibility of being a sex worker:

“I am a volunteer for a charity and I work on the suicide helplines. I just started to do it to fill my time with seven years ago, but not I just love it so much and believe so much in what we do. I have been able to take on so many additional roles within the organisation because I have this part-time job as a sex worker. I feel so privileged to be able to work for this charity, to be able to give so much of my time. I know that they will never pay me to do it, but I can work for free for them because my job is flexible and part-time.” (Interview partner 52, independent escort)

3.2 Exit programmes need to be voluntary and focus on housing, mental health support and drugs rehabilitation

However, many of the street-based sex workers I have interviewed are very vulnerable and need support to improve their lives. As I have recruited outdoor sex workers though a support project, the selection of my interview partners is likely to be skewed towards sex workers who are in particularly precarious living situations. If sex workers want to exit, voluntary exit programmes that take the complexities of their lives into account, should be available. Many of the women I interviewed, have been victims of abuse, suffer from mental health problems and are drug-users. Exit programmes should focus on providing these women with secure housing, mental health support and drug-use rehabilitation programmes. While many of them are housed in hostels, some of them are homeless. Exit programmes, mental health support and the provision of housing should not be tied to mandatory exiting of the sex industry. Some of the sex workers I met on outreach, refused to be housed in hostels as this would require them to stop working as sex workers which would deprive them of resources to
purchase drugs. Only when secure housing is provided will vulnerable sex workers be able to take steps to decrease their drug use, which will in turn allow them to work less and eventually exit. Rather than exclusively focusing on the legal framework of sex work, the provision of housing, harm-reduction approaches to drug use, mental health support, policing practices and victims’ protection measures should be evaluated. Working as a street-based sex worker is often a symptom rather than a cause of the precarious living conditions the women I interviewed find themselves in.

To further elaborate on the issues raised in this letter, I would be honoured to be able to provide oral evidence on my research findings to the Home Affairs Committee. As I have only just finished collecting my data and need to complete the transcription and analysis of it, I would be delighted to present the results of a more detailed analysis of my empirical evidence to the Home Affairs Committee. While this submission only presents a small proportion of my data, I would like to provide the Home Affairs Committee with all of the relevant information my up-to-date data set is able to reveal. This will allow the Committee to base its policy recommendations on a wealth of empirical data in order to ensure that possible unintended consequences of legal reforms are taken into consideration.

Thank you very much for your consideration.

Yours sincerely,

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