



DECRIMINALISATION IS A WOMEN'S RIGHTS ISSUE

Our call for the decriminalisation of prostitution is a feminist cause, concerned with ending the violence and exploitation that sex workers, the majority of whom are women, currently experience. Every woman has the right to live and work free from violence - including those who sell sex.

When sex work is criminalised, men who wish to commit acts of violence against women can view sex workers as 'easy targets' who are less likely to feel able to report to the police due to their fear of being arrested themselves, or of having the flat or area they work from raided. We need urgent changes to law to overturn this dangerous dynamic. Sex workers' vulnerability to violence is often compounded by intersecting factors: poverty, class, gender, race, migration status, age, homelessness, substance use, mental or physical disability, or being LGBTQ. But it is important to understand that violence isn't *inherent* to the act of sex or to selling it. Rather, violence against sex workers is enabled and exacerbated by stigma and criminalisation.

Decrim Now are calling on feminist organisations and the VAWG sector to support the full decriminalisation of sex work in the UK.¹

¹ Decrim Now campaigns for the decriminalisation of adult, voluntary sex work. Under full decriminalisation, existing laws which prohibit forcing or coercing another person into prostitution and the sexual exploitation of children would remain in place.

THE PROBLEM WITH THE CLAIM THAT 'PROSTITUTION IS INHERENT VIOLENCE'

Some local authorities and statutory bodies consider prostitution to be inherently a form of violence against women and girls in their VAWG strategies, alongside crimes such as rape, domestic abuse, honour-based violence, stalking and forced marriage.

There are major problems with defining all prostitution/sex work as violence:

- It reinforces the idea that violence against sex workers is inevitable. It is crucial to reject the idea that violence within sex work is an 'occupational hazard'. Violence can and must be prevented.
- If all sex work is 'violence against women', authorities are incentivised to disrupt commercial sex through law enforcement actions. This is highly counterproductive and dangerous for sex workers.
- It goes against what sex workers say themselves. Defining all prostitution as violence makes invisible the particular instances of violence that sex workers may have experienced. Sex workers know and care deeply about the difference between a consensual sexual transaction with a client and rape, and they must be believed and given access to justice when they report violence. This cannot happen if a sex worker's ability to consent is erased.

- The symbolic rhetoric around 'abolishing' prostitution as inherent violence works against measures that can increase sex workers' safety, such as being able to work indoors, to work together with others, to hire a receptionist or security guard, and to feel able to report incidents to the police without personal repercussions.
- In order to be effective at reducing harm, support services for sex workers need to be able to offer advice on safer sex practices, self defence and client screening without being accused of 'condoning' violence against women.

CRIMINALISATION EXACERBATES HARM AGAINST SEX WORKERS

A major obstacle to improving the safety, rights and access to justice for sex workers in the UK is the law.²

Criminalisation exacerbates the harms that women in prostitution are vulnerable to by:

- Subjecting women to arrests, police raids, fines, enforced curfews, criminal convictions and sometimes incarceration under soliciting or brothel-keeping laws.
- Deterring sex workers from reporting to authorities when they are victims of a crime, for fear that they will be arrested themselves.
- Discouraging sex workers from accessing health and support services for fear that their details will be passed on to police or immigration enforcement.

² The UK has a model of 'partial criminalisation' of prostitution in which selling sex itself is not illegal but many surrounding activities are, e.g. soliciting, brothel keeping (defined to include any two or more sex workers operating from the same property).

When police carry out raids on brothels or crackdowns on areas where street-based prostitution takes place, women are displaced and migrant sex workers are targeted for forced deportation. Women who experience these raids don't feel 'rescued' - they feel frightened and intimidated. After a brothel raid, women often have to scramble to make up for their lost income by selling sex in an unfamiliar, riskier setting or seeing more clients than they usually would. Enforcement operations against outdoor sex work push women into more isolated locations, or result in them feeling pressured to get into a client's car quickly without taking time to negotiate terms or assess whether he seems safe.

The 2015 guidance of the National Police Chiefs Council (NPCC) states that: *"brothel closures and 'raids' create a mistrust of all external agencies including outreach services. It is difficult to rebuild trust and ultimately reduces the amount of intelligence submitted to the police and puts sex workers at greater risk."*³ But police forces across the country frequently disregard this advice.

A 2018 report by the London School of Hygiene and Tropical Medicine (LSHTM) found that sex workers who had been exposed to repressive policing had a three times higher chance of experiencing sexual or physical violence, and were also twice as likely to have HIV and/or other sexually transmitted infections (STIs), compared with sex workers who had avoided repressive policing practices.⁴

COMBATING TRAFFICKING AND EXPLOITATION

Currently, the cloud of criminalisation which covers all prostitution creates disincentives for sex workers to come forward to the authorities to report abuses if they witness them. Under full decriminalisation, trust could be built up to enable sex workers to whistle-blow if they see forced prostitution or child sexual exploitation happening. A framework that promotes improved labour rights for all sex workers would increase opportunities to identify and prevent instances of trafficking.

WHY NOT THE 'NORDIC MODEL'?

The Nordic Model, sometimes known as the "sex buyer law" or "abolitionist" model, criminalises the purchase of sex. Versions of this law have been introduced in several countries including Sweden, Norway, France and Ireland. In the UK, it was introduced in Northern Ireland in 2015. Proponents of this model claim that it deters men from paying for sex while providing routes out of prostitution for women selling sex. However, evidence shows that the Nordic Model fails to provide routes out for the majority of sex workers, and those who continue to sell sex face increased danger and precarity.⁵

³ NPCC's National Policing Sex Work Guidance, 2015. Available at: [<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/prostitution/>]

⁴ Platt L, Grenfell P, Meiksin R, Elmes J, Sherman SG, Sanders T, et al. (2018) Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. PLoS Med 15(12): e1002680. [<https://doi.org/10.1371/journal.pmed.1002680>]

For further reading on the problems of the Nordic Model in practice, see Amnesty International's 2016 report: Norway, The Human Cost of 'Crushing' The Market. Available at: [<https://www.amnesty.org/en/documents/eur36/4034/2016/en/>]

In April 2018, Médecins du Monde published a report analysing the impact of the 2016 implementation of the Nordic Model in France. 583 sex workers took part in the research. Key findings include:

- 63% of sex workers have experienced deterioration of their living conditions.
- 78% of sex workers have experienced a loss of income.
- 42% of sex workers are more exposed to violence.
- 38% of sex workers find it increasingly hard to demand use of condoms.
- 70% of sex workers observe no improvement or deterioration of their relations with the police.
- Only 39% of sex workers are aware of the existence of the exit program and, of those who know of its existence, only 26% intend to apply. The programme has been criticised for creating barriers to access which exclude most sex workers from being eligible, and for providing insufficient financial assistance to live on.⁶

The Nordic model tends to keep in place or introduce criminalisation of activities surrounding prostitution, for example hiring a receptionist or security when working from a flat, so the existing problems of the partial criminalisation model remain. When police carry out a crackdown with the stated aim of arresting clients, sex workers who they come into contact with can often end up getting charged under other laws - such as immigration offences, anti-social behaviour orders or drug possession, or find themselves evicted and left homeless.

WHAT DO WOMEN SEX WORKERS REALLY NEED?

Sex workers need decriminalisation as a fundamental first step in improving safety and access to rights and justice. But decriminalisation is not a magic bullet on its own - wider social policies that promote the economic empowerment of women are essential for providing viable routes out and reducing the numbers of women who feel pressured to go into sex work to make ends meet. These policies include affordable childcare, higher pay in women-dominated industries, flexible working, well-funded women's services, and an end to benefit cuts and sanctions. Migrant women and asylum seekers need full access to benefits and the right to work so as not to be pushed into destitution.

Sex workers need holistic, non-judgmental support to be able to leave prostitution, when and if they choose to. That must include adequate financial support to substitute their income from sex work while transitioning into different work.

FOR MORE INFORMATION, SEE: [DECRIMNOW.ORG.UK](https://www.decrimnow.org.uk)

⁶ What do sex workers think about the French Prostitution Act? Medecins du Monde 2018.

Available at: [<https://www.medecinsdumonde.org/sites/default/files/ENGLISH-Synth%C3%A8se-Rapport-prostitution-BD.PDF>]