

## **In response to Article 6, Paying for sexual services of a person**

### **Implications of the law**

Tackling trafficking and the exploitation of prostitutes is a commendable aim; however article 6 of this policy is a cause for concern.

A law that criminalises all those paying for sexual services while removing any criminality from the sex worker promotes an idea that is simply not true – that paying for sexual services is always an act of violence. There is firm academic evidence (Sanders, O'Neill and Pitcher, 2009) that this is not always the case. Men and women we have worked with in London who sell sex off-street have told us that they have chosen this profession because it suits them for financial or lifestyle reasons or even enjoy their work. Domestic servants are also often at high risk of abuse in London; however domestic work is not a vice in itself, simply because many of us would not choose to do it. Sex work is no different. Anything that attempts to ignore sex workers' agency and this type of common experience of many off-street sex workers, is simply engaging in a simplistic, non-evidence based discourse which will lead to laws that are not based on reality and so pose risks as a result.

This proposed law - by claiming all sex work is violence - also trivialises violence that is actually committed against sex workers. This indirectly promotes a view that by being a willing sex worker you have *chosen* to experience violence (since all sex work is violence) and therefore reinforces a dangerous view that they somehow deserve the abuse they receive, if they are a victim of an assault. Evidence (Boff 2012) has shown that some criminals specifically target them and the authorities can be dismissive of sex workers' reports of crimes against them precisely because of this prejudice. This Bill will reinforce this prejudice and make sex workers more vulnerable as a result.

### **Effects**

#### On policing

Resources are scarce and the police have to prioritise the most serious crimes. This Bill does not do this. Article 6 would guide an already stretched police force to target otherwise law-abiding clients along with those who do commit more objectively agreed crimes against sex workers, such as violence and robbery. The former 'crime' may well be easier and more tempting for the police to pursue but this will happen at the expense of the more serious crime which we should be targeting (Boff, 2012 and 2013).

It has been publicly acknowledged by the police, including ACPO, that not enough serious crimes committed against sex workers are dealt with by the police. Any law therefore looking to protect sex workers should look at this matter rather than encouraging police to earn easy points targeting law-abiding citizens instead. Indeed evidence shows that criminalising aspects of prostitution to 'protect' sex workers has led conversely to sex workers becoming less safe (Boff 2012).

#### On safety

Those working with sex workers state that criminalisation of either the client or sex worker can result in dangerous and sometimes fatal consequences for sex workers. This is particularly the case for on-street sex workers, since criminalisation often leads to displacement, forcing sex workers to work in less well lit, more dangerous and less well known areas.

### Laws

The consequences of Article 6 of this Bill will not be to stop men and women working in sex work. The decision by the former British Government to criminalise all brothels (Sexual Offences Act 2003), including even those working in twos, has not led to all sex workers choosing to work alone in London. Rather evidence (Boff 2012) demonstrates that they choose instead to work illegally. Therefore this Bill is unlikely to stop sex workers' activities.

Laws need to work with the community they govern; imposing laws will not lead to the desired result of obedience but simply push activities underground, making them more dangerous, and making vulnerable people more vulnerable. Instead the consequence of such a Bill will be to remove sex workers' more 'legal' client base, and inevitably force them to take risks by going with more 'risky' clients. Evidence (Westminster City Council, 2013) shows that women are already having to take more risks now and this, rather than demand itself, should be the main concern.

### Holistic response

In London a focus on ridding the capital of prostitution, rather than a holistic focus on safety, has not had successful results. Sex workers have been displaced to less safe areas to work, they are reporting fewer crimes to police now than before, gangs increasingly see sex workers as more of an easy target because of the newly perceived breakdown in relations between the police and sex workers (Boff 2012), and prostitution, including street prostitution involving migrant women has increased (Eaves, 2013).

Exit schemes have not been shown to have had huge levels of success. Evidence instead suggests that a holistic approach of supporting sex workers – many of whom do at some point want to exit - by focusing on safety and access to services, rather than on exiting per se, has led to more sex workers leaving prostitution and more sex workers reporting crimes. Merseyside police worked more holistically with sex workers and service providers and this led to an increase in the number of women leaving sex work, with 95% of those they worked with quitting prostitution. Merseyside agencies also saw a 400% increase in sex workers willingly reporting violence to the police in the first 18 months of implementing the model and there was an 83% conviction rate for all cases going to court, compared to only one conviction achieved during the previous five years

The lack of success of schemes in London and the success of the Merseyside scheme suggests that sex workers *choose* to exit when they feel supported, not when they are simply ordered to join an exit scheme.

## **In response to combining a focus on human trafficking with the issue of prostitution**

### Limited amount of trafficking in brothels and wasted resources

Prior to the Olympics the police decided to try and tackle human trafficking and particularly focused on trafficking in brothels in London. However, with half a million pounds to fund

this project, the police found no more human trafficking cases in brothels than the year before – indeed they found only four (Boff 2013).

Research (Dr Mai 2011, Westminster City Council 2013) has shown that most brothels in London do not have victims of trafficking in them and that claims that brothels are filled with trafficked victims mistakenly conflates migrant sex workers with trafficking. The Salvation Army's recent evidence to the Home Affairs Committee revealed that they had seen more labour trafficking cases than sex trafficking cases. Therefore the half a million pounds the Metropolitan Police had to tackle sex trafficking in brothels should perhaps have been directed elsewhere.

Improving the number of trafficking victims coming forward

This Bill appears to disproportionately focus on prostitution in terms of the anti-trafficking agenda and this risks letting down other victims of trafficking (Boff 2013). There is also a concern that making prostitution illegal does not help victims come forward. Victims of trafficking usually feel complicit in their circumstances and are often convinced they will be arrested if they go to the authorities (Boff 2013), therefore making prostitution a criminal offence (even if it excludes the sex worker themselves) will not help in reassuring them.

**Evidence from Assembly Member Andrew Boff, Leader of the GLA Conservatives, and a Member of the National Working Group (formerly ACPO) on Prostitution and Exploitation, and Tamara Barnett, Senior Researcher for Policing and Crime, Greater London Authority**