

DECRIMINALISATION OF PROSTITUTION: the Evidence

Report of parliamentary symposium,
3 November 2015, House of Commons.

Decriminalisation of Prostitution: the Evidence

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The English Collective of Prostitutes (ECP) is a self-help organisation of sex workers, working both on the street and in premises, with a national network throughout the UK. Since 1975 the ECP has been campaigning for the decriminalisation of prostitution, for sex workers' rights and safety, and for resources to enable people to get out of prostitution if they want to.

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SUMMARY

The symposium 'Decriminalisation of Prostitution: the Evidence' took place on 3 November 2015 at the House of Commons. It brought together for the first time in the UK the largest and most robust body of evidence to date on decriminalisation. There were expert contributions from sex workers from ten countries, senior academics from a range of universities, and representatives from prestigious organisations such as Women Against Rape and the Hampshire Women's Institute.

The symposium was hosted by John McDonnell MP (now Shadow Chancellor of the Exchequer) who has worked with the English Collective of Prostitutes for many years, and was attended by cross-party Members of Parliament and a London Assembly member.

This report includes the key findings and the full transcript of the evidence submitted on the day and in writing. It provides a definitive source of statistical and qualitative information to inform law and policy.

The evidence revealed the wide-ranging effects of criminalisation on sex workers and their families, and identified the changes that must go side by side with decriminalisation. The most urgent priorities are the effective implementation of the laws against rape and other violence, and measures to tackle rising poverty and homelessness.

The call for decriminalisation has since been taken up by the influential Home Affairs Select Committee¹ which in July 2016 recommended a change in the law "so that soliciting is no longer an offence and so that brothel-keeping provisions allow sex workers to share premises". Recognising the impact of criminalisation on sex workers' ability to leave prostitution, the committee called for a law to delete "previous convictions and cautions for prostitution" from sex workers' records. Crucially, by stating that "trafficking for the purposes of sexual exploitation is an important and separate issue from prostitution between consenting adults", the committee brings clarity to an area fraught with misinformation. Credit for the committee's judicious recommendations belongs, first of all, to the international movement for decriminalisation spearheaded by sex workers over many decades.

In December 2016, the government responded saying that there is a need for "a research study into prostitution to provide a clear view of the situation in England and Wales". An interim report is due to be presented to Parliament by June 2017 making the publication of this symposium report right on time. By making available the views and experiences of sex workers, the conclusions reached by academic research and prominent organisations such as Amnesty International and various UN bodies, and the growing public support for decriminalisation, this report can inform and guide parliamentarians and anyone concerned with women's rights and human rights generally, to ensure that urgent action is taken to address the obvious injustices that sex workers face and to decriminalise prostitution.

KEY FINDINGS

Decriminalisation was introduced in New Zealand in 2003 in the form of the Prostitution Reform Act (PRA). Catherine Healy, a founding member and coordinator of the New Zealand Prostitutes Collective which spearheaded the coalition that won the change in the law, was a keynote speaker at this symposium. She gave a succinct but comprehensive presentation, backed by empirical research, which showed that decriminalisation had resulted in verifiable improvements in sex workers' health, occupational safety and access to rights.

Ms Healy reported that a thorough review of the workings and impact of the PRA, five years after it was introduced, found that there had been no rise in prostitution and that sex workers were able to work together as equals without any additional regulation beyond that applied to other workers. A provision to allow people to apply for historical convictions to be removed from their record had made it easier for sex workers to leave prostitution.

90% of sex workers said decriminalisation gave them additional rights (New Zealand)

Research in 2007 by the Christchurch School of Medicine found that over 90% of sex workers said decriminalisation gave them additional employment, legal, health and safety rights. Many (64.8%) found it easier to refuse clients and 70% reported that since decriminalisation they were more likely to report incidents of violence to the police.

Ms Healy gave examples of sex workers exercising their rights, including a woman who in 2014 took her boss to the Human Rights Review Tribunal for sexual harassment. She was awarded NZ\$25,000.

More draconian legal approaches were scrutinised, including the law criminalising sex workers' clients in Sweden. Dr Jay Levy, who had conducted comprehensive field work and research over three years, reported that there is "no convincing empirical evidence that the law has resulted in a decline in sex work in Sweden, which was the law's principal ambition." Under the constant threat of police interference, sex workers are forced to hurry the process of screening and negotiating with clients, resulting in increased risks.

Dr Levy countered the other central claim made for the Swedish law, that sex workers have been decriminalised: they can be prosecuted under procuring laws when they band together for safety. Landlords have been pressured by police to evict sex worker tenants under threat of being prosecuted themselves. Police have been known to report sex workers to hotel management. Shockingly, sex work has in some cases been cited as a reason for refusing mothers custody of their child. Harm reduction initiatives, including giving out rape alarms, condoms and a safer sex-selling guide were now opposed by the authorities on the grounds that they encourage prostitution and are futile because sex work is considered to be immutably dangerous. Dr Levy concluded that criminalising the purchase of sex has had a devastating effect on the rights, health and safety of sex workers in Sweden.

63% of sex workers said the sex purchase law created more prejudice (Sweden)

Frustrated by the lack of data that incorporated the views of sex workers, Rose Alliance, the sex worker organisation in Sweden, conducted their own research. Pye Jakobsson, a founding member, relayed some hot-off-the-press statistics from a 2014 survey of 124 sex workers, which found that: 63% of sex workers said the sex purchase law had created more prejudice from the authorities; over a quarter (29%) had reported violent attacks from clients but only two said they would report an attack in the future.

98% of sex workers said they don't want client criminalisation (Ireland)

Sex workers' views were similarly disregarded in France and Northern Ireland where "sex purchase laws" had been introduced despite overwhelming opposition (98%) from sex workers.

VIOLENCE AND POLICING

Sex workers are 12 times more likely to be murdered (London, UK)

Safety is commonly agreed to be an urgent priority, and various speakers presented research confirming the high levels of rape and other violence suffered by sex workers. In London, sex workers are 12 times more likely than the general population to be murdered. Throughout the UK, it is estimated that at least 152 sex workers have been murdered since 1990. One set of data indicated that migrant women were being targeted: 82% of sex workers killed between 2013-2015 were migrant women compared to none in the previous seven years.

80% of street based sex workers and 46% of indoor workers experienced violence (New York, US)

A number of studies found that it was safer for sex workers to work inside, yet in the UK it is illegal for more than one woman to work together from the same premises. A New York study found 80% of street based sex workers had experienced violence or threats of violence compared to 46% of those working from premises.

There was a wealth of evidence showing how policing policies which prioritise arrests and prosecutions over protection affect sex workers' vulnerability to violence. Of the 941 reports of violence gathered by National Ugly Mugs, a reporting scheme for sex workers, 97% of respondents were willing to share the report with the police but only anonymously; only 25% of people reporting would share their full details with the police.

Women Against Rape told of police hostility and gross negligence towards sex workers who report rape or other violence. A common finding from other research was that street workers felt threatened rather than protected by the police and were forced to work in unfamiliar areas to avoid arrest and Anti-Social Behaviour Orders. A study in 2009 found that when sex workers

were displaced by police they were more than twice as likely to experience violence and three times as likely to be pressured into unprotected sex.

Where arrests of sex workers and clients were high, only 5% of sex workers who experienced violence reported it to the police (UK)

National Ugly Mugs recorded significant differences in the numbers of sex workers reporting violence depending on police policy in that area. For example, in Lancashire, where police made known that their priority was harm reduction, 46% of sex workers reported when they were a victim of crime. This compared to 5% of victims in Nottinghamshire where police had a policy of arresting both sex workers and clients.

This pattern was repeated in other countries: a 2015 study with 60 migrant sex workers in Vancouver showed widespread mistrust: “not one sex worker would turn to the police if they were victimised.”

27% of sex workers experienced violence from police (New York, US)

In some cases, the police were the perpetrators of violence. New York figures showed that 30% of sex workers report having been threatened with violence by police officers, while 27% actually experienced violence at their hands.

Black people are 13.2% of the population but make up 42% of all prostitution arrests (US)

Rachel West from the US PROStitutes Collective related this to other figures showing that the prostitution laws were implemented in a discriminatory way. Nationally, Black people make up 42% of all prostitution arrests. Yet Black people make up only 13.2% of the US population. Black and Latino people are 52.6% of the population of New York City but make up 85% of arrests for loitering for prostitution. (Figures from 1994, the most recent that could be found, indicate that 30% of sex workers in the US are Black.)

This was also true in relation to laws which claim to tackle trafficking. A recent San Francisco study found that 48% of people convicted for trafficking are Black. Yet Black people make up only 5.7% of the population in the city.

Laura Watson (ECP) pointed to the UK ruling which found the police to be institutionally racist and questioned how laws and policies which gave such biased police more powers over vulnerable women could be justified.

Jenn Clamen from the sex worker organisation Stella in Canada, cautioned against the use of statistics on violence to justify the further criminalisation of sex work. She reported that 29% of direct care nurses experience violence every year yet no-one would sensibly conclude that the remedy was to criminalise all their clients.

The lack of statistics on violence against trans sex workers at the symposium led the ECP to look up what information is available. There were 2,264 reported killings of trans and gender-diverse people in 68 countries worldwide between January 2008 and September 2016, the majority were trans women of colour and 65%, of those whose occupation was known, were sex workers.²

TRAFFICKING

Less than 6% of migrant sex workers had been trafficked by deception or force (UK)

As trafficking often frames the debate surrounding prostitution, research on this topic was especially welcome. Professor Nicola Mai's survey of 100 migrant sex workers found only 6% had been trafficked by deception or force. Research presented on lap dancing clubs found no evidence of trafficking.

Paulina Nicol (ECP) described having to defend sex workers caught up in police raids which were supposed to be saving victims of trafficking. Yet few victims were ever found, those that reported abuse didn't get help and migrant sex workers working consensually were targeted for deportation. Similarly, prosecutions for brothel-keeping made no distinction between premises with exploitative management and those where sex workers were working collectively.

HEALTH

The impact of criminalisation on health was brought home by a study in the prestigious health journal The Lancet, which found decriminalisation of sex work could reduce new HIV transmissions by up to 46% globally over a decade. Data from a range of countries showed that sex workers who had to worry about getting arrested were up to four times more likely to accept more money for engaging in unprotected sex with clients – criminalisation decreased their power to stand up to their clients.

The practical impact of this was illustrated by evidence from SCOT-PEP, a sex worker led group in Scotland, which reported that since police raids in Edinburgh in 2013 condom use among sex workers had fallen and the prevalence of STIs had increased. A service manager with 13 years' frontline experience also confirmed that heavy handed policing deters sex workers from accessing essential health services.

WHO SEX WORKERS ARE

Of approximately 72,800 sex workers, 85-92% are women (UK)

Quantitative research on the size and nature of the sex industry in the UK came from a number of academics whose research found a total of approximately 72,800 sex workers in the UK, 85-92% of whom are women. The percentage of male sex workers varied from 5-8%; transgender sex workers from 1-6%. No research distinguished between trans women, trans men and non-binary sex workers or asked those who identified themselves as female or male whether they identified as the gender they were assigned at birth.

No recent research appears to have been done on how many sex workers are mothers, although estimates suggest that it is a clear majority and that many are single mothers. This has obvious policy implications, especially for women who do the overwhelming majority of caring work. It adds to pressure on governments to provide financial and other support to mothers so they are able to support themselves and their children without having to go into prostitution or are able to leave prostitution.

The lowest paid sex workers earn twice the minimum wage (Thailand)

Empower Foundation, the sex worker organisation in Thailand, was represented by Liz Hilton who reported that wages in other industries that commonly employ women, such as agriculture, fisheries and factories, were so low that even the lowest paid sex workers were earning twice the minimum wage.

CONTRIBUTION OF SEX WORKERS

Sex workers send £249 million a year to their families in rural areas (Thailand)

Sensationalised reports of billion pound profits being made from prostitution rarely consider or credit the women who created that wealth on which many people's survival depends. Ms Hilton reported that sex workers in Thailand contributed 10% of the income from tourism and that US\$300 million (£249 million) a year was being sent, almost exclusively by women, to rural areas. Sex workers are supporting entire families and communities which could not survive without their earnings.

In the UK, the gross annual income from sex work was estimated to be £5.09 billion.

PROSECUTIONS OF SEX WORKERS

Prosecutions for brothel-keeping rose from 55 in 2014 to 96 in 2015 (UK)

The number of prosecutions in the UK of women working together in premises had risen from 55 in 2014 to 96 in 2015. This was acknowledged as the tip of the iceberg as hundreds, if not thousands, of other women each year are raided, arrested or threatened with arrest, given Anti-Social Behaviour Orders and/or cautions for prostitution.

An arrest, prosecution, caution or conviction for prostitution on a woman's record can effectively bar her from other jobs, making it much harder to leave sex work.

POVERTY

The 60% rise in prostitution was due primarily to benefit sanctions (Doncaster, UK)

The impact of austerity cuts to benefits and public services on prostitution levels was addressed despite a dearth of formal research on this issue. A survey in Doncaster in 2014 showed a 60% increase in street prostitution. Charity workers in the area were quoted as saying that “women are being forced to sell their bodies for sex for just £5 because of benefit sanctions” and that they had seen women who were “literally starving”.

3.9 million children are living in poverty (UK)

The impoverishment of single mothers was specifically mentioned as many were expected to lose thousands of pounds a year due to cuts in benefits.³ With 3.9 million children already living in poverty in the UK and 500,000 people depending on food banks a year, this represented an even greater impending crisis.

The mother of a disabled child worked on street corners to pay for the basics most people take for granted (UK)

Testimony came from a mother from Manchester supporting a disabled child, who spoke of how she “worked on street corners as a prostitute” to “pay for the basics that most people take for granted – keeping warm, having decent food, replacing essential furniture”. She broke down in tears as she described how £100 a week was going to be taken from her daughter’s benefits. (These experiences hit the headlines with Ken Loach’s film “I, Daniel Blake,” released as this report went to print, in which a single mother goes into prostitution after being sanctioned and literally starved for arriving late at her benefits appointment.)

Reports of rising poverty also came from other countries including the US where one in 25 families and around three million children were living in households with a daily income of only \$2.

The sex worker led movement for decriminalisation has gone from strength to strength.

Despite dire reports of rising violence, criminalisation and poverty, there was also good news to consider. The sex worker led movement for decriminalisation was clearly going from strength to strength. Speaker after speaker reported significant victories for example: The US PROStitutes Collective had led a campaign which had won compensation for sex workers who are victims of rape in California. COSWAS in Taiwan and Empower in Thailand were fighting to remove penalties against sex workers in the face of persecution from the police and stigma. SWEAT in South Africa had published draft legislation to decriminalise sex work and legislation was being prepared in other countries. In Canada, the Supreme Court ruling that the prostitution laws violated sex workers' rights to safety set a tremendous precedent. Even though politicians later passed legislation that contradicted it; the ruling has remained a source of inspiration for the movement in Canada and internationally.

One academic presented the results of public opinion polls which found significant support for decriminalisation. This was matched by support from people within each of the main political parties, and prestigious organisations such as Amnesty International, the Royal College of Nursing, the drugs charity Release, Hampshire Women's Institute and Women Against Rape.

RECOMMENDATIONS

1. **Introduce legislation to decriminalise sex work** using the New Zealand Prostitution Reform Act (2003) as a model. This would include repealing the laws relating to “loitering or soliciting” and “brothel-keeping”, and amend controlling and trafficking legislation so that prosecutions are brought only in cases where there is force and/or coercion. Repeal Anti-Social Behaviour Orders and Closure Orders which are used to arrest, exclude and evict sex workers based on hearsay evidence and bypassing the normal judicial process.
2. **Expunge historical convictions for prostitution offences such as loitering and soliciting** from sex workers’ records.
3. **Instruct police, the Crown Prosecution Service and courts to prioritise safety** by vigorously investigating and prosecuting rape, sexual assault, domestic and other violence.
4. **Ensure free, accessible, non-discriminatory health services** for all, independent of the police and criminal justice system.
5. **Ensure that sex workers and sex workers’ organisations are centrally involved** in the process of changing the law.
6. **Recognise and measure the contribution sex workers make** to the survival of families, communities and the economy.
7. **Provide economic and other support for those who want to leave prostitution.** For example: refuges and other targeted help for women escaping domestic violence; immediate cash payments to cover the transitional period until women are able to get benefits or another form of employment; housing priority for sex workers who are “vulnerable” because of homelessness, drug use, domestic or other violence, especially if they have children; financial help to cover childcare costs and to clear debts; immediate and appropriate drug rehabilitation services for those who want them.
8. **Repeal the policy of benefit cuts and sanctions, and reinstate Income Support** for single mothers and young people, to ensure that people aren’t pushed into sex work by hunger and homelessness.

NIKI ADAMS

English Collective of Prostitutes

Introduction.

Niki Adams is a spokeswoman for the English Collective of Prostitutes, a self-help organisation of sex workers, working both on the street and in premises, with a national network throughout the UK.

Welcome, everybody. I want to start by thanking the Shadow Chancellor, John McDonnell MP, who is hosting this evidence-gathering symposium with us. It was his suggestion a year ago now that we hold this event. We fought a campaign to defeat an amendment to the Modern Slavery Bill that would have introduced the blanket criminalisation of clients, and we won. Afterwards a lot of MPs expressed an interest in hearing the evidence for decriminalisation so we organised this event to put the information before them.

We have had a very good, cross-party response to this meeting. Hundreds of MPs know that this event is happening. Some are here today and I will invite them to say a few words.

For an event like this to be so visible and well known establishes that parliamentarians and lawmakers can't go ahead with organising, debating and bringing in laws and policies behind our backs or over our heads. We are central to this issue and we absolutely demand to be heard (applause).

This event is also extremely useful to counter the misinformation that many MPs have been bombarded with over the last few years. Some of it has been proved to be false. We hope that today will put an end to such misinformation and that will be another achievement.

This symposium takes place in the aftermath of the path-breaking Amnesty International vote for the decriminalisation of prostitution, which has changed the terrain.

The policy was based on the recognition that sex workers have human rights, that those rights are being violated and that action should be taken by governments. Amnesty International voted for decriminalisation on the grounds of safety and of rights (applause). Crucially it asks for governments to not only repeal the laws but to provide resources so that sex workers can get out of prostitution if we want to. That was also path-breaking and that is certainly something that we intend to pursue (applause).

The evidence today will be published and lodged in the House of Commons Library for MPs to reference. This sets a standard of transparency that has not been true in relation to some other inquiries on prostitution. For example, the All-Party Parliamentary Group on Prostitution and the Global Sex Trade did an inquiry – many of us would have said it was a 'so-called inquiry' because it was deeply biased from the beginning. It was influenced unduly by the secretariat of that group, a Christian charity called CARE, which has a track record of homophobia and fundamentalist Christian views. Not many of us had much respect for that inquiry in the first place, but when it came out with the recommendation to criminalise clients the chair refused to publish the evidence on which they said that recommendation was apparently based. That inquiry can no longer have any credibility until we see the evidence, because we don't believe that that evidence led to that conclusion.

I'd like to first of all introduce Rupa Huq, a Labour MP who has kindly come along to help us introduce and host this event (applause).

DR RUPA HUQ MP

Labour Party MP for Ealing Central and Acton

Welcoming remarks.

Thanks very much Niki. I am Rupa Huq. I'm newly elected – and I'm still pinching myself when saying this. I'm the Labour MP for Ealing Central and Acton, which was a Labour gain so there was some good news there (applause). I've had this event in my diary I think since May, and it was one of the first things I was asked to do so I'm really happy to be here today. It's a fantastic turnout. We've really outgrown this room haven't we; we definitely need a bigger room next time.

People do say it's the oldest profession in the world so therefore it needs regulation and minimum standards of safety. I think the idea of today is to get MPs from different parties to not necessarily thrash out all the answers, but to at least start a debate.

I am very proud that our Shadow Chancellor, John McDonnell, who is at the centre of government, sponsored this room a year ago.

It's interesting that we've got such an international panel. In New Zealand they have had decriminalisation and we are going to hear some of their experiences. We've got someone here from Canada, where there has been a very important test case, so hopefully they are on the road to reform in Canada. And there are people from as far away as Thailand too.

If anyone saw PMQs last week – that is the theatre of the Prime Minister's Questions, where us MPs can question the PM directly and eyeball him – I asked him if he would confess to being a feminist. David Cameron made another U-turn, he said that yes, he is a feminist (laughter). What a shame it's not backed up with any policy or anything he's ever done, but let's hold him to it. Let's make our newly feminist Prime Minister act on this issue.

I wish you well for a really exciting, packed day and thanks for having me. Thank you (applause).

Representatives from sex workers' organisations

CATHERINE HEALY

New Zealand Prostitutes Collective

2003 Prostitution Reform Act which decriminalised prostitution.

Catherine Healy is founding member and coordinator of the New Zealand Prostitutes Collective which spearheaded the wide-ranging coalition that won the decriminalisation of prostitution. She has toured the world speaking on this great achievement and how the lives of sex workers were transformed by it.

Niki Adams

I'd like to introduce Catherine Healy from the New Zealand Prostitutes Collective (applause). From the moment we heard that they had decriminalised prostitution in New Zealand it transformed everything for us both here and internationally. It meant that we had a concrete model we could point to of where decriminalisation had been brought in as a result of a campaign led by sex workers, which was obviously very successful. It meant that people couldn't tell us we were aiming for 'pie in the sky'. What we had was an example that we could demand people follow. Catherine, we appreciate enormously your struggle and your success, and we are glad that you are able to be here today to share it with us (applause).

Catherine Healy

Thank you very much. I look at the clock and I'd like to remind people that in New Zealand, it's indeed tomorrow, November 4th. I had to come via many time zones to be here, so bear with me. I hear all these stories and I think, "God, I remember that. I remember that rhetoric. I remember that kind of emotional feeling of pitching at a politician. I remember the reasons why we needed sex work decriminalised."

I was a sex worker for many years. I also had the pleasure of being arrested, stood up, named and shamed in court. I worked with

lots of really stunning, brave, articulate people in the sex industry. We spoke for ourselves – we had to speak for ourselves to get this law changed. We had to find people who would listen and that was always difficult. When we came together in about 1988 or '89, we got a letter from the English Collective. My gosh, they were onto it. They wrote to us asking all kinds of questions. We sorted out how we could shape decriminalisation. We didn't know it intrinsically; we didn't have any models to look at. We had Australia, but they were 'across the ditch' and, you know, they'd bowl us out, they'd play underground, underarm cricket, but we've kicked them into touch, just as those of you who follow rugby would know (laughter).

So what I want to talk to you about is lies, because there are lots of lies told about the New Zealand model. I hope I can testify, I hope I can be your evidence, that there are lies. The first lie you hear usually runs like this: New Zealand is insignificant. It's a little country, it's half the size of Sweden. Sweden's made a big impact on the world in terms of its model and I believe New Zealand can also offer something. We did achieve women's suffrage and we were the first country to do so in 1893 (applause).

We worked very closely with one dedicated MP who worked across party lines to establish this model. We also worked with women's organisations, public health organisations and people with a deep interest in human rights, so we came at this legislation with quite a wide set.

The thing that joined us together though, to get the template, was indeed the concern about sex workers. The legislation itself reflects this concern. It's not about concerns for society, it's about prioritising the rights, health and wellbeing of sex workers. That's how it's framed in the legislation and it's the statement right at the beginning. I'm going to read it to you because I think it's important for the evidence.

"The purpose of this act is to decriminalise prostitution". And here's the thing that some MPs raised – they were a bit squeamish about

the strong statement. They said, "Is it alright if we hedge a bit and say we're not quite endorsing or morally sanctioning?" So the legislation says: "The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that: safeguards the human rights of sex workers and protects them from exploitation; promotes the welfare and occupational health and safety of sex workers; is conducive to public health; prohibits the use in prostitution of persons under 18 years of age and implements certain other related reforms." So it recognises that decriminalisation in and of itself isn't enough.

So what does it look like on the ground? Well now we are decriminalised, we have brothel-keepers, who call themselves agents, managers or receptionists. They are allowed to operate brothels as large as you would like. The second lie is that people claim that there has been an increase in the number of brothels. Sometimes there is and sometimes there isn't, but in our experience the number of brothels increased in relation to the economy, not in relation to legislation. We also have sex workers who are self-governing. Four sex workers, four equals, can work together and operate their own brothel. If a fifth sex worker comes along to join they have to get an operator's certificate. I think that's quite interesting. If I'm a brothel-operator, not a sex worker, and I am operating or managing one sex worker then I need an operator's certificate. It's a very light touch in respect to licensing. The certificate is held in confidence by the court and it's not an onerous licensing registration system.

Sex workers remain anonymous, which is really important. Sex workers do not have to register their names, however that doesn't mean they disappear or aren't popping up and presenting. We have noticed a trend where sex workers are now declaring that they are sex workers. The number seems to be inching up in settings that are really important. For instance, at the GP or other health facilities, some sex workers are saying, "Yes, I'm a sex worker" and people are picking up on this important trend. They said it never used to happen before decriminalisation. If you can't talk freely and frankly about your sex work, how on earth can you access good quality care that's specific to your needs?

What we have on the ground therefore is about 60% of sex workers working in managed brothels and the rest are working for themselves.⁴ They are able to buddy up and

get together for security. Most prefer to work independently, but at least the options are there and the impediment is removed.

Before the law changed, the police were adamant that everything would collapse and controls would be lost etc. They had a very active relationship with us. They would come and record our names diligently. It was the one thing they could do. So there we were held on a massive database for our own safety – you can imagine. What that meant was that if you had alternative work, for example as a caregiver, and you had a police check, up would pop this sex worker status. All of that's gone.

I want to focus on the police relationship because it's changed extraordinarily. They are not policing sex workers. They are there, they are adamant about their party line, they are there to help if sex workers need to reach out and get support. The impediments are removed. It's really interesting the relationship with the police. Sometimes you will hear the naysayers, the anti-lot, say the police are no longer able to work with the sex workers. That's not true. I can tell you some lovely stories. My favourite story is about the police on a speakerphone talking to a client. The outreach worker was out there distributing condoms on the street and there was an altercation between a pretend client, who'd never intended to pay, and a sex worker. The sex worker was telling the outreach worker so they rang the police liaison person and he said to put him on speakerphone. He asserted that he would be down there on the spot to arrest the pretend client unless he paid up.

So the whole dynamic has changed, and on serious issues like reporting violence too. When I've been at the police station supporting sex workers, the police have been really supportive, really helpful. It's interesting because you are getting a whole generation of police officers who cannot understand why the law was the way it was historically. They really are so struck that it just seems a whole world away to have had that culture of arrest and taking people to court. It just seems so foreign to many of the young police officers. I don't want to paint a completely halcyon picture here; of course there are other issues relating to the police where they just can't help themselves sometimes.

We've had a very tense relationship with some residents in terms of street-based sex work. It's true that we can walk outside and we can ask anyone for sex – that's always

been a law that's been supported. For sex workers, I want to ask you for sex but I want you to pay me and all of a sudden people have problems with that. In New Zealand we can actually walk out and solicit anywhere, and ask for money for sex. Of course we don't do that, we go to traditional areas where sex work generally has happened for decades and while some new places have evolved, they evolved before the law changed, a long time back.

We have the gentrification issue where residential associations will kick off. Sometimes, that's coming from a space of not having direct contact, or direct association, with sex workers and just not liking the fact of them being in the neighbourhood. The evidence that's amassed is just made up. The 400% increase of sex workers on the street, a figure spouted in many contexts related to sex workers, and I think in New Zealand we've had our share of the 400% increase, is just not true. It's not true and this is backed by evidence. The University of Christchurch School of Medicine did a massive study⁵ – 773 sex workers were surveyed along with other interested parties. The scope of the study certainly established what's fact and fiction in respect to numbers increasing etc. It's online and it's very solid.

Youth is another area of concern. We have always had people under the age of 18 involved in sex work. The numbers haven't increased since decriminalisation, but the efforts to do something have. This is about ensuring you have as many options available as possible so we have collaborative teams. We have Child, Youth and Family teams, the Ministry of Social Development, the police and our organisation, all of which work very hard to keep young people safe. That never happened in such a way in the context of sex work prior to decriminalisation. It couldn't have happened and it's certainly something that came out of decriminalisation. I think the Americans have come to New Zealand and talked about this as a trafficking consequence of decriminalisation. Once again, it's not true at all. It's an enormous porky pie (laughter).

I think the other area of interest is what happens to those relationships when you decriminalise. It's certainly true you have to negotiate new relationships. The police are pretty much out, but we do have new relationships that we have to work at.

For example, just before I came we worked with the medical officers of health. We had

invited them to assist us. There had been a situation where quite a few sex workers were stressed and they said, "We don't feel we've got the tier of support and management to tell the clients to use the condoms in the same way" and the medical officers of health responded, "Okay, we'll come in. What would you like us to do?" We're very wary of government interventions because they can get out of hand, but I have to say they have been very respectful and everyone has been reporting back that it was great to have them come in. They talked about whether we had health promotion signs up. Sex workers felt supported, which wouldn't have happened before, it couldn't have happened before. Our condoms used to be lined up and photographed and presented in court as evidence. It's another tangible piece of evidence that the authorities are there to support and uphold the rights of sex workers.

We've had some issues of course with city councils. When the law changed there was a lot of energy coming into the councils. People were excited and quite titillated that there would be sex workers and brothels everywhere as that was what people talked about who were opposed to the legislation. City councils wound up creating by-laws, sometimes inappropriately heavy-handedly, which were then challenged in the courts.

For example, our largest city, Auckland, was taken to court and they had to repeal their by-law, which made it very difficult to establish a brothel anywhere. Similarly Christchurch, a city with the biggest population of sex workers in the southern part of our country, was also challenged. Even city councils are now backing off and realising what an overreaction they initially had. They're quietly letting some of these rules and regulations just expire. We've had a merging of councils in Auckland. Their reaction to the whole issue of decriminalisation and the location of brothels etc. has calmed down a lot.

Since decriminalisation, we've still had quite a long time fighting for street-based sex work to continue, and even that issue has been quite interesting. We've had bills in Parliament repealing that piece of the legislation that allows for sex workers to work anywhere on the street. The most recent bill was about zoning, saying that sex workers couldn't go into specified zones. As an organisation we had even conceded that probably there would have to be zoning because we couldn't see that we had any allies. We've got quite a middle-of-the-road, conservative Parliament

and we really thought we'd lost so we'd gone in with the police and the city council and we'd agreed that okay, if we're going to have specified zones where sex workers can't work, at least try and negotiate on this platform to make sure that the harm from new legislation wouldn't be as bad.

Surprisingly this legislation was voted out of Parliament in February – 109 to 11.⁹ People speak about Members of Parliament in other countries worrying about picking up perceived moral debates. I guess in most contexts this is because they're sticking their neck out, but we had Tim Barnett who sponsored our legislation. We also had several Members of Parliament from the other side and from different political parties. They were all re-elected. This idea that your political career is going to go down, isn't necessarily so. We've done a lot of research and I've got some little booklets here that summarise it. There's also information online that you can look at in terms of New Zealand.

I want to finish perhaps on a really strong case. A sex worker was coming in again and again to our community centre. She was reporting about her boss. She said, "I don't like the way he talks to me. He demeans me" (she didn't use the word 'demean'). She also said, "He makes me feel yuck, he shouldn't be able to say those things. There's got to be something I can do about it." He was making sexualised comments to her and she felt that it wasn't right and he shouldn't be able to do that to her.

She didn't know about the Human Rights Review Tribunal, she didn't have that language, but she had this anger and the strong feeling that the wrongs could be righted.

So she took her case and she lodged a complaint with the Tribunal (although we supported her, it was mostly her). It went through a process where she and the brothel-operator had to give evidence. The Tribunal said, "No, it's not on. She cannot be sexually harassed by a brothel-operator at work. We award her \$25,000 for sexual harassment".⁷ To the brothel-operator they said that he had to go and do sexual harassment training. He baked us a chocolate cake too (laughter).

There are lots of anecdotes. They are real and they are evidence, and I could go on. We had a police corruption case I should mention because it's relevant in so many countries. New Zealand doesn't have a corrupt gene in its body, in our forces, but actually this police officer was paying for sex and then he decided he didn't want to. So he said to a sex worker, "I'll lose your traffic fines if you continue to give me sexual services". That sex worker took the case, through us, to the police. The police jumped very quickly and he was sentenced to two years' imprisonment.⁸ There are so many evidence-based stories in black and white in the media, and strong evidence through the courts, but my time is up. I've crossed all the seven zones I hope, thank you so much (applause).

JENN CLAMEN

Stella (l'Amie de Maimie), Canada

2013 Supreme court ruling which struck down the prostitution laws.

Jenn Clamen is a spokeswoman for Stella (l'Amie de Maimie), a Montreal based sex workers' rights organisation founded in 1995. She coordinates the Canadian Alliance for Sex Work Law Reform, consisting of 28 sex worker rights groups across Canada.

Hello. My name is Jenn Clamen. I work with an organisation in Montreal, Québec called Stella, l'amie de Maimie (a friend of Maimie) and also coordinate the Canadian Alliance for Sex Work Law Reform that came together in 2013 in the wake of the Bedford Supreme Court constitutional challenge⁹ to coordinate our strategies around law reform. I was asked to speak specifically to the evidence provided in the Bedford case that convinced the courts to strike down the three prostitution laws, so that's where I'll focus my presentation.

The three main points that I want to communicate today are:

1. We have the Canadian and international evidence that clearly demonstrates the harms of criminalising any aspect of the sex industry – including clients, families and the people sex workers work with;
2. We must carefully scrutinise research to ensure that it is methodologically sound, rigorous and non-ideological; and
3. If we need to look beyond the anecdotal evidence that you have and hear when you speak to sex workers, the research and the evidence must be solid, they must be sound and they must not emerge from an ideology.

Some background on the Bedford case: Bedford was initiated by three sex workers in the Ontario Superior Court of Justice in 2007. These three sex workers were seeking the removal of the three major prostitution provisions that were most frequently enforced.

One was the bawdy house provision, section 210, which made it an offence for sex workers to work indoors or to be found in an indoor sex work establishment in any other private place. The second was section 212(1)(j) – 'living on the avails' and dubbed the 'pimping law' – which made it an offence for people to earn or live off someone else's earnings from prostitution, and essentially criminalised anyone who was habitually in the company of sex workers, including families and third parties. The third was section s13(1)(c), which is the communicating law and which made it an offence for sex workers to communicate for the purposes of selling sexual services in a public place. This criminalised sex workers on the street.

At the time in Canada, like the UK, selling sex for money or goods was not criminalised, but rather all of the activities essential to be able to work safely were, such as working with other people and therefore not in isolation, clearly communicating with clients and working in indoor work spaces.

Even though arguments for decriminalisation are not limited to safety and security – meaning that we also recognise sex work as valuable work, and we recognise sex workers' rights to autonomy and to self-determination – today I'm going to focus on evidence for decriminalisation pertaining to safety, security and harm, because that's what the Bedford case was about. The plaintiffs in Bedford argued that their constitutional rights to liberty, security and freedom of expression were contravened by prostitution offences.

On December 20th 2013 the Supreme Court of Canada ruled that all those three laws were unconstitutional and they must be struck down. It was a historical moment and it really changed the face of our activism moving forward. The Bedford case was about whether or not our Canadian Charter would allow for criminal provisions that contribute to the risk of violence and death faced by sex workers. A quote from the Plaintiffs' Memorandum reads: "It is about our responsibility for the harms that we cause when we seek to criminalise conduct that some find distasteful. It is about

whether or not we believe that sex workers are people deserving of the same rights and dignity as the rest of the public."

Sex workers won the Bedford case because it was supported by Canadian and international evidence demonstrating that criminalising any aspect of the sex industry causes harm to sex workers. There is no dearth of evidence of these harms. Between 1980-2000, more than 60 women were murdered or went missing from the Downtown Eastside of Vancouver in British Columbia.¹⁰ Several women who had escaped and survived violence inflicted by the same perpetrator attempted to report this violence to the police to no avail. This is only a fraction of the crisis of missing and murdered indigenous women in Canada that continues to receive little attention. It also speaks to the epidemic of violence against sex workers in Canada – particularly Black and indigenous sex workers, as well as sex workers who work on the street.

John Lowman, a long-standing Canadian researcher, was commissioned by the Department of Justice in Canada for many of the parliamentary studies that illustrate this violence. His 1989 report concluded that female sex workers who work on the street are 60-72 times more likely to be murdered than non-street sex working women.¹¹ As a comparison point, Statistics Canada also estimated that between 1991-2004 171 female sex workers were murdered, 45% of which were unsolved homicides.¹² These levels of violence speak to the crisis entrenched and amplified by criminalisation in Canada.

This concentration of violence led to the most recent four-year parliamentary study between 2002-2006.¹³ This was just one of six parliamentary studies on the impacts of prostitution laws, which spanned over 20 years.¹⁴ These studies, commissioned by the Department of Justice, were not concerned with the morality of sex work or with the right to sex work, but rather with the safety of the people working in the sex industry. All of these reports, every single one of them, concluded that criminalisation was not effective in reducing prostitution or protecting sex workers from harm. These parliamentary reports were crucial evidence in the Bedford case and to the trial judge Justice Himel's, decision that criminalisation prevents sex workers from establishing certain working conditions that reduce and mitigate the risk of violence.

In a case such as Bedford, social science plays a very pivotal role and the trial judge's assessment of the evidence is crucial. Her evaluation of the admissibility and the validity of the evidence alerts us to the importance of reflecting on the nature of evidence – which is what we're all here to do today – and recognising that not everything that is framed as truth stands up to scrutiny.

Policies and laws should be evidence-based and be informed by people who directly experience the impact of a given law. Prioritising evidence-based research means that we need to be discerning consumers of research: we need to examine the research methodology that's used, where the sample comes from, who is included, who is excluded, the rigour of the research, whether it follows recognised ethical protocol and who funded the research. It's also imperative that research is applicable to the actual context to which it is compared.

For example, the context in Germany and the Netherlands, where some aspects of the sex industry are legalised, is irrelevant in evaluating decriminalisation, such as we see in New Zealand. These are two distinct legal regimes and cannot be conflated. Another example is repeatedly citing research which asserts that "the average age of entry into sex work in Canada is between 12-14 years old". This random statistic doesn't help us to understand where the numbers came from and whether or not these studies excluded adult sex workers from their sample.

One needs to look at the entire body of evidence in its totality and the patterns that emerge. That is precisely what Justice Himel did in Bedford. In her 2010 decision,¹⁵ she reviewed over 30 years of research on the impact of prostitution laws on sex workers by analysing the methodology used, the conclusions and the context for each research. She accorded more objectivity to research commissioned by the government itself and less credibility to academic expert witnesses, who she ruled were biased by ideology. She also discredited research from expert witnesses that focused on issues that were 'incidental' to the case, such as human trafficking, sex tourism and child prostitution. She ruled these were not relevant to assessing the violations of the plaintiffs' rights to safety and security under the Charter.

In particular she discredited the work of Melissa Farley and Janice Raymond. She

noted that Farley contradicted her own evidence and admitted that her opinion of prostitution as a form of rape was established prior to her research. Raymond's ideological opinions that prostitutes are receptacles and that prostitution is a form of sexual exploitation were also deemed to be not based on evidence.

Equally, she discounted Farley's research for drawing false conclusions around abolishing the sex industry because violence exists. While it is true that violence exists in the sex industry, Statistics Canada also cites that 29% of direct care nurses experience violence every year.¹⁶ To conclude that violence in the sex industry is inevitable and hence we must abolish it is a conceptual leap that would seem absurd if we applied it to direct care nurses. The fact that there is a risk of violence in any work does not mean that we should prohibit it completely.

We should ensure that sex workers – well, workers in general – have access to laws and regulations and other government protections that safeguard us from the specific harms we are experiencing. We also know that violence in any work can be mitigated. The ways that sex workers mitigate this violence and how the laws are preventing us from doing so are described in detail in the parliamentary reports.

Generally there were three types of evidence that were submitted to the Bedford case and that Justice Himel accepted: evidence by the plaintiffs and other affiants, academic research and parliamentary reports. I'll focus on the parliamentary reports as that's where most of her energy went and a lot of the academic reports mirrored or were cited in the parliamentary reports in any case.

This research demonstrates that sex workers' vulnerability to violence is the result of numerous factors, including legislation that criminalises the industry. The evidence in Bedford can be categorised loosely around five ways in which prostitution offences:

1. Contribute to targeted violence against sex workers;
2. Produce antagonistic relationships with the police;
3. Prevent sex workers from employing safety and security measures;
4. Prevent sex workers from working indoors;
5. Prevent sex workers from working with third parties.

Two of the expert academic witnesses in Bedford who focused on serial killers and violence against sex workers asserted that criminalisation contributes to the targeting of sex workers for violence. In addition to the convicted serial killer in British Columbia that brought this to the attention of Canada in recent years, serial killers have specifically targeted sex workers throughout history. This is well documented from London in the late-19th century until modern day. This evidence had a serious impact on the Canadian courts.

These experts highlighted that criminalisation displaces street sex workers from visible areas into more isolated and industrial areas, therefore increasing their vulnerability to targeted violence. John Lowman points out that between 1995-2001 approximately 50 women who were displaced and worked in these isolated areas went missing.

So, if sex workers are displaced in attempts to avoid law enforcement, and if displacement contributes to targeting sex workers for violence, the antagonism between police and sex workers really warrants a close study. Indeed, the antagonism between sex workers and police is documented in the parliamentary reports and accepted by the Supreme Court in Canada.

The research demonstrates that criminalisation limits sex workers' access to the justice system for two principle reasons. Firstly, sex workers believe that violence against us will not be taken seriously. In their 2005 research, Fran Shaver and Jacqueline Lewis refer to this as the "just a whore mentality",¹⁷ which is when people believe sex workers either cannot be raped or are 'asking for it'. This was also documented in the commissioned report 'Missing and Murdered Women' as one of the reasons that so many women went missing in Vancouver. Secondly, in a criminalised context, sex workers are fearful that if they turn to the police they will lose income, be monitored, publicly identified, criminally charged and possibly deported. The result is that sex workers do not turn to the police if they experience violence or other crimes. A 2015 study by Millar and O'Doherty with 60 migrant sex workers in Vancouver found that not one sex worker would turn to the police if they were victimised.¹⁸

The Supreme Court decision prioritised sex workers' safety when they wrote in their ruling: "If screening could have prevented one woman from jumping into [convicted serial

killer] Robert Pickton's car, the severity of the harmful effects [of the law] is established." Research has demonstrated that a safe and secure environment would involve one that is not rushed with clients and where sex workers are not avoiding law enforcement and consequently losing income.

This was clearly demonstrated by large-scale research by Fran Shaver in 2005. After interviewing 120 sex workers, she reported that street-based sex workers take measures to reduce risks including: working with others who record license plate numbers; avoiding isolated areas when working; sharing information regarding problematic clients and aggressors; and using intuition and acquired skills to screen clients. Examples of this are ensuring that there are no hidden passengers in the car, checking for the presence or the absence of door handles, checking for lock-release buttons or finalising the details of the transaction before entering into a car.¹⁹

She concluded that street-based sex workers face a paradox: implementing these safety strategies takes time and increases their likelihood of coming to the attention of the police. Justice Himel in Bedford echoed this exact sentiment. She said: "These laws [...] force prostitutes to choose between their liberty interest and their right to security of the person".

Much of the evidence in the parliamentary reports agrees that indoor work, while not without risk, is considerably safer than working on the street. Indeed the evidence is clear and unequivocal on this point. Every piece of research, including those by Farley, has found that indoor sex workers experience lower levels of violence, assault and theft than sex workers on the street. This is not to suggest that people should not work outdoors, but rather it highlights the contradictions in prostitution laws that seek to criminalise street sex work for safety purposes, but not simultaneously decriminalise indoor workspaces. The Supreme Court of Canada said: "A law that prevents street prostitutes from resorting to a safe haven such as Grandma's House while a suspected killer prowls the streets, is a law that has lost sight of its purpose." Grandma's House was created by sex workers in the Downtown Eastside as a way of mitigating the violence on the street and it was closed down when police charged the person operating it with violating the bawdy house law.

Bedford also acknowledged a significant amount of evidence around the dangers of criminalising the people we refer to as 'third parties'. These are people labelled as pimps, often by people who don't work in the industry. In reality, third parties are people that sex workers work with, work for or hire in order to not work in isolation. They may be receptionists, employers, business owners, managers, security people, bookers, drivers, webmasters, friends, girlfriends and boyfriends that can do any of a range of tasks. Justice Himel and the Supreme Court of Canada accepted the parliamentary evidence that supports the need for sex workers to work with other people.

She writes: "The law punishes everyone who lives on the avails of prostitution without distinguishing between those who exploit prostitutes (for example, controlling and abusive pimps) and those who could increase the safety and security of prostitutes (for example, legitimate drivers, managers, or bodyguards.)" Under the premise that all third parties are inherently exploitative, sex workers are denied the chance to identify actual exploitation when it occurs.

This was mirrored in a 2013 study by Bruckert and Law.²⁰ Although the objectives of the offences that criminalise third parties are to protect sex workers from harm and exploitation, in practice they are detrimental to sex workers. Offences against third parties prevent sex workers from hiring people to provide safety and security mechanisms, such as screening clients by collecting and verifying information; recording license plate numbers; acting as security, drivers and assistants or providing a deterring presence on-site in an in-call space. This offence also denies sex workers access to labour protections and criminal justice redress in the likelihood of arrest and conviction.

After Bedford, the Conservative government implemented Bill C-36, the *Protection of Communities and Exploited Persons Act*. Bill C-36 flies in the face of all the Bedford evidence. The claim was that Bill C-36 would protect sex workers. It was inspired by what is known as a 'Nordic regime' that purportedly criminalises clients and third parties but not sex workers. This is an impossibility. You cannot criminalise one part of a sex-working relationship and not the other, particularly in the context of stigma and discrimination against sex work and continued antagonism

with the police. Much of the evidence in Bedford contradicts the foundation on which the Nordic regime is built. Justice Himel rejected ideological evidence founded on the premise that all interactions with clients are inherently exploitative or violent.

Canadian researcher Chris Atchison also supports this in his research which found that most interactions between sex workers and clients are not violent.²¹ Oh, wow (laughter)! When violence does occur it may be related to a communication breakdown between parties. His research also counters the myth that clients fuel a demand for services from 'trafficked' people or sexually exploited youth, and instead asserts that clients prefer to purchase sexual services from people between the ages of 21-30 years old.

Prior to Bill C-36, we had a Nordic regime experiment in Canada. In January 2013, the Vancouver Police Department produced Sex Work Enforcement Guidelines²² that essentially encouraged them not to arrest prostitutes but to arrest clients.

We quickly learned again that it is an impossibility.

So this is just a tiny window of the evidence available to us from the Bedford case. This evidence is not limited to Canada. It mirrors international research conducted by experts at the World Health Organisation, UNAIDS, the International Labour Organisation, the Global Alliance Against Trafficking in Women, Human Rights Watch, Open Society Foundations and Amnesty International.

The decriminalisation of prostitution is a necessary, but not sufficient, condition to promote safety and to reduce stigma against sex workers. It's part of our larger struggle for the recognition and actualisation of sex workers' rights, including sex workers' right to autonomy, equality, self-determination and dignity. Decriminalisation alone cannot overcome all of the other injustices that many of us face, but it is a necessary step to protecting and respecting sex workers' rights.

Thank you (applause).

LIZ HILTON

Empower Foundation, Thailand

Impact of criminalisation and forced rehabilitation on sex workers.

Liz Hilton has worked with Empower Foundation, a sex workers' collective in Thailand for over 20 years. Ms Hilton's publications include: "Hit & Run: The impact of anti-trafficking law and practice on sex workers' human rights in Thailand".

I want to thank the ECP. We have been long-distance family for a long time so it's lovely to be here. I come from the Empower Foundation. It's a Thai sex worker organisation that has been working for 30 years in Thailand promoting rights and opportunities for sex workers. Over the 30 years, 50,000 sex workers have joined Empower, including migrant sex workers from Vietnam, Cambodia, Laos, China and Burma.

This is where we bring our understanding, this is where we get our strength and this is where our evidence comes from.

Today, everybody in this room has been impacted by the criminalisation of sex work. Because of the criminalisation of sex work, there's an ethnic, racial and gender profile of what a criminal sex worker would look like. So instead of a sweet, smart, strong Thai sex worker at the table you get me instead (laughter). And if you want to have Thai sex workers sitting here talking to you, we have to remove criminal laws against sex work (applause).

As we sit here now, in Thailand about 300,000 sex workers are going home from work.²³ They will have been working in karaoke bars, massage parlours, go-go bars and brothels. Eighty percent of the women who worked last night in Thailand are single mums before they start working, usually starting at about the age of 23-26.²⁴

In the absence of an adequate welfare system, after a relationship breakdown mothers find themselves suddenly the family breadwinner. Child maintenance laws ensuring fathers continue their financial responsibility for their children exist but only for registered marriages and even then are rarely enforced. Generally, they have done all the jobs available to young women without qualifications or capital before they become sex workers.

Selling and buying sex was first made illegal in 1960. Since then, there have been many laws added on top. Under the current prostitution law, the Prevention and Suppression of Prostitution Act 1996, it is an offence to receive anything of value in exchange for sex. It has penalties against soliciting, associating for the purpose of prostitution, advertising, recruiting someone for prostitution and particularly heavy penalties for involving anyone under 18 in prostitution in any way. I think this is common everywhere: the more visible people make sex work, the higher the penalties are. For example, the penalties for advertising are 10 times the penalty for taking money for sex.²⁵

Despite all the laws and punishments, hundreds of thousands of people, three generations in fact, have lived and worked on top of this criminal model. That would include the 550,000 British men who go on holidays to Thailand every year.²⁶ The waterfalls are lovely, but not that lovely (laughter). Some British men have been going back every year for 10 years – they love elephants so much (laughter).

So I think that we can confidently say that the criminalisation of sex work has been a spectacular failure to end prostitution in Thailand or anywhere else – ever (applause). The evidence is clear that it doesn't work. It also doesn't reduce any of the crimes related to sex work either. It does, however, have very many damaging and serious consequences as a knock-on effect to that small prostitution law.

In terms of the implementation of the law in Thailand, every year there are about 30,000 sex workers arrested under the Prostitution Act.²⁷ That's about 10%. In many places, sex workers take it in turns to be arrested on a rota to cooperate with the police so they can meet their target. So is this a working relationship with the police or not?

The consequence of criminalisation is that a sex worker becomes a criminal. They must be treated as criminals, not as equal human beings. They are treated as criminals by health workers, by the media, by police, by everyone. You can't have a workplace: it's a den of vice and crime. Dens of vice and crime don't need occupational health and safety standards, and places of crime don't need fire exits. They don't have to comply with any safety rules. Criminal places don't have labour inspections, they only have police raids.

You cannot organise as workers in a union, you can only associate for prostitution, which is a crime. Customers cannot be customers, they have to be exploiters, abusers, traffickers or pervers. Those people don't need to pay properly and behave well. They are not customers, they are already bad men. This is how you can see the picture of criminalisation. People are dealing with criminals, they're not dealing with working women anymore.

For migrant sex workers, the criminalisation of sex work, migration and trafficking means they run a very big risk of being arrested, detained for up to two years in social welfare and deported. When you're in social welfare, you are made to sew and make craft items. Most women can already sew (laughter). This is supposed to give you the skills to have an income. None of the skills they are teaching lead to any kind of an income that is enough for the needs of sex workers and their families.

In Thailand, sex workers provide for five other adults. They earn at least twice the minimum wage.²⁸ No other job offers you that as a woman without qualifications and without capital. Every year US\$300 million is sent home to rural areas by Thai sex workers.²⁹ This is bigger than any government project or any World Bank development plan. It doesn't matter how well you crochet, you can't do that (laughter).

Criminalisation has not created any viable alternative jobs whatsoever. If you want to get that training, you have to get trafficked first and then you have to be arrested. Not everybody has an opportunity to be trafficked (laughter).

Criminalisation is also the tool for corruption. You can either pay a regular plan or pay-as-you-go, which is similar to your phones here. Everybody is paying the police. There was a

raid on 27 January 2015³⁰ in a very small area with just four small brothels. Thirty-two women were arrested. It was revealed that they were paying £53,500 per year in bribes. This is a loss of state revenue that could be used for real training, not 'Mickey Mouse' training. The shadow economy that sex work supports was found in 2003 to be worth US\$4.3 billion per year.³¹ This is revenue lost to the state so maybe that's interesting for the politicians.

In terms of human trafficking and child labour, Empower produced a report in 2012 called 'Hit and Run'.³² In that report we found more women are being abused as part of the anti-trafficking strategy than are being abused by traffickers themselves. We can also conclude that trafficking and child labour cannot be addressed in isolation from addressing adult working rights. Criminal prohibition alone is not working and will never work. Treating all sex work as criminal and ignoring rights and working conditions have not solved human trafficking or child labour either.

Most women in Thailand are meeting violent men in their homes, like everywhere else. It's

only the response to the violence to a sex worker that is different. The violent men are the same. It's not very common, but when it happens employers and other people don't want to get involved to support a sex worker to report because they will be charged with prostitution or trafficking. So the criminalisation actually loses the support of witnesses as well. Sex work is not reduced by criminalisation. Thailand follows England. If the UK, which is supposed to be a wonderful place of human rights, abuses sex workers' rights with impunity then Thailand will continue to follow.

One of the sex workers from Empower, Mai Janta, wanted to say a message to you all: "We understand many people are concerned about our lives and worry that decriminalisation will harm us somehow. We thank you for your concern, but we would prefer your respect. We want the right to work safely and fairly in the work we have decided to do, even if you personally don't approve of our choices."

Thank you (cheering and applause).

RACHEL WEST

USPROstitutes Collective, USA

Opposing racism in trafficking policy and discrimination in victim compensation.

Rachel West is a spokeswoman for the US PROstitutes Collective, a multiracial network of women who work or have worked in different areas of the sex industry. Founded in 1982, US PROS campaigns for the decriminalisation of prostitution and for justice, protection and resources so that no one is forced into prostitution through poverty or violence.

I'm very happy to be here with everybody on this fantastic occasion. As you probably know the US criminalises the purchase of sex on top of the existing criminalisation of sex

workers. People talk about introducing the Nordic model, but in some places like Canada it is the US model that has been introduced. There is nothing that can be claimed about the US model that is any good (laughter and clapping).

Under George Bush, anti-prostitution and anti-trafficking laws became inseparable.³³ This policy was massively funded by George Bush and used in a punitive and repressive way internationally. It has set a bad standard and sowed corruption. Bush's administration is known for a very unpopular pledge mandating HIV and AIDS groups oppose prostitution and sex trafficking in order to get US government funding.³⁴ That policy still exists for non-US groups.

In the name of rescuing victims of sex trafficking, US laws and policies have led to increased arrests of sex workers. Law enforcement goes after sex workers working

on the street, in massage parlours and in other premises where women can work more safely and independently, and they shut down websites where sex workers advertise. It's women of colour and immigrant women who are always the first to be targeted in raids, and immigrant women are often targeted for deportation.

Last month there was a massive FBI and law enforcement operation called Operation Cross Country, which happens every year. This year it was purported to rescue sex-trafficked children and took place in 135 cities. It was a classic example of exploiting people's justified horror at the abuse of children for another purpose and to blur the issues. If you take a closer look at that operation it was just another crackdown on prostitution, on both sex workers and clients. It was mostly adults who were arrested for various offences, including prostitution-related charges, for not having a massage licence, probation violations and drug-related charges.

Anti-trafficking operations are similar to the war on drugs in the US, which criminalise low-income communities of colour. These same communities are getting the brunt of anti-trafficking enforcement. Nationally, Black people make up 42% of all prostitution arrests, 45% of curfew and loitering arrests and 35% of disorderly conduct arrests. Yet Black people make up only 13.2% of the population ³⁵ (audience exclaiming).

A recent human-trafficking study in San Francisco, where I am based, reported that 48% of traffickers are Black, yet only 5.7% of the population in San Francisco is Black! ³⁶ How can anyone, knowing how the war on drugs was enforced against the Black community, deny that this is an example of racial profiling? The trafficking laws have been changed in California so that sex workers and anyone who associates with sex workers can be labelled and arrested as a trafficker. ³⁷

Similarly, in New York human-trafficking intervention courts have been introduced. They are touted as a national model for those arrested for prostitution by "treating these defendants as trafficking victims", but reports show that nearly 70% of people, almost all women, facing prostitution charges in the Brooklyn trafficking courts are Black. ³⁸

Operation Cross Country claimed that 149 sexually exploited children were rescued nationwide. However, federal law defines any person under 18 years old who is arrested for

prostitution as a sex-trafficking victim so it is unknown if any of these young people who were arrested were actually victims of trafficking. Many were likely homeless teens, runaways doing survival sex work and LGBT people, which studies show is common. These enormously costly law enforcement operations hide the reality that teenagers, some of them single mothers, are forced into prostitution because of poverty, destitution and homelessness.

Research shows that the number of \$2-a-day households in the US (yes, \$2 a day) has greatly increased. That is 1 in 25 families and around three million children living in such households. ³⁹ Many mothers have to support families through sex work to survive. Why isn't attention focused on this dire situation (applause)?

Instead, a powerful lobby made up of the FBI, Interpol, Homeland Security, NGOs and pro-criminalisation feminists, like the very wealthy Hunt sisters whose money comes from oil and real estate, are proposing and funding initiatives to criminalise clients, claiming that it will reduce child sex-trafficking, but evidence shows that the laws criminalising clients are being implemented in a discriminatory way as well.

The First Offender Prostitution Program in San Francisco, known as the John's School and which you have here too, by its own admission disproportionately targets Latino men and those living in low-income communities. ⁴⁰ While millions of dollars are poured into criminalising consenting sex, under the guise of anti-trafficking, the police's track record on stopping violence is abysmal. Police routinely neglect crimes of sexual violence, rape kits are left untested and only three out every 100 rapists will ever spend even a single day in prison. ⁴¹

Criminalisation of clients hasn't made it any safer for sex workers, or any person who might face abuse. It has pushed prostitution further underground. Studies show that 80% of street workers and 46% of indoor workers experienced violence or threats. ⁴² Thirty percent of sex workers had been threatened with violence by police officers, while 27% actually experienced violence at the hands of police. ⁴³

Clients are an easy target, while violent men who should be investigated and arrested are not a priority. Serial murderers operate in many areas, such as the 'Grim Sleeper' in

South Los Angeles. There the murder and disappearance of hundreds of Black women, many of whom were sex workers, took place over a 30-year period and were ignored by the police. The murders were labelled 'NHI' – no human involved. It took decades of campaigning by the Black Coalition Fighting Back Serial Murders to get an arrest and the campaign to get justice for the victims continues.

In 2012, US PROS initiated a campaign against discrimination in California's Victim Compensation Program. A regulation denying sex workers the right to claim victim compensation for rape and other violence came to our attention after a young woman was brutally beaten and denied

compensation. We launched a state-wide campaign to press the program's board to remove this outdated regulation. We also organised with prisoners' rights groups as formerly incarcerated people were also excluded from getting compensation, and many are sex workers. After more than 12 months of campaigning, we won the repeal of the regulation. It was a big victory and got massive press coverage. Recently we got expanded coverage for sex workers and prisoners, plus other improvements in a bill that was just passed in the California Assembly.⁴⁴ A lawsuit has recently been filed in court in California to decriminalise prostitution⁴⁵ so we're moving forward and the movement is growing (applause).

MIMI HSIEH & IYOKO SHOJIMA

Collective of Sex Workers and Supporters, Taiwan

Impact of criminalisation on Sex Workers.

Mimi Hsieh & Iyoko Shojima are members of the Collective of Sex Workers and Supporters (COSWAS) in Taiwan which opposes the criminalisation and stigmatisation of sex workers.

Iyoko Shojima

We are COSWAS, which stands for the Collective of Sex Workers and Supporters in Taiwan. It's our great honour to be invited here to talk about sex workers' situation in Taiwan and the impact of the criminalisation of sex work at this symposium.

COSWAS was established in 1997 because the city mayor wanted to abolish the licensed prostitution system. He said he wanted to wipe out all the poor and dirty things from the city and for it to be gentrified, so we organised hundreds of sex workers – they are all in their 50s – onto the street. We organised 300 struggles and demonstrations to get a victory.

Since the licensed prostitution system was abolished in Taipei, there are only 31 licensed

prostitutes in Taiwan. The rest, therefore the vast majority, remain illegal and criminalised.

Mimi Hsieh (in Taiwanese, with English translation)

I'm a sex worker from Taiwan. I work independently as a street worker. Sex work in Taiwan has been illegal for a very long time – both sex workers and clients are criminalised. Putting up suggestive advertisements for sexual services is criminalised and brothel-keeping is a crime too.

As a single mother of three children, I had to be a street worker to feed them and to pay their tuition and phone bills. Because of the law, our country stigmatises us and discriminates against us. I was threatened by the police all the time. Police officers patrolling in the neighbourhood where I work made my clients afraid of coming to me and my livelihood was curtailed. What's even worse, when the police came, they intimidated me saying that I wouldn't be able to work there any more if I did not cooperate.

Working in an environment where prostitution is criminalised means that both sex workers and clients are pressured, worried and fearful that the police might break into the room. Under these circumstances I have to work very hard emotionally when taking clients as

well. Besides being nervous and worried when working, the economic burden of my family is also a major stressor. I'm not able to sleep well and have insomnia.

In the criminalised setting, all the burdens fall on our shoulders. Public resources are not helping us out, but are against the livelihood of those people who work hard to live on their own.

In Taiwan, sex workers are not getting the respect, dignity and basic human rights that they deserve. This has resulted in us being marginalised from society. It is this government that has made me exhausted and stressed out.

All of these pains – it's not just about myself, but all the sisters who have to work hard to maintain their lives and families. Criminalising us is forcing us toward death. Criminalising clients and brothel-keeping – that is, the third parties – is also punishing us. The law has directly repressed the lives of disadvantaged people like us. Full decriminalisation is just basic respect and a right that we as human beings deserve.

I'm thankful for having this opportunity to share my experiences. In Taiwan no one will listen to our voices, especially the politicians. It's a shame that we had to come all the way to London to be heard because Taiwan's government doesn't care at all (applause).

STEWART CUNNINGHAM

SCOT-PEP, Scotland

Impact of policing on sex workers' health and safety, and law reform.

Stewart Cunningham is co-chair of SCOT-PEP, a sex worker-led charity that advocates for the safety, rights and health of everyone who sells sex in Scotland.

It's a real privilege to be here today and a huge thanks to ECP for all the work they've done in organising today's event. I want to talk about the policing of sex work in Scotland and how it impacts on sex workers' health and safety. I've chosen a very narrow example to illustrate it.

In Scotland there's traditionally been an east/west divide in how sex work is policed. In the west, where Glasgow is the main city, they have always adopted a kind of zero tolerance, hard-line approach to enforcement of the sex-work laws. In Edinburgh, in the east, they have traditionally adopted a harm reduction approach.

So, in the 1980s Edinburgh City Council decided to license saunas as public entertainment venues. Sex was knowingly

purchased and sold on the premises, but it was not publicly acknowledged. The council adopted a pragmatic approach. They recognised that licensing these saunas provided a safe place for women to work. It was at the time of the onset of HIV in the city so it was also thought that having indoor premises enabled sex workers to be in touch with healthcare providers. The system worked perfectly well for over 30 years, until 2013, when we had a change in policing in Scotland and the newly formed Police Scotland decided that they would raid all the premises.

They did this under the guise of trying to find victims of trafficking and supposed links to organised crime. No victims of trafficking were found. No charges at all were laid for any other criminal offence but brothel-keeping. The police objected to the renewal of the licenses. They used condoms as evidence of sexual activity taking place in the saunas and the city council revoked the licenses. So the city council then put together what they called a 'harm reduction framework' to try to manage the change in the system and ensure that the impact on sex workers was minimised. They produced a report one year later called 'Sex Work in Edinburgh – A Harm Reduction Framework – Year One Progress Report'.⁴⁶ It was published on 21st April 2015 and it's available online.

I want to read to you some of the key conclusions that were found in this report. A lot of what I'm going to read out is testimony given by the NHS Women's Clinic. That's an NHS-run health service for sex workers in the city. It's the only specialist health service for sex workers and they say that: "NHS Women's Clinic reports that during the last year it has become apparent that condom use among sex workers in Lothian is less than the previous year. There's been a slight increase in rates of sexually transmitted infections. Chlamydia increased by 2%, hepatitis B by 0.7% and hepatitis C by 0.5%. In addition, the number of women attending the clinic service has decreased for the first time in eight years. There's no evidence that the number of women selling sex has decreased, but they are not attending for support from NHS Lothian as in previous years."⁴⁷

They go on to say that: "The problem of unprotected intercourse may have been precipitated by fear of being found by the police to be in possession of condoms (which can be used as evidence to indicate the selling of sex). NHS Lothian supplies condoms to saunas, but since Operation Windermere, many managers of these premises are reluctant to have condoms stored there.

Women who are present when NHS Lothian's outreach services attends can take condoms, but others working on other days have no supplies provided at their place of work, and may therefore have to source supplies themselves. This could lead to increased risks of unprotected sex."⁴⁸

The report also talks about other harms to sex workers – the increase in social isolation in moving from a collective working environment to solo working, which is more dangerous. So this just shows that the current legal framework in Scotland, which is similar to England and Wales where brothel-keeping and soliciting is criminalised, is wholly inadequate.

In Scotland, we have just put proposals before the Scottish Parliament for a Prostitution Law Reform Bill.⁴⁹ We want to repeal the soliciting, kerb-crawling and brothel-keeping laws and follow the New Zealand model, to create small owner-operated brothels where up to four sex workers can work, and then create a system of licensed brothels as well. The proposals have been lodged with the Scottish Parliament on 8th September and they are out for public consultation. Thanks very much (applause).

NTOKOZO YINGWANA

Sex Workers Education & Advocacy Taskforce, South Africa

Proposed decriminalisation law.

Ntokozo Yingwana worked for the Sex Workers Education & Advocacy Taskforce (SWEAT), the leading sex worker rights organisation in South Africa. Ms Yingwana currently works for the African Sex Workers Alliance and the Global Network of Sex Work Projects.

I'd like to first thank ECP for inviting me to the stage. I'm speaking on behalf of SWEAT, even though I currently work for the African Sex Workers Alliance and the Global Network

of Sex Work Projects. SWEAT was established in 1996. It's a non-government organisation, advocating for the rights of adult consenting sex workers. I always find it's very important for me to stress those points. As part of SWEAT we have Sisonke, which is the movement of sex workers. SWEAT has its base in Cape Town, but we have host organisations and partner organisations in all nine provinces of South Africa.

In terms of the sex work landscape in South Africa, we did a size estimate study in 2013 which found that there are approximately 153,000 sex workers in South Africa.⁵⁰ We believe that's a gross underestimate, but that is the figure we are currently working with. The majority of these are female, Black and street-based. Even though the majority are

city-based – meaning they are working in urban areas – we found that most of them have actually migrated from rural areas to work in the cities.

Sex work is currently fully criminalised in South Africa under Section 20 of the Sexual Offences Act, which means the buyer (the client), the seller (the sex worker) and anyone living off the earnings of a sex worker is considered a criminal, and if you strictly interpret this law you might as well be criminalising the children of sex workers too.

In 2002, the South African Law Reform Commission started the law reform process to try to get the country to talk about what legal form would better suit South Africa instead of criminalisation. An issue paper⁵¹ was released, and followed by a discussion paper⁵² in 2009. Sex workers and organisations working with sex workers were encouraged to submit their recommendations, which SWEAT and Sisonke did.

The South African Law Reform Commission has still not released its findings. This means that the Department of Justice and Constitutional Development cannot deliberate over these findings and formulate a recommendation that it can present to the rest of Parliament. Essentially the whole process has been stalled. What we have tried to do is to develop a draft Sex Work Bill we can take to members of Parliament when we lobby them. So we have Sisonke members who are lobbyists and who directly engage with MPs on this.

What the draft bill calls for is a model that only allows consenting adults to work in the sex industry, so people under the age of 18 would not be allowed. It also excludes people who have been forced or coerced into selling sex. Brothels would be registered under the Businesses Act of 1991 and comply with the Occupational Health and Safety Act 85 of 1993. Sex workers would be required to

register with the Labour Department and submit tax returns in compliance with the South African Revenue Service Act 34 of 1997. Sex workers would be able to form unions, which means that Sisonke would be able to turn itself into a union.

On that point, I would like to add that the Congress of South African Trade Unions, which is the largest alliance of unions in South Africa, is in support of decriminalisation,⁵³ and is in support of Sisonke turning into a trade union once sex work has been decriminalised.

Finally, the draft also proposes that a Sex Work Law Review Committee be established to monitor the implementation of the law reform process and compile recommendations for its strengthening. It's important for us to add that this committee would include sex workers themselves and other people in the sex work industry.

To finish off with an interesting anecdote: in our lobbying of MPs we came across one MP who is part of the Department of Justice on Constitutional Development. He is a former judge, so he's quite high up there, and he said to us, "Okay, off the record, I get it. I get it, I understand it, I get your evidence, I hear your stories. Sex work should be decriminalised in South Africa, but you have to find an MP to champion this bill of yours, an MP who is either ready to retire or an MP who is no longer interested in politics, and that MP is not me."

So this is the kind of reality and resistance that we are facing. We have evidence, we've presented the evidence and the MPs are getting it. So to that end, I am really hoping that the MPs that are here do not prioritise their own political endeavours and ambitions over the evidence that is being presented in front of them by their constituents that voted for them.

Thank you (applause).

KATE MCGREW

Sex Workers Alliance Ireland

Organising against the criminalisation of clients.

Kate McGrew is coordinator and spokeswoman for Sex Workers Alliance Ireland, an alliance of sex workers, ex-sex workers, health and social providers and researchers, working to promote the health, safety, civil rights and right to self-determination of sex workers in Ireland.

Thanks everybody for being here. Thank you to ECP for this event. We at SWAI, we look to them and to SCOT-PEP for guidance in preventing the introduction of the Swedish model in the Republic of Ireland.

So in the Republic of Ireland it's legal to work within extremely narrow parameters. We have to work alone, we have to work indoors, we are not allowed to solicit and no one, not even a partner or a relative, is allowed to share in our earnings.

We at SWAI have spent the past few weeks firefighting. What we're attempting to do is stop Section 20 of the Criminal Law Sexual Offences Bill from coming in, though it might be too late. Section 20 is what is referred to as the 'Swedish model'. It would make the purchase of sex illegal in the Republic and it has recently passed in Northern Ireland in June. I was just handed there a cell phone with a piece of news that apparently there has been, finally, since June, a whopping one arrest made in Northern Ireland. It was somebody who was exploiting a person for sexual services, which we know already was, is and will be a crime. So it's a whole lot of nothing for nothing.

In Ireland, frankly, it might serve as an example of what can steamroll quite easily into a fact when there are hindrances in organising. Although SWAI has been fighting for the rights of sex workers since long before I was even in Ireland, I think that we are now

realising what a difference it makes – thanks to Open Society Foundations – to finally have a desk to sit at and hours specifically allotted for this work.

We begin to stand next to and see what we are up against compared to the prohibitionist camp. These people have been funded and supported in their work for so long that they are no longer asked to reference their stats. They are no longer asked to explain where they got the information that they are basing this policy on. They are the dominant narrative and yet they are the vocal minority. They're not held to making policy based on evidence or even doing thorough research and surveying of the very group of people whose lives their laws will affect.

What we've been doing is meeting politicians on a nearly daily basis right now because this bill is in the second of five stages that it has to go through. What we are encouraging is that they propose an amendment to remove this section until some thorough evidence has been produced, and, if we can't get that done, frankly we are going to at the very least ask for a one-year review as a sort of 'get out clause' after it passes. What we're finding in these meetings is quite interesting. People are coming out of the woodwork in support for us. They are saying, "We get it, we actually really get it", but they are saying to us quite explicitly that they are near unanimously unwilling to speak up and to speak out because of an upcoming election.

So that's what we are looking at. We're bombarding people with post-2002 evidence. We're trying to make a space for people to be able to turn around and say they got it wrong. We're trying to show them new evidence from after 2012 when they made this policy so they can use that to say, "We got it wrong, now look at this new evidence. We didn't know this before". I approached a senator who was instrumental in creating Section 20 and she tried to cut me off by saying they had already taken the submissions. I mentioned to her that their call out to sex workers, which was an ad placed in a newspaper, was hardly going to garner a response that reflects us. I said that we are an inherently disparate industry and

not necessarily individually inclined to write up a submission for the government, or to go sit down with politicians. I saw this actually land with her and it was kind of scary that that hadn't occurred to her, but it did give us a little bit of optimism in our request for consultation or at least stalling on this Section.

What we can see is that when there are hindrances to organising, even when there is obvious evidence, it gets railroaded. So on the one hand we see the Minister for Justice, Frances Fitzgerald, who introduced the sex purchase ban that has passed two of five stages, being unconcerned about research, even when the research is from the medical journal, The Lancet, and it states that full decriminalisation specifically could avert new HIV transmission by up to 46%.⁵⁴

Then we have the Minister for Health, Leo Varadkar, being appointed. He passed Ireland's first sexual health public strategy for the next five years with not one single mention of sex work.⁵⁵

So, we at SWAI are trying to gather evidence that they ignored or didn't see, and present it to them and to the public. We are trying to expose the reality that our society is concerned about the effect this criminalisation would have on sex workers and the public. Similarly, the research we'd be looking for would be something like that which came out of Queen's University in October 2014, where 98% of sex workers said they don't want client criminalisation.⁵⁶ (applause).

PYE JAKOBSSON

Rose Alliance, Sweden

Sexköpslagen law which criminalised the buying of sex.

Pye Jakobsson is co-founder and coordinator of the Swedish sex worker organisation Rose Alliance. She is also president of the Global Network of Sex Work Projects.

Thank you. There are a lot of experts on Sweden lately. There are a lot of politicians in every country that seem to know an awful lot about Sweden. The true experts obviously are Swedish sex workers. If you are looking for experts that actually know the law, can read the Swedish documents you need to read (because most of it is not translated into English) and have actually asked sex workers what they think of this law, I would say there are four people in the world (I'm going to go out on a limb and say that it's four people), that have actually done these things and have written about the law. That would be me, my colleague Carina Edlund, Jay Levy sitting over there and Petra Östergren. Anything that comes from any other source – don't trust it and I will explain why.

Sweden has made sure no-one knows what is going on in Sweden. Did anyone see this excellent little Amnesty movie – you know these silly movies where you can put subtitles under it? They made a joke and said, "Why are they talking with Swedish sex workers? We made sure those documents were never translated so no one would know what's going on in Sweden", but we are changing all that. We are releasing our report⁵⁷ soon and we have translated the documents for you (laughter).

There are three things that are normally claimed about the Swedish model. First of all they claim they decriminalised sex workers. Secondly, they say it's effective against trafficking and thirdly, they say we do this because we care about sex workers – we don't want to punish them, we want to help them. All three of them are rubbish and I will explain to you why.

First of all, they did not decriminalise us. We were not criminalised before the law. When they introduced this law they did not take away one single law. They just took this law and placed it on top of all the other laws that were already there. We had the pimping law that is so broad that if Jay here dropped me off outside a client's place on his way to his

girlfriend's then he's a pimp and could go to prison for that. We can't work together; we can't rent apartments; we can't even buy an apartment, own it and sell sex in it, because then we have lost the right to own it. The only way we can work and only be affected by the law criminalising clients is by selling sex on the street or going to the client's house. That's not decriminalisation.

What's really interesting and what we haven't talked about very much in the past is what happened before the law – not a year before the law, not the three years before the law – but what has happened since the 70s in Sweden, because this was a build-up. It didn't happen overnight.

There was an investigation in 1977. It was the first investigation into prostitution where they had an academic going around interviewing sex workers. Then it turned out she handed it over to a psychoanalyst, Margit Norell. That psychoanalyst never met the women herself, yet she decided they all had suppressed memories of early sexual abuse as children and this was put in the report. She never met them! She was also part of creating Sweden's only serial killer using the same techniques, but it turned out he didn't kill anyone. She's now dead.

This is a quote from one of our older members. She is 78 now and still working. She has some problems in that her regulars are sort of dying off (laughter). When we were doing the report, which we are going to publish later, we told her about it. She didn't know that their interviews were analysed by someone that had never met them. She said,

"We were so furious when we realised we had been subjected to a fraud. That she took our cases and then it later became the foundation for the legislation. With a bit of luck we can demand the law is repealed because it's based on totally false grounds. Do you understand we were furious when we read this?" No one knew. This woman didn't know what they were for or how their stories would later be used and twisted. So the first report came out and it said that all these women are so damaged because they are using so many drugs and that they are coming from such poor upbringings. They were saying things like we were lacking the care of our parents and therefore we couldn't care for ourselves. Then they did a second investigation later on where they changed the narrative a bit and we became bad mothers as well. It wasn't so

much drug use any longer, we were more mentally very, very unstable.

After that came the law proposal. What they said there was that it wasn't about us and it wasn't about our situation any more. This is a quote from the preparatory work which says: "That men can buy access to women's genitals to satisfy their sexual needs is against the perception that all human beings have equal worth and our striving for full equality between women and men." It's the same word in Sweden for gender and genital so we call it the genital trade because that's what they call it. It also said: "The genital trade conveys an unacceptable view of human beings and it's a hindrance for the individual's development." Then they went even further and said: "Because it was hindering the individual's development it was also a threat to society."

So in the end it was not about sex workers, it was about society. This was never about protecting sex workers, it was about protecting society. And using that very same argument is still how they deport migrant sex workers – they are a threat to the values of society. So when they say it's about us, it's not true, they are trying to protect themselves from us.

By the way, I am only going to speak about female sex workers although I do know there are plenty of male sex workers. Apparently male sex workers, according to the same documents, can sell sex to men and that can be part of a lifestyle, part of their sexuality. They can enjoy it and it can be kind of a social life, but for women it's always bad. I'm smelling the church. I don't know if I am the only one – you know... female sexuality. Not that anyone is religious in Sweden, but...

They did the so-called evaluation – I'm sure most people in this room know that it's rubbish – but I'm going to talk a little bit about it anyway. The instructions for the evaluation that were published in 2010 were that it was not supposed to look critically at the law and see what impact the law had; it was supposed to look at how the law can be made more effective and whether we should put the punishments for clients up.⁵⁸ So this was not about looking at what the reality was. They contacted Rose Alliance in 2008 when they were preparing it, when we were only a small activist group and not yet an organisation. We were seven people answering this little survey and then there was this small anti-group that no one had ever met called PRIS that are

former exploited women I think. They only pop up for governmental consultations, it's very fascinating.

They got to represent the former sex workers and we got to represent the people still exploited in prostitution, which is what it said in the report. We said stigma was up, and that was a good thing according to the evaluation.⁵⁹ Thinking of the purpose of the law, it was good because we were more stigmatised.

People did react to this, but that was also part of the discrimination because people on the ground were furious and no one cared. They also talked a lot about how they did research saying: "In 2003 this and this many men bought sex and in 2008 a much lower percent bought sex." The Department of Criminology at Stockholm University looked at the numbers and said that this was impossible. Even if every man in Sweden stopped buying sex you could still not have such a decrease in the percentage of men who bought sex. So the numbers were fabricated.

That was also ignored and still no one really asked what sex workers thought, because you see it doesn't matter. This is what's important to remember – it does not matter what we think because this is not about us, it's about society. And I'm going to say that over and over again because if we are going to fight this, if we are going to tackle this, we need to understand what we are talking about.

One good example is Sweden's HIV strategy – has anyone heard Sweden's HIV strategy? No, because it's not in English, but I have it in English here (laughter): "The government's long-term goal is to eliminate prostitution and the trade with human beings for sexual purposes. In the government's view it is therefore important to highlight a close relationship between men's exploitation of people in prostitution, and the spread of HIV infection and other sexually transmitted infections. Men's behaviour is the problem and it needs to be changed. These changes can only come about if men take responsibility for their behaviour, take responsibility for their sexuality, and their view of women and girls. In addition, sexual exploitation must of course be a target. People who are sexually exploited must, of course, be a target group in the preventive work. People who are subjected to prostitution should therefore be included amongst the risk groups. There should be a responsibility to emphasise the close relationship between men's exploitation of

people in prostitution and the spread of HIV infection." Yes, the right to health.

So HIV does not spread by unprotected sex, it spreads by paying for sex and now you know (laughter). This is not worthy of a modern society. This is not an HIV strategy. This is ideology. This has nothing to do with the right to health. I am using this as an example but this runs through every document we have in Sweden. That is really how it is.

And there has been a lot of talk about the effects for sex workers on the street. I'm going to talk about stuff you haven't heard because I know time is limited. There has been some work done with people consulting sex workers. We did a survey with 124 sex workers two years ago, released in a report in Swedish called 'Another Horizon'.⁶⁰ It is being translated in a few months. When we asked the sex workers what they worry about, two-thirds said 'prejudice from authorities'. It was the most common answer, and this is in the country that says they are saving sex workers. Prejudice from the authorities, that's what we fear the most. Thirty-six sex workers reported violent attacks from clients. Nine — 25 percent — felt comfortable reporting the incident to the police. But even of those nine, only two said that they would report a future attack to authorities.

I have another wonderful little quote here from our main police officer – I will mention him at the end also. He says 'the pro-prostitution lobby' (he means Rose Alliance by the way) "the pro-prostitution lobby claims that they're selling sex out of their free will because it's a part of their sexuality, but the law was not meant for them. The sex purchase law was meant to work as a wall against organised crime and human traffickers and to prevent them from establishing in Sweden. Most of the women I meet come from Nigeria, Romania, Bulgaria and they don't have a voice in the public debate. They are not the ones sitting in the TV studios, they are not interviewed by the newspapers and that's why we, as the Swedish police, try to be the voice of the voiceless" (exclaiming and laughter). This is the superhero cop, Simon Häggström, the head of the Stockholm Police Prostitution Group.

In the report that we are publishing soon, we did interviews around discrimination. We interviewed 35 sex workers. Seven of them mentioned problems with the police and six of them mentioned problems with one specific policeman. Every single one of them said the

same name: Simon Häggström. We are naming and shaming nowadays. Yes, it's time. Also, a lot of people that filled in the survey didn't know if they had more or fewer clients because they started working after the law, but they still knew that stigma was up because of the law.

Ninety percent thought that the law created more prejudice as well. I think it was 3% who thought that it was easier to stop selling sex because of the law or because of the whole political climate we have in Sweden. People have been starting to pay attention lately. The RSFU, which is actually one of the founding members of IPPF (the International Planned Parenthood Federation in Sweden), did a knowledge overview, as a result of the efforts by the chair of Rose Alliance and the late Petite Jasmine, who died two years ago. They pushed for it in RSFU so they looked at intended and unintended effects. They looked at all the knowledge that was there and actually accepted our research as real research – isn't it fancy?

They said: "We don't know if there are more or fewer sex workers and we don't know if there are more or fewer clients, because we don't know!" It seems that there may have been a slight effect on trafficking. On the other hand we have so many deportations of migrant sex workers in Sweden as an effect of the law. When people don't identify as a victim, they are immediately deported, even if they are EU citizens and have the right to be in Sweden. Why? Because they are earning a living in a dishonest way and are therefore a threat to society. Even if they have a visa to work and live in Sweden, we deport them because they are a threat to society and we need to protect society.

The administrative board for the Stockholm region responsible for their anti-trafficking work did a size estimation. We love those because they always treat us with so much respect when they want to count us. One, two, three – I don't understand this obsession with how many we are. They can never count us, but you know, let them try! Anyway, the woman who did it was nice and tried to do a good job. We even got a paper signed by the authority, where they promised to destroy all the data after they counted us so they wouldn't have IP addresses etc. We asked if we could at least look at their interview materials so they didn't insult people. When they counted last time there were 400 or 500 ads out on the internet and now it's over 6000. They said it's probable that some sex workers

put out multiple ads. Yes, but not 100 each! So the conclusion is that it doesn't seem like we have less sex work in Sweden, so the law is not working.

I think the real thing is hearing what people say. I am so sick and tired of people saying that when sex workers use quotes from our own community it's anecdotal. No it's not anecdotal. If I had a PhD it wouldn't be called anecdotal. That has to stop. So I am going to read two quotes from sex workers on discrimination and why they think this happened to them.

"When it comes to this mix of pure contempt and excessive care, I think it's an expression of society's view on prostitution and prostitutes, and I think that the legislation expresses the view of society. People despise prostitution as a phenomenon, and this hate extends to the person that says they have chosen it. Therefore, in order to be able to feel empathy for a person and to perceive the individual in a positive way, the person must be made a victim, someone who is subjected to the evils of prostitution and not an active practitioner. If the person states that they have chosen it, it is just a delusion created by another evil person, and the poor foolish person who is subjected to prostitution has to be saved. The side effect of this is that if the person does not want to be saved, they must be persuaded. They must be made to realise that prostitution is destructive and that they do not know what is best for them even if this is at the expense of having to destroy their self-esteem in cases where they have a positive self-image connected to their sex work. To help someone who is active as a sex worker would thus be to support evil itself."

This is one sex worker and how she feels about it. She works indoors so is pretty protected. She is studying. There will be people that are even worse off. I can only agree that this is how it feels. It feels as though if they can't convince us that we are victims (we are just unaware of it because we are so damaged) they would rather kill us. That is how it feels – they would rather kill us. Many of you know about Petite Jasmine, but we had another sex worker and they took custody of her kids, again. They said she is so damaged that she can't take care of herself, so she can't take care of her kids. She committed suicide because she knew she would never get them back. They know this. Understand, they know this, but they think it's worth it. It's like we have to get in line or take the consequences.

Another sex worker spoke about her therapist. Her therapist wanted to change her anxiety medication. The therapist said: "This is really good. It's going to take away your sex drive." She is 27 and having a very healthy relationship with her female partner. She said she thinks the therapist "bought this whole idea that there is some kind of disgusting dirty cloud complete with flies around sex workers. When you live in that misery long enough you become blind and can't see it. Therefore a third party is needed, someone clever like her, who can get you to understand how extremely stupid you are. She has seen all the pictures of how we are dying in the gutter and on dirty mattresses, and then just never thought about it. That's how I think it is." It's kind of sad, isn't it? Every single sex worker we talk with says the same thing, regardless of whether they hate the job, love it, or like it. Most of us are somewhere in between depending on everything else.

We are publishing a report. It started with interviews and then we decided to collect quotes. The police are going to speak for themselves – we used their quotes so they can't deny what they said. We have tons of documents from Parliament translated and then it clicked that it's 300 pages. I'm a bit obsessive at times, but this is us declaring war on Sweden. They declared war on us a long, long time ago, but this is us saying we've had enough.

We have been careful before because we have been afraid of not being able to get funding. I have had the police staking out my apartment for a year. The social services from the area where Petite Jasmine was murdered on their premises have still not reported themselves, which they are obliged to do under Swedish law. After two years they still haven't done it and there has been no investigation launched into why it happened.

The Prostitution Unit in Stockholm denied medical care to a suicidal sex worker because she didn't show she was interested enough in stopping selling sex. The Prostitution Unit in Gothenburg told a sex worker who had been raped not to report the rape, and then tried to

convince her to quit sex work. Miki Nagata, who works at the Stockholm Prostitution Unit, outed a trans sex worker at the meeting of the LGBT organisation. The two Rose Alliance members present intervened and so she stopped talking about this sex worker. This breaks every code of conduct you have for social workers. Karin Sidenvall, another social worker at the Stockholm Prostitution Unit, bullied a Rose Alliance member during those same meetings, saying she was for trafficking and silencing her.

The Attorney General who did our evaluation sat at a meeting and said: "There must be a way we can make sure Rose Alliance lose their funding." The same person talked to the Minister of Foreign Affairs who received an email from a very well known academic in the US saying that an academic we have in Sweden should be stopped. Then she forwarded this email to the police and to the social services; by focusing on an academic that is critical about the law she was trying to get her silenced.

And finally, the 'superhero cop', Simon Häggström, fingerprinted and photographed a migrant sex worker because he claimed that her photos were false. When he realised he couldn't use her as a trafficking victim he dropped her off in the middle of the street at two o'clock in the morning, in the middle of Stockholm and with nowhere to go because the hotel had thrown her out after he informed them.

The report by Rose Alliance is called 'Then Again They Are Not Totally Stupid Either',⁶¹ which is also a quote from a nice social worker. I am going to end with the same ending as the report: "Maybe you manage to convince the world that you care, but you can't fool me. You hate us. We symbolise everything you hate about men, society, sex, and life. So this is about your hatred combined with a hunger for power. You might fool others, but you and I both know the truth, and soon others will know too. So enjoy your power trip while you can. Soon it will be over and the truth will set me free. I win, you lose" (applause).

Evidence from academics

DR BELINDA BROOKS-GORDON

Birkbeck University

Calculating the Number of Sex Workers and their Contribution to the Non-Observed Economy in the UK.

Thank you. This presents a very, very short snapshot of a very large piece of work I did in conjunction with Nick Mai, Georgina Perry and Teela Sanders,⁶² all of whom I hope are here today.

Markets in 'illicit' consenting, commercial sex were to be incorporated into figures for the UK National Accounts for the first time in 2014 by the Office of National Statistics. And this change was to ensure comparability across EU countries as a result of implementing the European system of accounts. The first ONS analysis⁶³ used some badly flawed data and there was a lot of criticism of it, so the ONS then asked us to:

1. Evaluate the methods of the data used in the first study;
2. Calculate an updated figure for the number of sex workers in various sex work markets; and
3. Work out intermediate income and expenditure.

That is basically the outlay used directly to carry out the work. It's the first time that expenditures have been calculated across all of the various sectors in the UK.

So, what did the previous study do wrong?

1. Well firstly, it used non-comparative data sources from *outside* the UK in the Netherlands, where licensing created a two-tier system that excluded migrant workers from licensed venues.
2. Secondly, for the UK it used a very controversial study by Eaves where adverts in newspapers and sex guides were used to locate premises. And then they made hoax phone calls to the people working there. That covert methodology is a very inefficient way to get data, because sex workers use a portfolio of names to advertise different services and appeal to different markets, and that would lead of course to double counting.

3. Thirdly, the report assumed that sex work was directly related to population in order to scale up from London to the rest of the UK. That's very unreliable as obviously London has more tourist industry and a very different sex work market – it's got historical spaces like Soho. Whereas in the north there's less sex work, it's more rural, it's more dispersed and there's less migrant sex work.

4. Also, the previous study did no data at all on male or transgender sex workers. That's a sector that's estimated to be worth 8-15% of the sex industry and was left unexamined.

5. They also had unexplained multipliers. So for example, estimates of one person working in premises were rounded up to the nearest seven without any reason. I acknowledged double counting as it couldn't track individuals. So women working two days at one sauna and two days at another would be double counted.

6. Now, to my mind, the most unlikely multiplier was that sex workers saw 25 clients a week, 52 weeks a year. Sex workers may see plenty of clients during a shift, when they work from a flat or on tour, but they don't work every day, and certainly not 52 weeks a year.

7. No account was taken of those working across sectors either, so if somebody was working from a parlour one day or working from home another day, or a worker was registered with two agencies, that would also result in double counting.

8. Finally, and most importantly in my view, on lack of verification, there was no attempt made to triangulate the data with other sources to check the accuracy of the study. No participants currently working in the sex industry were interviewed or invited to check the data's accuracy or fit.

What could we then do instead?

We used monitoring data from NHS specialist services and standard methods used by HIV prevention organisations across Europe. We counted the male, transgender and street sex workers, sex workers working in Soho walk-

ups, working part time, alternating with other work, including Sexual Entertainment Venues or telephone chat lines, and touring. And we benchmarked the data for 2009, 2013, and 2015 from the UK Network of Sex Work Projects. From data on unique individual contacts it was then possible for us to estimate the average number of sex workers working. For regional data we used the M.A.S.H. national monitoring data which goes into quite a lot of detail around sex workers working on the street, and that data was cross-checked too for overlap at knowledge exchange meetings, which helped counteract double counting for people seen at different, multiple clinics. It gives knowledge of those known to be working, but who don't use NHS services.

Categorisations of female sex workers in London, as far as their income and expenditure, were drawn from 2015 data from Open Doors at Homerton Hospital NHS Foundation Trust. So we used hard data from case management reports that has to be held for NHS obligations, to work out the sectors, as well as the income and expenditure of female sex workers in London. The male sex work data was drawn from academic studies by Maginn and Ellison, Laing and Gaffney, and Logan (2014). Then we cross-checked that against data from legal cases where extensive court evidence, including prices, clients' payments, room payments and the flow of money from clients to sex workers, managers, taxi drivers, was used from two specific different cases.

Critically, we factored London separately so it doesn't distort assumptions made about regional markets. And, most importantly, we did a verification check by sending 40 sex workers a single open survey question: *What is your average gross take, yearly/monthly/weekly (either figure is fine depending on your work pattern)?* That was the question we asked. The responses received helped us understand the variability within each sector.

And then finally, exhaustingly, when the income and expenditure models were compiled, it was sent to an opportunity sample for sex workers who took part in an Ethical Society debate and their data too contributed to our understanding of the working pattern and cost involved.

So, what did we find? Well, we found a total of 5,249 sex workers at 18 specialist services to give an average of 292 contacts per service in

140 regional services. And the London calculation found 3,199 clients at four services who responded to an average of 800 clients per service, extrapolated using a total of 40 London services. Then we combined the figures for the region and London to get the national figure. The total national figure we found to be 72,800, comprising approximately 42,000 sex workers in London. Their gross annual income from sex work was estimated to be £5.09 billion, leading to a net income after costs of £1.23 billion.

Then we did a sector breakdown into eight areas. We looked at: female street UK nationals, street migrant workers, off-street mid-price venues, off-street high-price independent escorts who work regularly, male and transgender street workers, those who work intermittently and combine sex work with other work, those who regularly and independently work in sex work, and the male and transgender sex workers who work in specialised and high income work.

For consumption, estimates were made of clothes, condoms, lubricant, sex toys, travel, rental services and security personnel. And while there were different levels of income and expenditure associated with the different sectors, we found that women make up the majority of sex work with some estimates suggesting the proportion is around 85-90%, and London of course has the highest proportion of male sex workers.

We looked at male sex work in the UK and then looked across to see how that compared with Europe, mainly from TAMPEP's (European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers) reports. Estimations have changed very little since TAMPEP's previous briefing and show a composition of 8% male, 6% transgender and 86% female sex workers at EU level.⁶⁴

I'm going to give you a very brief snippet of just one of those sector bands. This is a source of astonishment to those at the ONS, which is based in Cardiff, where the cost of a house is probably the price of a bus ticket in London. So for female off-street sex workers, these were generally migrant women aged between 19-30 from Eastern European countries, and some from Brazil, and some Chinese nationals working in flats and saunas across East London. Regionally they would not necessarily be residents of the borough in which they sold sex.

So what were the average prices for those off-street middle-income workers? They would on average work 120 hours per month, at £70 an hour for 11 months. Now while this estimate may have brought in £92,000 a year, one of the things that the ONS couldn't believe was the amount they were spending on rent. They spent £16,500 on rent, £2,200 on clothes, condoms and lubricants came in at nearly £2000, sex toys at £100 and then security personnel nearly £5000.

So they (ONS) were also astonished then, with the female off-street workers earners, in the regions where, if somebody was earning £49,500 a year, a large proportion of that was then being spent on security.

So, the model takes account of the changes of workers since the previous flawed ONS study and the way the data was derived. And the new structure takes account for the different work patterns of migrant workers. Now, there are difficulties inherent in any analysis of hidden activity, but it is a model that we can build on as data accrues. It gives a model of the non-observed economy which is scaleable, simple, and has more explanatory power than prior attempts.

I'll send the larger report to anybody who wants it and I'd be delighted to talk about it afterwards with anybody who wants to hear about it. Thank you (applause).

DR JANE PITCHER

University of Strathclyde

Impact of Laws on Indoor-based Sex Workers' Safety and Conditions of Work.

I'm going to be drawing on some research from studies from Loughborough University. The first was an online study in 2010⁶⁵ of 47 organisations in Great Britain providing services to sex workers, and that was to obtain numbers of their service users and the number of sex workers they estimated to be in their local areas. This study complements some of the work that Belinda [Brooks-Gordon] has done.

The second was a qualitative PhD study between 2010-2014⁶⁶ that looked at indoor sex work in Great Britain as an occupation, and that drew on semi-structured interviews with 36 adult female, male, and transgender sex workers, and four former sex workers who were still working in the sex industry as third parties, so for instance as parlour managers or receptionists. The nine parlour workers were all female and there were also 15 independent agency workers who were female. All nine male and three transgender participants worked independently.

A lot has already been said about the way in which policy is based on narrow conceptions of sex work, but it is important to say that many documents draw on studies relating to specific sub-samples of the sex-working

population, particularly street workers or young people whose experiences don't necessarily reflect those of the wider sex-work population. And, as has been said before, the needs of the male and transgender sex workers are rarely acknowledged.

There's also been no distinction made between the different settings or circumstances of sex workers but there is considerable diversity, particularly within indoor sectors. And, as has been said many times before, policy reports tend to fail to draw on the experience of sex workers.

So it's important to stress that the majority of sex workers work indoors and the majority are female. My research showed that around nearly three-quarters of the UK sex-work population work indoors. Experiences from studies with indoor sex workers shows that their experiences are very different to street-based workers, so it's important not to generalise from specific studies.

There have also been no extensive studies on the relative proportions of female, male and transgender sex workers, although there are starting to be some more studies emerging now. My research estimated numbers through support projects, and suggests that while female sex workers represent 95% of street-based workers, women comprise closer to 80% of indoor sex workers in Great Britain,⁶⁷

so it's important to look across different sectors. And because much indoor sex work is hidden, it's possible the number of male and transgender sex workers is underestimated. Also, because projects tend to work mainly with female sex workers, either street-based or in parlours, there's quite an underestimation of the number of independent sex workers.

In terms of diversity, there are differences between, for example, independent, self-employed workers and those who are managed in some way in parlours. The independent workers tend to manage their own business, they often set their own terms and conditions, and determine the services they offer. The internet appears to have led to more independent sex work and yet this form of work is rarely recognised in policy discourses.

There are also considerable variations between managed premises so, as my research found, there are a number of supportive premises working with sex workers; certainly all the workers in my study were working, currently, in supportive premises, but they'd had past experience of much more exploitative managers.

Also, because parlours are in the informal sector and because of the illegality associated with brothel management, workers have no formal employment rights and there is little they can do apart from just moving on to a different parlour.

I want to talk now from my qualitative study on the impact of law and policies on sex workers who are working indoors. All my participants took a number of steps to minimise risk in their work, but one of the key issues raised was the impact of stigma, as well as the laws related to sex work in the UK. This caused them to keep their work secret from others so it could be very isolating, particularly if they worked alone. The legal context has implications for safer working practices, not only in parlours where managing a brothel or controlling for gain, for example, are criminal offences, but also where sex workers were independent but preferred to work collectively for safety and companionship.

As a brothel is defined as more than one person working on the same premises, this can also apply to collective working

arrangements. The uncertainty experienced by sex workers is also complicated by the fact that there is no distinction in the law between types of premises and working practices, so more supportive premises or sex workers choosing to work collectively are equally vulnerable to prosecution.

The participants in my study were concerned that they might be penalised. Some did work collectively and they stressed the high-risk environment of their work when they tried to take safety precautions – but they feel let down by the criminal justice system. The hidden nature of their work, as well as punitive policies, can make sex workers more susceptible to violent individuals, who are aware of their vulnerability in law. So concerns about their legal position and the dangers of working collectively can lead to much more lone working, even if people would prefer to work with others, and that has serious safety implications.

Fear of the repercussions also presents barriers to reporting for sex workers experiencing violence. My research showed that many participants were reluctant to report violent incidents because they were afraid of how the police would react. They were aware of high-profile cases where, for example, parlour managers or sex workers working together had been penalised – for example, they'd reported violent incidents only to find that they themselves were under scrutiny, rather than their safety being prioritised. Another research review from the UK Network of Sex Work Projects showed that projects also report these kinds of incidents as well.

Finally, my research found that criminalisation exacerbates the potential for exploitation and creates a situation where sex workers' safety is reduced. While sex work is criminalised it can't be recognised as a form of labour so it detracts from sex workers' labour, as well as human, rights. The participants in my study felt that decriminalisation was a necessary starting point to recognising sex work as labour, but decriminalisation is not sufficient to address all areas of exploitation. However, where it is criminalised, exploitation is rarely addressed at all. When policies are formulated it is important that the voices of sex workers in a range of working contexts are taken into account to ensure that policies reflect their diverse needs (applause).

DR ERIN SANDERS-MCDONAGH & DR LUCY NEVILLE

Middlesex University

Service Provision for Street Based Sex Workers.

Lucy Neville

Erin and I are talking about a piece of work we did in 2012, ⁶⁸ which was evaluating an outreach programme in North London that works with street-based sex workers. I'm going to give that some context. I did some work previously with the Metropolitan Police (who were very accommodating, so they're not always terrible) looking at the vulnerabilities of street-based sex workers. I was looking in a lot of detail at the homicide cases of all sex workers over a 20-year period in the London area, and 67% of that sample of 93 sex workers were street-based.

This is a population that is really vulnerable to violence. So out of the homicide victims who were street-based, 7% of them had physical disabilities, 35% had mental health issues, 76% had issues with drugs, and 35% had issues with alcohol. These figures are likely to be inflated because contact was made via a specialised service for vulnerable sex workers who had complex needs. This organisation, the Women's Open Spaces Project is doing really good work with street-based sex workers, addressing these complex needs. The first point of contact is often on the street when they're doing outreach, because women are unlikely to just come along to a drop-in centre, at a strange place they know nothing about. The fact that this work is criminalised means that Women's Open Spaces isn't able to make contact with these women any more. There is this increasing kind of police crackdown that means they're not getting that really valuable introduction. It means the really good work the project is doing with this very vulnerable population is becoming more and more difficult.

Erin Sanders-McDonagh

Thanks Lucy. I'm going to follow on from that and give you a bit more information about the projects. It was a year-long piece of ethnographic work, and we spent a long time working with Women's Open Spaces, who are based in the King's Cross area. The work was conducted during 2011-2012, so it was right in

the middle of the regeneration period around King's Cross. Anyone who came into King's Cross this morning from up north I'm sure you've noticed quite a few changes in the area over the last 5-10 years and equally in the run-up to the Olympics, both of which had an impact on the way that street-based sex work was being policed at this particular time.

The street-based sex workers we spoke to made it very clear that the police were targeting them specifically. It was clear from talking to them that they felt threatened by the police, that the police were not there to support them, and that they were not there to protect them. They felt increasingly endangered and this was evidenced all through the year, both from our outreach workers at the drop-in sessions and in talks with different organisations that work with sex workers. So it wasn't just this organisation, but also drug and alcohol workers in different outreach programmes that engage with street populations.

It was clear that the context of the specific geographical location of these sex workers was particularly problematic. We spoke to outreach workers who had been working in this area for 10, sometimes 20 years. They had a really good knowledge of King's Cross and north London, and they said that sex workers were being pushed into boroughs that they were unfamiliar with such as Haringey and Hackney. Also, that sex workers were being pushed to engage in sexual acts in places that they didn't know, in alleyways, in buildings sometimes, just to avoid police detection and to make sure that they could continue to practise sex work, in a place that they were slightly familiar with.

It's important to remember that this organisation is based in Camden. Camden has used ASBOs as recently as 2012 to target sex workers specifically, so this isn't something that's happened 10 years ago. The local authority is still relatively reluctant to engage with sex workers in a productive way

Of the sex workers we spoke to, that were by and large female sex workers, a lot of them had multiple issues that needed to be dealt

with. A lot of them weren't just selling sex for any particular reason, they were doing it to fund drug habits, they were doing it because they had mental health issues, they were doing it for a range of reasons – but these reasons were much more pressing for them than any of the sub-issues related to sex work.

There were no services available to help sex workers, so even if they wanted to access, say drug or alcohol services, there were no services that could recognise the multiplicity of needs that they had. Even for sex workers who really wanted to access some sort of help to stabilise them, there were very few services available to help them.

Women's Open Spaces as a third sector organisation was important in being able to provide and link women with services, but I'm sure most of you know that austerity measures mean that the third sector, which includes women's services, are increasingly facing funding cuts. Mental health services

are grossly underfunded. It is hugely problematic that there are no services for people who have mental health, alcohol, and drug needs as these are very vulnerable clients.

In short, I think it's fair to say that the lack of support from both the local authority and police in this area meant that women were increasingly working in unsafe situations. They were working in areas that were unfamiliar to them. They felt that they were being targeted and threatened, and I think that this is a direct result of the Olympics and the regeneration of the area so we need to look at wider market factors. I think this is also the case in Soho and we can see this happening really clearly. Soho Estates is trying to push out any sort of groups that don't fit with their demographic. So I think there are wider issues that we need to address in relation to regeneration, but also in the interest of saving spaces for all kinds of people, in all sorts of areas of London (applause).

PROF NICOLA MAI

University of Kingston

Migrant Workers in the UK Sex Industry.

I'm very proud to be here, I think this is an exceptional and important meeting. I want to tell you a little bit about some of the findings of my research that could be useful for the debate we are having today. It has already been said this morning that evidence is out there and has been there for a long time, but I would like to spend a few moments on this to understand and explain why I think this evidence has not been recorded and why I think it has been marginalised. Why isn't it being used?

With that in mind, I've delivered a project funded by the ESRC, which is the Economic and Social Research Council. It was peer-reviewed and supported by some of the people at this very table, plus other very, very respectable and professional academics. It was done according to the 'top of the pops' of academic ethics and we found out – through a qualitative sample, which is the only way to do research with a hard-to-reach and

criminalised population – that only a minority of migrant women working in the sex industry in the UK, particularly in London, were victims of trafficking. Six percent, that's it.⁶⁹

Niki Adams

Can you repeat that sentence?

Nicola Mai

It's only a minority of migrant women working in the sex industry that are victims of trafficking. It was 6% of our qualitative sample. There are of course important limitations in extrapolating statistics from qualitative samples, but the dimension was definitely that a very small minority of women working in the sex industry, of migrants, are victims of trafficking.

I'm saying it three times because this message doesn't sink in. It sinks in here, but it is completely disrespected, disregarded and marginalised because it doesn't fit with the way in which the encounter between migration and the sex industry is now being naturalised as trafficking. So if you do not agree with that

understanding, you're being seen as a heretic, your professionalism is being questioned and your results are just not used. It has been used though – and I'm very happy about it – by sex workers' groups and by fellow academics, but for the police and policy-makers, where are their findings? Because, in a way, if we acknowledge that only a minority of migrants are victims of sex trafficking, the whole governmental castle falls, which is probably why these findings are being marginalised and not recognised.

How did we get to that result? First of all, we did not just interview people who are within the system of rescue, help and support, and who understand migrants working in the sex industry to be victims of trafficking. So obviously if you go and interview clients of any agency delivering that service they will be all victims of trafficking. If you go and contact people through the police and the police, as you know, is tightly linked with institutions deporting migrants who are undocumented, then the only chance for people to stay is to declare themselves victims of trafficking and enter the national referral mechanism lottery. Of course then, everybody will become victims of trafficking and this then becomes a self-fulfilling prophecy that further corroborates damaging policies as we have seen.

So back in 2009, this was all very, very clear. What was very clear as well is that men and transgender people were marginalised. We haven't talked about it today for good reasons, because the real organisation and issue is about women, for all the wrong reasons as we know. We did actually find instances of exploitation in the sex industry that men were complaining about and where they were being marginalised.

What was interesting as well is that between 6-13% of people interviewed talked about exploitation. When we pressed them about what that exploitation was, it was not as you would expect from an abolitionist perspective inherent to an act of alienating your body for sexual services purposes, it was actually about the working conditions.

So people (and we are not talking about politicised activists, we are talking about anybody) were complaining about shifts, being able to refuse clients, working conditions and relationships at work, like any other sector. I come to prostitution as a sector of employment for migrants. I've researched construction before, I've researched many

different sectors before, so it's a migration perspective I bring to the table.

And yet again, when you talk about things in these terms, it is not being heard. In the final report there were many quotations from people – women and men with a migrant background – saying they came to the sex industry to avoid being exploited in other contexts. They had already tried cheap, cleaning, caring, table-waiting, cutting sandwiches, food-packaging – all morally acceptable jobs. They couldn't live on them, they couldn't help their families at home with them, and so some of them tried to work in the sex industry. Some of them were pushed by economic necessity, and many of them decided that it was the best of the options available to them. They were very restrictive options, but it was nevertheless a decision. There was a decision there for the vast majority of people so I think that is very important.

I want to say something about my current research, which was supported by the ECP and also independently. I want to highlight what the previous people said about the convergence between gentrification, particularly in London, and sex work, and trafficking as a vector of gentrification.

In Soho, what has happened is that some particular sex work establishments have been problematised and targeted by the police working in connivance with, I'm sure, the people who are trying to reclaim a particular area. There is the paradox that some brothels have been reopened, but not those that were in the perimeter of regeneration. So trafficking was found, for example, in different streets within the regeneration perimeter of Soho Estates, but just five metres away (sometimes the girls were the same and the people working were the same) there was no trafficking and the situation was completely changed, overturned. Soho has been massively gentrified and gentrification is a very important aspect of what we need to be looking into because it does legitimise particular anti-trafficking agendas and vice versa.

The last thing I want to say is that I have been working in France for the last three years. The socialist well-thinking government there (that is not right-wing, but there are problems with that particular understanding of socialism I think) tried to introduce/flirted with the idea of the Swedish model. They wanted to introduce the criminalisation of clients so what we did

(because I had a fully funded project there) was to ask 500 sex workers – men, women and transgender – what they thought about the law. Ninety-eight percent were against it.⁷⁰ I didn't even get to finish the question sometimes. In all languages, across all sectors – men, women and transgender – it was very straightforward: what do you think about the law? They said, "We are against it because it drives our livelihoods away, it

makes our life very different." This included Nigerian victims of trafficking who said, "We are already in a very difficult situation and so what is our life going to look like if we cannot even repay our debts?" In France it was only 11% of migrant respondents and 15% of migrant women working in the sex industry who could be categorised as victims of trafficking (applause).

DR JAY LEVY

Lessons of the Swedish Model and the Criminalisation of the Purchase of Sex.

Thank you. I conducted fieldwork and research on the 1999 Swedish criminalisation of the purchase of sex law over three and a half years.⁷¹ I'm going to be quoting from some respondents, but illustratively as we're a little bit pressed for time, and hopefully building to some extent on my colleague's talk, Pye [Jakobsson], which we heard this morning.

In terms of some more direct outcomes of the legislation, the law seems to have been used as a way of policing public spaces. It's used to displace sex workers from the streets into clandestine spaces. Of course, this increases the distance between sex workers and service providers, and sex workers and any kind of police protection.

On the law's introduction, CCTV was installed in areas of street sex work in Sweden and the police presence increased. As a result, fewer people were willing to buy sex on the street. This increased competition, pushed down prices and has resulted in difficulties in terms of negotiating safer sex work. Additionally, clients are now unwilling to leave contact information due to the fact that they're criminalised. It displaces sex workers who are at risk, especially those who may need their money more urgently, or who aren't well placed to refuse clients who won't leave their contact information.

All of this is compounded by the fact that negotiations are increasingly hurried in terms of street sex work. Clients are agitated, they're

stressed about the possibility of arrest now that they're criminalised and there is less time for sex workers to suss out the situation. I'm going to quote a sex worker respondent. She said: "You have to decide if you should go to the person's car. Now the guy will be really scared to pick me up and he'll wave with his hand. He'll say, 'Come here, we can go around the corner and make the arrangement', and that will be much more dangerous."

To quote the founder of Rose Alliance, Sweden's sex worker rights organisation: "When it comes to street sex workers they'll sometimes have problems negotiating condom use because of competition. There are fewer clients available for them because most good, serious clients think the safest thing is to buy sex from an indoor worker."

Despite all of these increasing difficulties for sex workers, it's claimed that the law protects them from police interference through criminalising only the purchase, and not the sale, of sex. That's how the law is exported, that's how it's sold. In fact, I was assured by the Swedish National Rapporteur on Prostitution and Trafficking of the Swedish National Police, and I quote: "The police definitely don't interfere because selling sex is not criminalised, we don't target the woman or the person in prostitution."

However, there are reports of the police targeting sex workers directly. Police have been known to inform sex workers' landlords that their tenants sell sex. This means that the landlord is forced to evict the sex worker, otherwise the landlord can be prosecuted. Similarly, the police have been known to

report sex workers to hotels and to venues, again forcing displacement of sex workers from civil society. And this is similar to the way they police public spaces and use the legislation as a way of displacing sex workers from visible, public spaces.

Police are also known to prosecute sex workers under pimping legislation for working together for safety. I believe this is similar to situations that we've heard about in the UK and in other contexts.

In stark contrast to any police assertions that they don't target sex workers directly, I am aware of police harassing sex workers directly in their own homes. To quote one respondent: "They come to my door. They ask for my ID and so forth. It's like harassment. The third time it's like, 'We know what you are doing, I mean, what you're about to do. We're going to go after your clients.' I make a living out of this so I was really paranoid for a very long time."

That really was in stark contrast to that assertion from the National Rapporteur for Prostitution and Trafficking who is tasked with having a full knowledge of what the situation is in Sweden.

Sex workers also face further direct interference from the state in the form of issues with child custody. In fact, sex work is specifically cited as a reason in some instances for the removal of child custody. As one sex worker respondent noted: "If you want to be 100% safe you should not have any children if you're a prostitute in Sweden."

Further to all of these laws and policies that are being used to target sex workers themselves, migrant sex workers, as well as victims of human trafficking, face deportation from Sweden as a matter of standard policy. In one instance, a sex worker was deported from Sweden with and I quote, "She has not supported herself in an honest manner" stamped on her deportation order as the reason for deportation – Pye [Jakobsson] and I both have a copy of this deportation order.

This is a far cry from a law that claims to protect sex workers from state-sponsored interference, which is how the Swedish model is sold internationally. In terms of some indirect outcomes of the Swedish model: Sweden's outspoken desire to abolish prostitution that frames the Swedish model has impacted service provision in Sweden. Specifically, it's impacted harm reduction and by harm reduction, I mean efforts to decrease

or mitigate harm that can be associated with sex work. Harm reduction in Sweden is seen to be incompatible with the Swedish model. In fact, it's seen to legitimise, endorse and encourage sex work. As a social worker from the Stockholm Prostitution Unit told me, "Harm reduction is in many ways a way of keeping people in the problem, instead of helping them leave".

So, as well as condom provision being opposed during outreach work for sex workers and their clients, the Prostitution Unit is opposed to such outreach work and believes safer sex-selling information is felt to actually encourage sex work. It is seen to encourage people to begin selling sex, where otherwise they would not have done so. I was told by the National Coordinator against Trafficking and Prostitution: "Maybe some young girl who isn't in prostitution for the moment, they find this on the internet, and say, 'Ah, maybe it can be really safe because I have this handbook and I have these things so nothing could happen.'"

Moreover, since the Swedish model constructs sex work as a form of violence against women, providing information on how to avoid difficulty and violence is fatalistically seen to be futile, it's seen to be pointless. As I was told by a social worker at the Stockholm Prostitution Unit: "Prostitution in itself attracts strange people and I think prostitution has always been and always will be, really, really dangerous." I asked in what way they could help someone and what kind of information they could give to help people. This is also a social worker at the Stockholm Prostitution Unit: "Since my knowledge tells me that prostitution is harmful, it would feel strange to hand out a kit with a rape alarm for you to go off with clients. I mean, people get raped anyway."

With such little service provision in Sweden, such little harm reduction, sex workers have to provide one another with condoms. There are reports of sex workers stealing condoms in places surrounding areas of street sex work. And they have to learn how to avoid difficulty and danger from one another, from educating themselves or from having experienced it personally.

To add to all of these negative outcomes with the legislation, and to Sweden's sex work policies generally, must be added the law's failure to achieve its stated ambition: Sweden cannot demonstrate to have reduced overall levels of sex work.

So, to conclude, there has been no demonstrable decline in overall levels of sex work in Sweden as the law intended to achieve. The Swedish model, as well as the understandings that frame it, have exacerbated danger and difficulty for sex

workers. Ongoing claims that the Swedish model is a success should be regarded with great scepticism given the failure of the law to achieve its fundamental aim, and given the law's substantial negative outcomes. Thank you (applause).

CAROLYN HENHAM

Basis Sex Work Project

Impact of Austerity on Sex Workers.

Good afternoon. I want to speak about the role that I've been in for 12 months now as a Benefit and Housing Advice Worker based in the sex work project in Leeds. I work with sex workers, care leavers, drug users, asylum seekers and all kinds of vulnerable groups. I have worked as a sex worker myself at various points.

My first point about the effects of austerity measures is that my salary is no better than what I earned in 1994. Workers in sex work projects are under a great deal of stress. The commissioning of services has meant that we are often on short contracts with very high stress levels at work and a high turnover of staff, so the first impact of austerity measures is staff shortages and skills running away from the sector. I'm going to bring up two case studies that I think will perfectly illustrate some of the issues that have been coming up today.

The first is a woman I met through outreach. She is 48 years old and she has not been out to work for 13 years so she had not sex worked since her mid-thirties. When I asked what had brought her back out to work, her DLA (Disability Living Allowance) had been cut. This woman has a mental health diagnosis of lifelong paranoid schizophrenia. She was on DLA for 18 years without interruption, based on her mental health issues. She was re-evaluated and lost her DLA.

The ripple effect of that upon her life was very rapid. Within six weeks, she had fallen out with her landlord, who we suspect may have been exploiting her anyway. She had gone off the methadone maintenance script she had been on for many years because she started using again due to the stress of losing

her DLA. So she lost £500 a month and she's lost her maintenance prescription.

The conditionality of drug recovery programs at the moment means that it's very hard for her to get back on to it. It's a minimum of four to six weeks and she'd have to show that she is willing to go into recovery, which she wasn't as she was under enormous stress. So she'd gone back out to work, she'd lost her house, she'd lost her script. She was then sofa-surfing – although she actually had an address, she was never there, so she became completely chaotic and her mental health was deteriorating. She has had to change GP, which also meant a change in CPN (Community Psychiatric Nurse). These stresses upon the mental health services mean that the CPN turns up to give her medication only and that is it. How come nobody knew she had lost her benefits? How come the GP didn't ask? How come the CPN didn't ask? These are statutory agencies. I, as a voluntary worker on low pay and part-time hours, work with this woman who sometimes is exceedingly dangerous and very unpredictable. I'm prepared to meet her. I've re-applied for PIP (Personal Independence Payment). She has no physical health conditions and she has been refused PIP with a zero point.

So this is somebody who had DLA for 18 years consistently and has lost that. This has tipped her into chaotic mental health, drug use and sex work – unsafe sex work. I met her on the street one night carrying a knife because she felt so paranoid. We seem to be the only agency, apart from another charity, that is working directly with her.

I want to speak about another woman. She is a 34-year-old woman I met on street outreach. She disclosed that she was suffering domestic

violence by her boyfriend, who was a drug dealer. She had a child under one year old. She was very paranoid about other women knowing that she was reporting domestic violence because they may exchange information with her boyfriend for drugs. So that's the kind of complicated set-up.

I've worked with this woman now for 12 months. We've put her through the hostel system approximately four times. As we know in domestic violence cases, it takes many, many attempts to leave.

When I met her she had no benefits. She was reported to Children's Safeguarding and her child was put up for adoption. This is the cost to her of reporting her domestic violence. She was chaotic and she accepts that she wasn't capable of looking after her child at that time, but that child is now gone.

She is still in the same situation. We've had MARAC (Multi Agency Risk Assessment Conference), Safeguarding and Domestic Violence Hub meetings. Everyone's incredibly concerned about this woman. But when she needed support out of hours or at weekends, when the police have arrested him for breaching the Restraining Order, who's working with her? The charity worker is, on part-time hours and low pay.

We have been pushing very much for statutory bodies to take responsibility for this

case, but there are no hostel places that are now safe for her. Local Authority hostels are so few now that they are all known. The domestic violence refuges have been cut to smithereens, and they will not or cannot accommodate a current drug-using, sex-working woman. There are no dispersed individual refuge properties available anymore. The same problem is happening with local housing hostels because they're seen as problematic and 'non-stayers'. So therefore this woman has bounced in and out of hostels.

I would like to, as a final point, make comparison with a group of migrant woman I met through indoor outreach. They had been raided by the police, under the guise of being trafficked. They'd had their car and £5000 removed and confiscated. We got all that back. Even though there was no evidence of trafficking two were deported. But the woman I was previously talking about, from Leeds, is being controlled, exploited, physically examined by the boyfriend, humiliated, violently beaten, held in houses and kidnapped with no police response, yet they can raid a migrant worker's house under the suspicion of trafficking and assume they're a victim. We have real victims walking around who cannot get help and that is due to the cuts in local services, austerity measures and welfare reform. Thank you (applause).

LAURA WATSON

English Collective of Prostitutes

Raids, Arrests, Prosecutions and Austerity throughout the UK.

Hi everyone. We have been collating information from our network around the country on raids, arrests and prosecutions of sex workers. We have put this together with information on rising poverty and the impact of austerity on the levels of prostitution in those same areas. Some trends have emerged that we think are worth reporting.

In a number of cities, there is a clear trend of an increase in prostitution because of benefit sanctions. Cuts to single mothers' benefits are

already having an impact and there are more cuts to come with single mums expected to lose at least £240 a year in benefits this year.⁷² With 3.9 million children living in poverty⁷³ in the UK and 500,000 people surviving on food banks,⁷⁴ no wonder that women are turning to prostitution.

Doncaster reports a 60% increase in one year⁷⁵ with charities saying: "Women are being forced to sell sex for £5 because of benefit sanctions." They also said, "People are turning to prostitution to pay for gas and electricity because they are being left without money under current regulations.

In some places, police and charity workers acknowledge the increase in prostitution because of desperate poverty, but then within a couple of years there was a major crackdown. In 2012 in Hull there was a series of graphic reports from police and charity workers that, to quote "Mums were selling sex to feed their children".⁷⁶ One charity worker who has been giving out food parcels said, "We have started to see women who are literally starving and they are out there to feed themselves. Often, that is because of benefit cuts or sanctions, when their benefits are taken away from them for a couple of weeks. If they have no one to turn to in an emergency, they have to find a way to get money – and that often means crime or going out on the streets."

Two years later in December 2014, the city of Hull won a court ruling allowing it to bring in a prostitution-free zone⁷⁷ where anyone working in that particular area faced arrest. Women in our network received Anti-Social Behaviour Orders⁷⁸ banning them from that area. Local outreach charities have been complaining that women have gone underground⁷⁹ as a result.

Going from press reports and from women in our network, which is in no way comprehensive, in the last six months there have been crackdowns against women on the street in Bolton, Nottingham, Peterborough, and Wolverhampton. And in London: in Hackney and Ilford. Inside, where women are working together, prosecutions for brothel-keeping have been Blackburn, Walsall, Pontypridd in Wales, Glasgow, Cambridge, Luton, Portsmouth, Plymouth, Bury, Teesside, Swindon, Kingsbury, and Surrey. And in London: in Camden, Ilford, Golders Green, Hounslow, Wembley, Hillingdon, and Redbridge.⁸⁰

The increase in prosecutions is confirmed by government figures that show 96 prosecutions for brothel-keeping last year compared with 55 the previous year.⁸¹ The offence of brothel-keeping is the charge that is most often used against women working together collectively from premises.

Figures show prosecutions for loitering and soliciting appear to have gone down, but we know that Anti-Social Behaviour Orders are being used instead and those have gone up.

Plus, in October last year, new Criminal Anti-Social Behaviour Orders were brought in, also with a five-year prison sentence if you breach it and/or a fine, as well as including new powers like dispersal. For example in Walsall, Birmingham, after police crackdowns on the street, 800 cautions were given out over two years.⁸² One woman was imprisoned for breaching the Criminal Anti-Social Behaviour Order⁸³ which banned her for two years from entering the area she worked and where other sex workers were working. Despite this, later in the year, residents reported an increase in prostitution in that area.

Crackdowns on prostitution raise concerns about police abuse, and women in our network who are working on the street say, "We get saturation policing but no protection from violence". One woman in our network summarised her experience of the police in this way: "The police wait outside my house to catch me when I leave. It doesn't matter how I'm dressed, who I'm with or where I'm going, they say I'm loitering. When they stop me they jeer at me and make jokes at my expense, often sexually explicit jokes. When they arrest me, I'm strip-searched and they sometimes leave the door open so the male officers can see in. All this is to humiliate me."

It's also worth noting that senior police officers have acknowledged that "operations to tackle the trade are counterproductive and likely to put women's lives at risk".⁸⁴

So, in summary, we have seen a big increase in prostitution and an increase in prosecutions. Every time there is a murder or other serious attack the response has been to crack down further, ban brothels or to introduce managed zones, but why not introduce decriminalisation and why can't the anti-prostitution strategy be the abolition of benefit cuts and sanctions (applause)?

One final point: once the police have been found to be institutionally racist in the way that they were after the Stephen Lawrence Inquiry,⁸⁵ and whilst we have extreme examples of sexism, the police cannot have the power and discretion over criminalised, and therefore vulnerable women.

Thank you (applause).

PIPPA GRENFELL

London School of Hygiene and Tropical Medicine

Health Harms of Sex Work Criminalisation.

Thank you very much for inviting me to speak today. I'm a Research Fellow in Public Health Sociology. I'm speaking on behalf of myself and my colleague, Dr Lucy Platt, who's a lecturer in Public Health Epidemiology. Combined, we have just about 22 years of experience of research with sex workers.

I'm going to talk about the now-established evidence on the health harms of sex work criminalisation. We've heard much about this today. I'm going to be supporting that with some of the stats from the literature. I'm going to be talking about harms around violence, sexual health and reduced access to healthcare – **harms that are reinforced, not alleviated, by criminalising clients.** I'll also discuss the evidence on the health benefits of decriminalisation.

Firstly, by criminalisation I mean all laws and police enforcement in relation to adult sex work, including those targeting third parties and clients. And by decriminalisation I mean the removal of these penalties. When discussing health harms, I follow the World Health Organisation's definition of health as "a state of complete physical, mental and social well-being".⁸⁶ I'll pay particular attention to violence as I mentioned, but I will also discuss sexual and emotional health and access to healthcare.

So to consider violence first, last year a global systematic review published by Kathleen Deering and colleagues showed that female sex workers were up to seven times more likely to have experienced recent violence, by any party, if they'd previously been targeted by sex work criminalisation.⁸⁷ One included study, a survey that Dr Platt, myself and colleagues conducted in London in 2008, found that women working indoors who had ever been arrested or in prison were 2.6 times more likely to have been assaulted by a client in the past year.⁸⁸ That is regardless of where they worked, whether or not they had a partner, were born in the UK, or used drugs, women previously involved in the criminal

justice system were at greater risk of violence at work now.

What do these data tell us about how criminalisation affects violence? Well, as we've heard today, evidence from the UK and elsewhere **shows how criminalisation displaces sex workers into less safe work locations and rushes screening of clients.**

In Canada, the work of Dr. K Shannon and colleagues found that cis and transgender women who worked away from main streets to avoid police attention, were more than twice as likely to experience subsequent violence by clients.⁸⁹ And that was regardless of their age, ethnicity, work location, drug use, and housing situation. And as we've heard from Jane Pitcher's work with sex workers in the UK that laws against brothel-keeping leave sex workers having to choose between safety and avoiding criminalisation.

Evidence from Canada and Sweden shows that these harms are reinforced when the purchase of sex is criminalised. And I just want to illustrate this with a quote from an interview in Andrea Krüsi's Vancouver study that Jenn Clamen mentioned this morning. She says: **"While the police are going around chasing johns away from pulling up beside you, I have to stay out for longer, whereas if we weren't harassed we would be able to be more choosy. Because of it being so cold and being harassed I got into a car I normally wouldn't have. The guy didn't look at my face right away. I just hopped in, he put something to my throat, and I had to do it for nothing."**⁹⁰

As we've heard from many of the speakers today, fear of arrest, deportation, not being taken seriously by police or of being publicly identified is widely documented to deter reporting of violence, including where clients are criminalised. This of course offers effective impunity to perpetrators and reiterates the vital role of initiatives such as National Ugly Mugs to facilitate reporting without fear of arrest, deportation, blame and disclosure. **Secondly, I want to talk briefly about the harms of criminalisation on sex workers' wider health. Data from a range of**

countries⁹¹ links police enforcement with up to a fivefold increased risk of HIV or sexually transmitted infection, and up to four times the likelihood of accepting more money for, being pressured into, or engaging in unprotected sex with clients. And again drawing on data from Canada, for example, cis and transgender women were three times more likely to be pressured into unprotected sex by a client if they had been displaced by police.⁹² That was including through zoning restrictions solicitation, so that's similar to the use of Anti-Social Behaviour Orders in the UK.

And again, evidence from the UK and elsewhere shows that police enforcement rushes negotiations with clients and confiscation of condoms restricts risk-reduction capacity, as we heard about in Scotland this morning.

Although not much research has examined the emotional health impacts of criminalisation, sex workers in the UK and many other contexts have described the persistent stress of fearing arrest and of being publicly identified.

Thirdly, I want to talk briefly about the impacts of criminalisation on access to health and social care. In Canada, areas that sex workers avoided due to policing overlapped significantly with most health and sex worker support services.⁹³ And we've heard about how, in the UK, police raids on venues in sex work areas disrupt access to outreach services – services that, as our 2008 research showed, are vital to sex workers' sexual and broader health. As Jay Levy's and Pye Jakobsson's research in Sweden has shown, anti-harm reduction approaches accompanying the Swedish model leave sex workers without access to vital resources and support.

Finally, broader structural inequalities, such as housing, economic insecurity and stigma, are both exacerbated by criminalisation and are themselves documented risk factors for violence and ill-health experienced by sex workers. Evidence from the UK and elsewhere shows how police fines and disruption of work increase economic pressures, whilst convictions or feared brothel-keeping charges make it harder to access housing.

Meanwhile, sex workers' lack of "recognition as a person before the law",⁹⁴ as Cheryl Overs and Bebe Loff put it, together with policies that construct sex workers as either

deviant or as helpless female victims, reinforce stigma and ignore the diverse reality of sex workers' genders and lives.

If we turn to decriminalisation the outcome is far more hopeful. Evidence from New Zealand, some of which we heard about this morning, shows that since sex work was decriminalised in 2003, sex workers are now significantly more able to refuse clients and to insist on condom use, amid improved support from managers. More than half of participants felt that police attitudes towards sex workers had improved. And bear in mind this was just a couple of years after decriminalisation was introduced.

However, some participants continued to mistrust and fear stigma by the police, and they were far more likely to confide in and receive information on violent clients from the New Zealand Prostitutes Collective. This reiterates both the vital importance of sex worker-led organisations and the continued need to challenge stigma against sex workers from state institutions, including beyond decriminalisation.

And although for many sex workers in the UK HIV risk is low, it's worth drawing your attention to the statistic published in The Lancet that was mentioned earlier this morning. This estimated that decriminalisation could avert up to 46% of cases of HIV among sex workers and clients over a decade globally.

This is coupled with reduced client violence, reduced police harassment, safer work environments, and increased condom use. These are changes that experiences thus far in New Zealand suggest are achievable.

So in conclusion, the evidence I've presented shows how criminalisation increases violence against sex workers, and impacts negatively on sexual health and access to services, including where clients are criminalised. The public health evidence strongly supports full decriminalisation of sex work, including the removal of penalties targeting third parties and clients. This must be accompanied by inclusive housing, welfare and migration policies that tackle inequalities, recognition of the diverse realities of sex work, and sustained funding for sex work projects, safety initiatives and sex worker-led organisations that are vital sources of support for sex workers' health, safety, rights and self-determination (applause).

DR KATE HARDY

University of Leeds

Mainstreaming of Lap Dancing.

What I am going to talk about today is a project that was led by Teela Sanders, which was funded by the ESRC (Economic and Social Research Council) and was the first major UK-wide study of strip clubs in the UK.⁹⁵ This was a really extensive study – we spoke to nearly 200 dancers in a range of different clubs, we did 197 questionnaires and we did 70 interviews with dancers, police, licensing officers, managers and other workers in the club. We talked to people about the last four clubs they had worked in so we weren't specifically talking about the clubs that we found them in. We think that this did get a real range, a representative range, of what's going on across the UK. We also worked with peer researchers so dancers actually did the research themselves and spoke to their peers.

The main findings were that dancers had very, very high levels of job satisfaction. Three quarters of them said that they thought of their work as being 7 out of 10, but they also reported very, very poor working conditions inside the clubs.

A really key finding though, was that every dancer we spoke to when we asked them about coercion or trafficking, said it was completely laughable. They said, "You must be joking. These clubs are on the high street; we're very, very visible." I cannot think of a single example of anyone that we spoke to that reported anything like that at all.

A key finding was that most dancers were dancing, alongside other things, so a vast majority were either in other forms of work or they were students. It really has to relate to increasing fees at higher education and the removal of loans for students. The other types of work that people were doing were generally either very precarious forms of work – so art work, for example photography – or they were very, very low-paid feminised forms of work, such as beauticians, social workers or nurses. Those were the ones that came up a lot.

And so I think it's really important to see this type of work as situated in a much broader

labour market that has really poor conditions for women, and particularly poor conditions in part-time work. These poor conditions include very high levels of commission for dancers; they had to pay 30% of every dance they did to the club. They also had to pay to work in the clubs, and fines and fees were used arbitrarily against them. This meant that 70% of the dancers we spoke to reported at some point losing money by attending work. I think this explains a lot of the expansion in the number of clubs that has been identified on the high street.

Now the second thing that I want to talk about is the effect of the licensing that came in under the Policing and Crime Act. This had been introduced as a result of pressure from groups such as Object! who said that they wanted to defend women's rights in relation to these clubs. Well this licensing has had an effect on worker's conditions, but they have deteriorated a lot and there are a lot of reasons for this.

One is that the high cost of licences has been passed directly onto dancers. A key point to note is that nothing is written into these licenses about working conditions for the dancers, nothing at all. So there was a moment at which, if people really were interested in women's rights, they could have advocated for writing in good working conditions for dancers into these licenses, but they have become an empty shell as we called it.

Another is that power is concentrated in a small number of clubs, so in cases where dancers want to leave there aren't any other clubs that they can go to, or threaten to go to. The good news is that dancers are starting to collectivise, so in the East London Strippers' Collective they started to get together and talk about how they can improve their working conditions, which is excellent. The problem is though that in certain places you're not allowed any more licenses. Even if they wanted to form a dancer's cooperative workplace, they cannot do that because there are no licenses available.

It's also been reported that where clubs are losing their licenses and none are being reissued or clubs are being shut down, dancing is going underground. This is not news to most people because we know what happens when work is pushed underground. Where dancers are dancing now for example

at private parties, there is less security and they can't report abuses in the same way. So the last thing I wanted to say was that the effect of this licensing has been to minimise dancers' power in relation to their workplaces and, on a positive note, dancers are starting to collectively organise (applause).

ROSIE CAMPBELL & DR TEELA SANDERS

University of Leeds

Violence against Sex Workers.

Rosie Campbell

Thanks to the ECP for inviting us to speak and for organising this event and for your staying power with campaigning for decriminalisation (applause). We are going to briefly share with you three pieces of data that can help with the debate and strengthen the case for decriminalisation – if you even need more evidence from what we've heard today. This research was carried out jointly with National Ugly Mugs (NUM) which is a third-party reporting scheme that sex workers can sign up to, make reports and get alerts, and which projects can also sign up to.

We're firstly going to look at an analysis of 941 reports.⁹⁶ Secondly, a survey of internet-based sex workers,⁹⁷ which didn't just look at issues of safety and violence but working conditions etc., and thirdly, we are going to have a sobering moment, which is always really important, to take a rain check on the murder database that NUM keeps, which isn't comprehensive as it's only the information that we have become aware of

Teela Sanders

So this is an overview of the statistics. I'd like to acknowledge Laura Connelly's involvement in the analysis of these 941 reports over a four-year period. The majority of reports from sex workers were street sex workers because the reports were through support projects. The majority of them were female sex workers – only 5% were male and 1% transgender – but this reflects who the support projects work with. The most prevalent crimes – 44% – as you can imagine were about violence. Twenty percent were about robbery and attempted robbery and 17% were about rape. There

were a whole range of other crimes reported with obviously smaller percentages.

But, interestingly, 18% of reports included hate crime reports and this is something that's coming up through a couple of different databases that we're looking at. Also interestingly and very importantly in relation to stigma and what this criminalised framework does, of these 941 reports 91% of people perceived that the crimes against them were motivated by hostility and prejudice towards sex workers. So how stigma and the law turns into perpetrating in crime is really clear in this analysis.

I just want to pull up some of the things that have been coming out about the relationship with the police that sex workers have. We asked the question, "Will you share your information with the police?" Some people will do this anonymously, so not giving their details, and other people would go and do full formal reporting to the police. Ninety-seven percent would share the report with the police but only anonymously. Only 25% of people reporting would actually share their full details with the police, so it really does demonstrate that those issues around trust and wariness and having their name exposed and not wanting to formally engage with the police, are still there for the sex workers reporting. So these were some of the key headlines.

Rosie Campbell

We hear about that unacceptable level of violence against sex workers under criminalisation. If we reflect on the murder stats as they stand, and as I say, this won't be comprehensive, 152 sex workers were murdered since 1990; 30 since Ipswich, which is when in 2006 five women were murdered.

I want to flag up some concerns about trends in murder. Of the last 11 murders of people (all women) in sex work between January 2013 and September 2015, 82%, that is nine of the victims, were migrants. So there is clearly a targeting of migrant people. Bear in mind that compares with 0% for those 19 people in the earlier phase post-Ipswich.⁹⁸

Also, 63% of the last 11 murder victims were indoor/escorting. That compares to 26% of those before.⁹⁹ This raises the issue of the targeting of people working indoors escorting. I have to say the last person murdered at the end of September was Maxine Showers from Liverpool. I'd known her for 16 years and I think you can more or less safely say, and my belief is, that if we had decriminalisation there would have been less chance that she would have gone down that alleyway if she'd had a safe place to work, or that person would be carrying the same level of hostility and target intent that he did, to hit her over the head with an iron bar.

Teela Sanders

The third dataset that we are reporting on is an online survey that was done with our key partner, National Ugly Mugs (NUM), and funded by the Wellcome Trust. It is a pilot. We had a survey out here for 12 weeks with the NUM membership, i.e. those people who signed up to the NUM reporting scheme. The survey was to map the working practices and experiences of internet-based sex workers. This is a group we know that is huge, but we don't really know much about in terms of research. We had 240 respondents in the 12 weeks, so we were really pleased with the numbers. It's currently our largest set of information about job satisfaction, stigma, contact with support services, crime, attitudes towards the police, etc.

We found high levels of job satisfaction, like the strippers project that we did. But on safety and crime we found that the levels of concern about crime varied. Around 49% were fairly worried or very worried about issues of crime against themselves as internet-based sex workers. Forty-seven percent have experienced crime in their sex work. The most common crimes experienced were threatening or harassing texts, emails, calls, verbal abuse and the removal of condoms. We are possibly seeing that because there is a move towards the internet as a basis to do sex work, that there may be changing patterns of crime in relation to sex work. Seventy-one percent said they did experience stigma – again a real relationship between stigma, criminalisation

and experiences of crime. Sex workers said that decriminalisation would be a way to try and circumvent some of these issues. So there is a connection between decriminalisation and the relationships between sex workers and the police, the continued hostility and with stigma and crime that makes perpetrators think they can get away with it.

In summary, under the current legal framework, sex workers experience a range of serious crimes. Sex workers in London are 12 times more likely to experience homicide.¹⁰⁰ There is a lack of confidence in some areas and underreporting to police. This is a really serious issue. The right to safety, public protection from the police and justice is just not in place. Decriminalisation removes many of these social, legal and cultural contexts, and in the light of new trends around violence, internet-based sex work and the targeting of violence in relation to migrants, we feel this issue is more than ever important to bring to the politicians (applause).

Addendum from Rosie Campbell and Alex Feis-Bryce on the impact of policing on sex workers willingness to report violence.¹⁰¹

Where police operated a harm reduction approach, sex workers were more likely to report violence. For example, from reports made to National Ugly Mugs since July 2012, 46% of sex workers in Lancashire, 34% in Merseyside and 31% in Greater Manchester reported to the police when they were a victim of crime. In contrast for that same period, in Nottinghamshire and Humberside where police pursued enforcement activity against both clients and sex workers, just 5% and 0% of sex workers, making reports of crime into NUM, in the respective areas reported to the police when they were a victim of crime.

Leeds is a powerful example of the impact of enforcement on levels of reporting. Between July 2012 to 1st April 2014 only 14% of reports of crime made by sex workers to NUM were also reported to the police. Towards the end of 2014, a 'managed area' for street sex work and a sex work liaison officer was appointed to build trust and provide support to sex workers in all sectors. Since the move away from enforcement more than 50% of sex workers reporting to NUM also reported to the police when they were a victim of crime. This is the highest level of reporting in the UK.

Representatives from political parties and other organisations

LISA LONGSTAFF

Women Against Rape

Impact of Criminalisation on Women's Safety.

Lisa Longstaff is a spokeswoman for Women Against Rape, a grassroots multi-racial women's group founded in 1976, offering support, legal advocacy and information to women and girls who have been raped or sexually assaulted.

Women Against Rape started in 1976 and we see thousands of women each year, including many sex workers. All have had strong views about when sex was consenting and when it was not. It's really sickening how people within the voluntary sector and anti-violence groups in particular seem to have lined up behind the campaign to criminalise clients, alongside the police and the fundamentalist church, etc.

We say, "Let's have some respect for the autonomy of sex workers to say yes or no". It is not up to the state to say it, it's not up to the church to say it and it's not up to feminists either.

Criminalisation increases violence and exploitation. Protection for victims of rape, trafficking and exploitation depends on the ability of survivors to come forward to report, and on the police to conduct thorough investigations. That's what survivors of rape and other violence need and want, including sex workers. Criminalising prostitution, whether the women, the clients or both, forces women underground and into more danger because they have less time to check out their clients. Targeting men who are not accused of violence distracts from dealing with the rape and other violence that women and girls are reporting. To target men who have not been accused of violence just because they purchase sexual services, diverts resources away from reported attacks.

Our biggest problem is that the authorities neglect, lose or misjudge evidence all the

time. It is not just sex workers who rarely get a decent service from the police when they report violence, it is everybody.

The police target the most vulnerable women, turn on us and investigate us when we report rape in many circumstances. That includes sex workers, migrant women, people with mental health problems, young women and people who have been drinking or who have been drugged. That's just what rapists do too, they go after the most vulnerable women, partly because they know they are most likely to get away with it.

The laws are applied in a very biased way. There are laws against violence but they are not applied properly. Implementation is the real problem. So when they speak about introducing more laws, supposedly directly targeting victims, they are not needed.

I will give you a couple of examples from the casework that we've been doing over the very recent period.

These are a couple of the women who reported violence to the police, who both happened to be sex workers and came to us for help because they weren't getting treated properly. Most of the women that we have dealt with were too scared to go to the police.

One woman reported her ex-partner for threats to kill her and her children using racially aggravated language. She knew he was capable of carrying it out. He had previous convictions, he'd been very violent in the past and he knew where she lived alone with her children. She gave the recording of the threats to the police and the Crown Prosecution Service. When we contacted them to find out when it was coming to court, they hadn't even bothered to listen to the recording and so they had left out the element of racial aggravation from their charge. This would have meant a substantially higher sentence were he found guilty of it.

It's only because of our intervention that they laid the charges of racially aggravated harassment – but they didn't charge him with threats to kill. We went to court with her and it

was a total shambles. The police were hostile to her, the prosecution was uninformed. The attacker ended up with a conviction and he got a sentence of six months, which is pathetic. He was out of prison within about 10 weeks. Following that, her kids were taken away by social services and only with our help did she manage to get them back.

Another case where we got involved was a woman who was robbed, beaten and kidnapped by a client. He forced her to go to a cash point and when she was in the street taking money out of her account for him, she managed to get the attention of some passers-by. Two women helped her and they called the police while the man was stalled. When the police came he was caught red-handed as he had her bank cards and mobile phone on him.

The police came and were absolutely disgraceful. She said she touched one of their arms when thanking him, and the officer recoiled and said not to touch him. It just went like that all the way through the investigation. They didn't take any photos of her injuries; they didn't record what happened properly; they didn't speak to the eye witnesses. The witnesses themselves came forward and gave all their contact details and were ready to make statements. The police just said 'no you won't be needed'. It's only because we put pressure on somebody higher up that those witnesses were later contacted to make statements and were ready to come to court.

She went to court and unfortunately all of those things that the police did were raised in court as ways to call her a liar by the defence barrister. When she stated that the police did not take photos of her injuries the defence ridiculed her in court, saying the police would never do such a thing. They accused her of lying about the whole incident, and said that the jury should feel sorry for the poor man who had been tricked by this cunning wicked woman. The man was found not guilty. We lay that verdict at the hands of the police and court; she was denied justice and

protection through sheer prejudice because she was a sex worker.

Another example of what can happen is with specially trained rape officers. Ryan Coleman-Farrow was sent to prison for fraudulently closing rape cases and lying that they had been closed by the Crown Prosecution Service when they hadn't. He was eventually caught and sentenced to just 16 months in prison.¹⁰² This is despite many rape survivors being denied justice because of his actions. But, before that, two sex workers had been begging him to deal with a stalker who was harassing them. Due to lack of protection they both committed suicide, which they wrote down in their suicide notes. He did not face any charge for that. No responsibility was laid at his door as if their lives counted for nothing.

Police targeting clients may be easier than investigating rapists, but it will not help to prevent sexual violence. If the police put resources into investigating reported rape and stopped raiding sex workers and harassing street workers, the situation would change.

We also work with many asylum seekers who suffered rape and other torture. Some have run away from traffickers, either in their country of origin or in the UK. Instead of protection and safety, they face disbelief and destitution, detention and often deportation if they come forward. Many of them have had to go on the game because they have no other source of money for food to feed themselves or their children. They then face further criminalisation. The more criminalised they are, the more vulnerable they will be to arrest and deportation, and to rapists.

Frankly there are several charges that the police could bring to deal with situations like trafficking. It's a question of how they use the law. We want the resources spent on the violence that we are reporting rather than imposing on us and deciding for us if we are victims or not.

Thank you (applause).

GEORGINA PERRY

Open Doors

Policing of Prostitution.

Georgina Perry worked for 13 years as service manager for clinical case management and outreach at Open Doors -- a NHS service for sex workers in East London.

Thank you for inviting me to speak at today's symposium. Before I continue I would like to make a clear and unambiguous point – working for the NHS brings with it a strict imperative not to take actions that harm people. In fact, we try our very hardest to do the least harm, to improve the health and wellbeing of the people we serve and to understand that where health-related harm exists we have a public duty to identify it and to seek ways to manage, minimise and ultimately remove harm.

During the 13 years I have been running Open Doors, every initiative I have developed has been with this imperative in mind. In most health-related services, 13 years is a long time in which to refine an approach and make significant headway in understanding how to improve the health and life chances for a unique cohort. Take access to sexual health treatment services for example, it would be true to say that for most people in our society, a trip to the GU clinic in 2015, whilst not necessarily pleasant, is an activity that they would be fairly confident to undertake. It would not be a trip laden with the fear of what might happen if they encountered professionals who wear a badge, be it medics associated with authority and thereby associated with other professionals who wear a uniform; these are the very professionals who have license to arrest them.

Sound overdramatic? It isn't at all. It is one of the first questions my team are asked when we encounter sex workers on outreach who have never used our services before: For example, one woman said, "how do I know if I can trust you... In my home country the hospitals and the police are linked... When the

flat I worked in East London was raided the police took my ID and told me if I worked again as a prostitute I would be arrested and deported... I can't come to your hospital because I would have to give my name and details."

Don't let anyone tell you that being a criminal doesn't drive you underground. It is what Open Doors sees day in, day out. Sex workers who need help and support, fearful of using services come in late, during illness or not at all to seek treatment for health problems which are simple to treat and that anyone else would have been banging down the doors of their local clinic to get sorted on day one. And really it is time to stop this nonsense. It is not like we can't do things differently, and here is a good example of how.

Between 2009-2010 in the lead-up to the London Olympics and during a time of considerable police attention towards sex workers in East London, nurses in one of the Open Doors clinics became aware of a larger than usual number of sex workers attending our clinic who had been victims of sexual violence. I could hypothesise a correlation. It is a bit of digression I know but still on point. More police raids throughout London, more sex workers becoming transitory and working in less safe environments because the safer flats have been closed down. More rapists and violent perpetrators saying, and I quote, and often do because it makes me so angry that people need to hear this: "I can do this to you and you won't be able to report this because what you do is illegal and you are breaking the law."

When we asked the women who were coming to our clinic whether they knew that there was a specialist sexual assault centre in London and whether they had reported these attacks against them to the police we were told: "We don't know where to go for help if we have been raped and we can't go to the police because they will arrest us."

And as much as it pains me to say this, in so many cases they were right.

To this day we work with women from certain London boroughs who, when trying to report violent sexual assaults against them, have their first dealing with some un-reconstituted police officer somewhere who says, "Go away love, it goes with the territory doesn't it?" And really, why would someone who has been arrested two days before by the police think that it might be worth going back to the same institution that had just treated her like a criminal, to report a heinous crime that has just taken place against her?

So, after meetings back in 2009 with senior colleagues of the Metropolitan Sapphire Unit and our local rape and sexual assault centre, it was confirmed by both that reports to the police of sexual violence towards sex workers were unimaginably low. Twelve reports were made by sex workers in the whole of 2009 across East London, with even fewer sex workers accessing specialist forensic and medical services. So a joint initiative was developed. Open Doors allocated a specially trained independent sexual violence advisor to work with all and any sex worker who had been a victim of sexual violence whilst either living or working in East London. At the same time an ongoing programme of training for Sapphire officers was undertaken, a programme which sought to challenge and address the core understanding of the stigma, discrimination and the additional challenges faced by sex workers within the criminal justice system.

This training addressed sex workers' biggest fears when coming into contact with the police and also developed understanding and strategies around supporting sex workers to stay engaged with the criminal justice process. Once satisfied that sex workers' fear of arrest could be responded to and allayed, a relentless round of publicity began with the Open Doors team promoting the Sapphire Unit and the sexual assault centres in the hope of building trust and confidence in reporting. To be honest, we held our breath as the first reports started to come in and increased over time. Could our colleagues in the Metropolitan Sapphire Unit manage to maintain trust and confidence with women who had previously been criminalised by other areas of the Met? Well five years on and I am pleased to say that the partnership is still a good one and that when the Sapphire Unit is involved the outcome for women in East London is mostly very positive.

Reporting of sexual violence has increased by sex workers in East London year on year. On average, now we support 35 sex workers annually to report instances of sexual violence. The conviction rate in the past five years now stands at 21 perpetrators who received prison sentences of between 2-22 years. It is a bittersweet success given the subject matter, but proof that where there is an appetite to do something different in terms of policing, to focus on the crimes perpetrated against sex workers rather than treating sex workers as criminals, justice and public protection can be the same for sex workers as for everyone else. However, the more I say it, pleased though I am that sex workers are receiving a better and more just response, the more I know that this is entirely wrong. A basic human and civil right to having a violent and degrading crime against you investigated in a thorough manner should not have to be the exception rather than the rule.

Special initiatives are just that: special initiatives. There is no guarantee that when our colleagues in the Sapphire Unit eventually change, these more progressive approaches won't change with them because you have to be on it all the time to make sure that these standards continue – insisting that awareness, knowledge and accountability remain high, because sadly these things don't always embed. Why should they? It's an initiative, it's not the law.

Police officers rotate through the Met at a rapid pace. Frontline beat bobbies are often exposed to people in the sex industry for the first time and this is where their first perspectives are formed. Then they become more specialist, moving between sections such as vice, domestic violence or trafficking, where their views and perspectives can become even more defined – sometimes for the better and sometimes for the worse when it comes to the sex workers' rights agenda.

If sex work was decriminalised then all the ambiguity would be removed. Police wouldn't have to question whether they can investigate the crime before the sex work. Sex workers wouldn't have to worry whether or not reporting a rape in a brothel would implicate them and their colleagues in an investigation about the way they were earning a living. Local police initiatives can be great, but they are ad hoc and dependent on the common sense of individuals within the police force. In

this day and age it's just not good enough. We need the law to change, we need to decriminalise sex work because until that happens I cannot ensure that the people I

serve will have access to the type of support and services that anyone else in our society would take as a basic human right and that needs to change. Thank you (applause).

JEAN JOHNSON

Hampshire Women's Institute

Supporting Decriminalisation.

Jean Johnson is chair of Hampshire Women's Institute, which in 2006, after five young women were killed in Ipswich, passed a motion to decriminalise prostitution.

Good afternoon everybody. I agree with a lot of the talks this morning and afternoon. I have been lucky enough to travel around the world to look at various ways we can deal with prostitution. ¹⁰³ I visited Amsterdam where, as you know, most of our sons go for a stag weekend.

From there, we went to Nevada and I saw how the Bunny Ranches were. Then my last stop was New Zealand, and I can really say thank goodness for Catherine and the ladies over there. It had been the most incredible experience. It's not the be all and end all, but it's a hell of a lot better than anything I have seen in many other parts of the world (applause).

I think in this country we have a problem, because of the girls and young boys that are in care. At the age of 15-16, and then maybe at the age of 18, they are sent out on their own. They have had no love, they have had no parental education and it just needs.

somebody to come past and say, "Gosh you are beautiful" and you're absolutely hooked.

We have sent a resolution to our national federation, hoping that in 100 years of the Women's Institute they would do something about it. However, they were concerned about the press. From Hampshire, the press that we had, when we asked for decriminalisation for the health and the safety of the people involved, was good and important. We've had tremendous response from lots of other Women's Institutes in other federations and I can only say, "Stop sweeping it under the carpet". It is really essential for decriminalisation to happen in this country.

Come on! It's 2016 nearly and we are still talking about it. It makes me so cross when people pontificate about it when they have never seen it, they have never experienced it, but that's not the Church. If you look back a few hundred years in history to the Bishop of Winchester, he was the richest Bishop in the land and he looked after the ladies. The only thing he wouldn't do – he'd take their money – he wouldn't give them a Christian burial. They were known as the Winchester Geese. Look up in history, look up the Winchester Geese. So the Church cannot turn round now and say how disgusting it all is because they were in it just as much as anybody else. So I absolutely think that it is time for decriminalisation and I support what Catherine has said 100 times over. Thank you (applause).

NATALIE BENNETT

Leader of the Green Party (2012)

Policy on Decriminalisation.

I think today is a real sign of how much political progress we're making – the interest of the MPs and the size of this audience, it's great to see.

I thought I'd begin briefly by reading out a few sentences from the Green Party policy: "Criminalisation of many parts of the sex industry leaves those working within it in a vulnerable position. They are often unable to turn to the law for help when their rights are violated". Talking about what should happen, the policy says, "All aspects of sex work involving consenting adults should be decriminalised. There should be zero tolerance of coercion, violence or sexual abuse in sex work, and public services, the government and the legal system should aim to end those social attitudes that stigmatise those who are, or who have been, sex workers" (applause).

I thought it might be useful to look back over the history to see how we ended up with that policy. I'm particularly thinking of the MPs who might be looking to change their own party's policy. It was long before I joined the Green Party that this policy was made. A couple of people who were working on policy in the Green Party went to the representatives of sex workers' organisations and gathered the evidence together. Drawing on that evidence base, they wrote this policy. That is quite typical of the Green Party. I think we probably have more evidence-based policy than any other party – drug policy and climate change policy are two other examples.

The policy passed very comfortably. In the Green Party, all policy is made by the members. Conference is sovereign. I ask you to reflect for a second that there were hundreds of people in a room who carefully considered that policy and overwhelmingly voted to support it, but approximately six to eight years ago when I became involved, the policy was under considerable challenge, particularly from proponents of the Swedish model. The way policy is changed in the Green Party is often by holding fringe

meetings at conference where people try to establish a consensus among members.

I found myself in some rooms crowded like this one, sometimes quite uncomfortably defending the policy against people presenting very emotional arguments from the other side. People were presenting arguments about 14 year olds who had been dragged into street work, who'd been forced into prostitution and who had drug, alcohol and mental health problems.

I worked with the English Collective of Prostitutes, and others, and found that what defeated that push within the Green Party was a series of meetings at conference where we had sex workers and former sex workers talk about their experiences and about how criminalisation had affected them. The last meeting that those proposing the Swedish model organised, only five people turned up to. That was the point when they recognised they were not going to change Green Party policy.

So we went to the evidence and then we got faced with a whole lot of emotion. That was a challenge. You've got to tackle emotion with emotion, as well as the evidence. We have been hearing from Thailand. The reality that so many sex workers around the world are single mums is what is behind sex work. For many people, particularly those who might not want to get into sex work, what lies behind sex work is a lack of money.

What we're seeing in Britain now with cuts to benefits, low wages and zero hours contracts is that many women are being forced into sex work because they have no alternative.

There's a two-pronged attack we need to make. We need to defend the rights of sex workers and the right to do sex work. We need to make it as safe as we possibly can and we know all the evidence of how to do that, but we also need to make sure that no one is being forced into sex work and that anyone who wants to get out of it can get out.

Sometimes those look like two contradictory things, but they're not. We've got to argue those two cases.

I think in the Green Party we've got a very strong track record. I think we're starting to see a political shift, which is tremendously exciting. A few years back I was in this very room for an abortion rights meeting. Labour women there proudly told me it was Labour Party policy to remove lots of the unnecessary restrictions on abortion in Britain and to

decriminalise abortion, but after a decade of Labour government they hadn't done it. So I think there's a real political opportunity here. Now is the time to not just defend what we've got, but seize a real change in the law to get to the right evidence-based law here in Britain. Thank you (applause).

CHARLOTTE CANE

Liberal Democrats

Policy on Decriminalisation.

Charlotte Cane coordinated efforts within the Liberal Democrats to consult on, and eventually pass a policy to decriminalise prostitution in 1994.

Back in the early 1990s I lived in Birmingham, and the Selly Oak Constituency Liberal Democrats were concerned about the red-light district in Balsall Heath. We came at it from wanting to put an end to something that seemed exploitative so we were initially attracted to the idea that's going around at the moment of criminalising the people who buy sex. Without having looked at any of the evidence, it seemed the obvious answer. We talked with police and groups offering support to prostitutes, and began to realise that actually it was considerably more complex than we had realised. And, frankly, it was more complex than our constituency party had the resources to address so we went to our party conference with a motion asking them to set up a policy working group to look at the evidence and come up with a sensible evidence-based policy for the party.

That was not an easy motion to get through and we got quite a lot of help, I have to say, from the English Collective of Prostitutes. We ran fringe meetings to make sure that we were educating our colleagues in the party about the issues around prostitution and everything we've heard today about the impact of criminalising around prostitution. A working group was set up and it aimed to talk

to police, prostitutes, health workers, local residents and indeed anyone with a point of view, and I mean anyone. I remember a very uncomfortable meeting with someone we had to keep interrupting and asking to tone his language down because his views on prostitution would not have gone down well today. Some of the language he used was very hateful and aggressive, but we did listen to everybody's point of view.

It became clear that criminalising the purchaser actually just made everything worse. Indeed all the laws we currently have around prostitution, as we've heard the evidence today, are making things worse, both for the prostitutes and for the residents of the red-light districts. We looked at licensing, which is a route that some countries were going down at the time, and that also didn't appear to us to be working. So the working group recognised that decriminalisation was the best way to ensure prostitutes' safety and deal with the problems faced by residents of red-light districts.

In 1994, the Liberal Democrats adopted a policy to decriminalise prostitution. That's remained our policy, but we've realised that over 20 years have passed since then and a lot has changed. So we have now set up another working group to review our policy and bring it into the 21st century. As I say, a lot has changed. We heard earlier this afternoon about the rise of internet in the sex market, and indeed the increase in criminalisation and in using the criminal law aggressively.

Some things, I have to say, have changed for the better. When we last had the working group there was the shameful Section 28 of

the Local Government Act. This made it extremely difficult for us to understand anything about gay sex workers because any organisation working with them that received any government funding couldn't talk about the work it did with them because it was potentially going to bring them up against the law. It had quite a lot of resonance with what our colleagues are saying from Sweden: something is wrong and therefore you can't do anything related to it, and so you can't understand it. Thank goodness that has been abolished, and of course we've heard from our colleagues in New Zealand that they decriminalised prostitution. That's a huge inspiration that we can succeed in the argument, and it will also give us a lot of evidence that we can draw on to put the arguments forward again.

So we're going to review, we're going to look at the research, the evidence and talk with a range of people including obviously the ECP, other sex workers, clients, police, outreach

projects, health support organisations, again to get a wide spectrum of views and experience. Some of us, and I'm not the only Lib Dem who has been here today, have certainly found it extremely useful and learnt a lot from around the world and academic research.

So we are going to update our policy, but I can reassure you that decriminalisation will remain at its core. That's because we believe, like everyone has said today, that it will lead to better working conditions and sexual health practices among workers. Also, and in fact possibly even more importantly, it will help foster a positive culture where what we're talking about is whether there was informed and enthusiastic consent. So laws against rape and other sexual violence should be strongly enforced, absolutely strongly enforced, but the state has no role whatsoever in consensual sexual activity between adults (applause).

ANDREW BOFF

Conservative member of the London Assembly

2012 report, Silence on Violence: policing of off-street sex work and sex trafficking in London.

Thank you very much. My name is Andrew Boff and I am a Conservative member of the London Assembly. The London Assembly is a body of 25 members elected at the same time as the Mayor for London; our job is to hold the Mayor to account and to raise issues of interest to Londoners.

Back in March 2012, I published a report called 'Silence on Violence'.¹⁰⁴ That was the result of my concerns about the way that the police were adopting a completely dehumanising stance in their policing of sex work in London. London is my remit and my locus. I can't speak for outside London.

The reason I am delighted to be here is because we are talking about evidence and, unfortunately, the policing of sex work up to this date has been completely devoid of any evidence base, in my opinion. For that report,

may I say, I am indebted to Tamara Barnett, who was the researcher. She effectively wrote it, and I get the kudos – I loved that relationship (laughter)! I'm also indebted to many of the people who are here today and have given evidence. I can cut a great chunk out of my speech because Nick Mai is here, and he has already given evidence about the largely fictional percentages of people who are assumed to be trafficked in brothels and on the street. And, he said it in a much more engaging accent than mine (laughter).

So what I am most concerned with is the lack of evidence. My concern came as a result of police action to try to prevent human trafficking in advance of the Olympics. The police had an additional £500,000 allocated to them in order to catch victims of trafficking. Now if they bothered to look at any evidence, they would realise that no great sporting event results in any increase in trafficking whatsoever. In the London Borough of Newham, they closed 80 massage parlours and when we asked them what the motivation

was behind closing them, one of the officers said "well, we read about it [the increase in trafficking] in the Daily Mail so we thought we might as well do it".

That is not evidence-based policing. It is policing on the basis of prejudice and it is the kind of policing that can only increase the amount of harm that sex workers are likely to be subjected to. It's a profession where, may I say, female sex workers especially are 12 times more likely to be murdered than in other professions.

That's not to say that there are not people who are trafficked into sex work. There absolutely are, but we've got to get proportions right. It was as a result of that, that I went on to write another report called 'Shadow City'.¹⁰⁵ The conclusion of 'Shadow City', based on the evidence, is that if you want to catch trafficked people, who are effectively modern-day slaves, you would get a bigger haul of victims from £500,000 if you shut down all the nail bars, raided Indian restaurants or indeed were even to enforce the minimum wage regulations in the

hospitality industry. You would be more likely to get victims of trafficking by doing that than by taking away the livelihood from people who desperately need it.

For that reason I do not believe, after the work that we've done on 'Silence on Violence' and where we've put the opposite point of view as well, that we don't just come in with opinions; we've looked at the evidence. I am firmly of the view that anybody who reads the evidence and is committed to evidence-based policy making can't have any other view than the best way to reduce harm to sex workers is the decriminalisation of sex work.

It is time the government treated this as a priority. There is a common-sense majority that agrees with that view and it is only a very small number of people, for whatever reason, that is committed to holding back that piece of legislation. So I very much hope that today's evidence puts pressure on the government and on all parties that we need to change the law soon in order to protect sex workers. Thanks very much (applause).

PAULINA NICOL

English Collective of Prostitutes

Organising Against Police Raids and Arrests.

My name is Paulina Nicol and I am from the English Collective of Prostitutes. In December 2013, 250 police officers raided the Soho area. A mass of press were invited along and women were identified in the newspapers. The police broke into the flats with dogs, handcuffed and arrested women. They forced immigrant women to go to a so-called place of safety even though they didn't want to go.

There are two important points about the raids. First, the police said the raids were not about the prosecution of prostitutes but to close brothels where they had evidence of very serious crimes happening, including rape and human trafficking, but no victims were found. Second, when women said they were working independently and they decided

which days they would work and they were not coerced, they were not believed and the flats were still closed on the grounds that coercion and exploitation was taking place. Sex workers take great offence at this. Does what we say not matter? The local community supported sex workers and the flats were reopened.

There are many reasons why sex workers need decriminalisation and some of the most important are in our pledge which we would like you to take away, sign or get others to sign. First is safety. Sex workers don't come forward to report violence because police threaten to arrest them for prostitution.

Mirabel couldn't be with us today but she would have talked about her personal story. Mirabel went to the police to report a gang who was trying to force her to work for them. She went to the police to report it and then the

police said, "Are you telling us that you are a prostitute? Because in that case we will arrest you."

The second reason is health. If sex workers are criminalised they are less able to get healthcare and might face discrimination. There is a woman in our group who went to a health worker and when she said she was a sex worker she was asked how much she charged.

Thirdly, decriminalisation would mean that sex workers were recognised as workers. One of the women in our group tried to speak to other women to agree collectively to raise the price, but under the current law she could be prosecuted for controlling.

Fourthly, decriminalisation would free up police time. One of the women in our group was attacked twice in her flat. The first time the police didn't turn up at all, and the second time she was badly beaten. After four hours the police called to see if she still needed them. A year later 15 police officers raided her flat, gave her a deportation letter even though she had the right to be in the UK and they were rude and racist.

Police waste lots of time chasing women on the street and charging them with loitering or soliciting, or giving them an Anti-Social Behaviour Order (ASBO). One woman was

charged with loitering when she wasn't working and we had to go to court to prove her innocence. Some ASBOs are very draconian. One woman was banned for 26 years from the Borough of Hackney even though she was living there. Again, we had to go to court and get the ASBO removed.

Fifth is that decriminalisation would help make clear that sex workers are mostly mothers. You will hear shortly from Jenny about women working to support their children.

Sixth is that decriminalisation would end criminal records. One of the women in our group was in a flat when it was raided. The police took her fingerprints on a mobile machine and found a conviction for brothel-keeping from 39 years ago. She was treated worse as a result.

Seventh, decriminalisation would end the stigma. Most girls in our group can't tell their families and can't go public. Sometimes people say that decriminalisation is only needed for girls that are better off, but it is needed for everyone. If we are being abused we need support, not criminalisation. Sex workers don't want to be divided between those of us who work in premises or those of us who work on the street. We all need decriminalisation, safety and rights. Sex work – it is work (applause).

JENNY PEARL

English Collective of Prostitutes

Working to Support Children.

Hello. Many years ago, I thought I lived a lovely ordinary life. I worked, had a nice home and a nice husband. Then I had a disabled child and all that changed. My husband thought it was my fault. He decided to be aggressive and I ended up in a very violent relationship. I then ended up homeless because I wouldn't put my child into care and because I chose to marry the idiot.

I didn't choose to have a disabled child, who I loved and still do, but it was hard to get benefits in those days for single parents with disabled children. My daughter has complex

needs and needs somebody with her 24/7. Years ago the benefits that we were given did not support a good lifestyle. She needed to be warm, she needed a nice environment and I needed to pay bills. I couldn't get a so-called 'normal job'. I needed something where I could earn money as and when I needed it. Whenever a bill came in I went and worked. I have to pay a nurse to be with her when I'm not there, so that's extra money.

As far as pimps go, the government is one because when the police pick me up, they take me to court, then I have to pay the courts. Now everyone that's on the take or benefits from what I earn that's against the

law. Who is going to take them to court for what they do to me?

Things changed when my daughter got to 21. The benefits system changed. There was a thing called the Independent Living Fund with direct payments, which was absolutely brilliant. It gives my daughter and myself a chance to have a normal life. It gives me the choice to employ people to come and help her and do what I wanted to be done, without me going to work on the streets.

I had the chance of normal work, but I couldn't accept those jobs because of the criminalisation I got through working on the streets. Social services offered me positions

caring for other people because of the care work that I do for my own child. They thought I was a perfect candidate for that and I had a spare room. They were quite happy to pay me, but I couldn't even tell them why I had to turn it down. I couldn't say, "Oh well, I can't do it because I've got a police record for prostitution" because I would have lost my daughter as she's a vulnerable adult. So the reason I went on the streets was to support her and give us a decent life, but I could have lost her if they had found out what I had been doing to support us both. Now the benefits system has all changed and I'm too old now to go back on the street corner so what our life holds, I don't know (applause).

STACEY CLARE

East London Strippers Collective

Impact of Licensing.

Stacey Clare is co-founder of East London Strippers Collective which aims to promote the self-organisation of strippers and lap dancers in London.

Hello everyone, I'm Stacey Clare from the East London Strippers Collective. We are a really new organisation in terms of learning how to collaborate together and organise, coming from an industry where we are pitched against each other. So we're really trying to come together to overcome that culture of working in competition.

Kate Hardy spoke a bit about the background of licensing as it currently stands. It's not really a question we've got an answer for. We stand in total solidarity with our sisters in sex work; we have it in our manifesto. The reason we formed the Strippers Collective in the first place was because there was a space missing for strippers to specifically focus on their own issues, which are relevant, but different, to sex workers'.

There is a problem within the stripper lap dance community about identifying as a sex

worker. It's so stigmatised that we are still feeling the stigma of it. The East London Strippers Collective started running events. We've been doing pop-up meetings and parties and trying to create our own working conditions. We have had enough of the last five years of no contracts, no contracted services, no workers' rights and increasingly financially exploitative conditions whereby dancers are paying fees to work, being fined arbitrarily and then going home with nothing. So we thought we would start to try and do things ourselves.

What to demand in relation to licensing is a good question. Currently, if we wanted to open our own club in Hackney, we can't because Hackney Council has a nil policy meaning they won't allow any more Sexual Entertainment Venue (SEV) licenses. How sexual entertainment is defined is very difficult to quantify at the moment. It's described in law as entertainment solely or primarily for the purposes of sexually arousing an audience and that can be an audience of one. So essentially a lap dance is definitely sexual entertainment. Nudity, a stage show, a cabaret burlesque show – that's fine.

There seems to be quite a discrepancy about where we stand in the field of organising events. We don't do lap dancing at our events because we can't get a licence, but a well-

known fetish night is allowed to have sexual acts happening in full display of an audience, and that's fine. They don't need a SEV licence

for that. It's a bit confusing at the moment. That's all I can say at the moment. Thank you (applause).

JOHN MCDONNELL MP

Shadow Chancellor

I'm sorry that I haven't been able to be with you for the whole day. As you know, I have taken on another role so life is somewhat hectic. A number of MPs have been raising the issues with me, so it seems there is a discussion, even beyond the ones that have turned up today. There are still those with their own anxieties about our approach, but what we are doing is re-engaging them in the debate. We're providing them with objective factual information as well as positive assessments of the policy that we are advocating, and I think we are beginning to win people over.

We're certainly fending off some of those issues around increased criminalisation we have been worried about, that have been raised time and time again in Parliament over recent years. I think we are fending that off and we are getting now to a more rational debate rather than one that's highly emotional or moralistic. I think we're doing that.

So, just as a matter of principle, I think it's important that we use this building as a place for that debate as well. For too long policy-making has been distinct from discussions about what's happening in the real world. I think bringing it into this building is quite important and allowing access to parliamentarians and others to have that discussion, even if it's just to drop in briefly.

So, well done to all. I'm really grateful. You have advised me on what to do in terms of follow up, in terms of how we promote our position and widen debate in here and also with policy makers. What we want to do is a follow-up to this symposium at a later date.

And I repeat, I'll continue to – even though I'm in my new role – I'll continue to play a constructive role as the person who books the rooms (laughter and applause).

Statements in support of decriminalisation of sex work

STATEMENTS

ROYAL COLLEGE OF NURSING

Policy on Decriminalisation, presented by Cari Mitchell, ECP.

I also speak as a former nurse and a former member of the Royal College of Nursing many years ago. We met the Royal College of Nursing back in 2005 when they were bringing the issue of decriminalising prostitution to the attention of nurses. They put through the policy for decriminalisation on the grounds of health and safety for sex workers with the obvious view that while criminalisation persists women are not able to come forward and get the health services that they need. In 2006, after the murder of five young women in Ipswich, the ECP drew together the Safety First Coalition, which is organisations and individuals who all agree that decriminalisation is the only way forward for sex workers' safety.

The Royal College of Nursing (RCN) was a very key part of that coalition, and remains so. They spoke at nearly all of our public events over that period. In 2009, the RCN raised the question of decriminalisation of prostitution again at their annual general meetings and over 90% of nurses voted in favour of it.¹⁰⁶ This is fantastic given that nurses are the respectable girls – nurses are the good girls and sex workers are the bad girls. It is really important that the good girls have voted over 90% in favour of decriminalisation.

Their decision was made on a pragmatic basis and they did speak out very clearly against any kind of moral position, as well as for bringing the whole question of decriminalisation of consenting sex between adults into the 21st century. It's great the RCN have a policy for decriminalisation that was put through first in 2005 and was voted on again in 2009. Thanks (applause).

AMNESTY INTERNATIONAL

Policy on Decriminalisation, presented by Sarah Walker, ECP.

The Amnesty vote was an absolute breakthrough. It came from years of pressure and organising by sex workers and our supporters worldwide. I'm just going to summarise – it's really worth reading the document and we want it here on record for parliamentarians to refer to because it's so important.

First of all, Amnesty's policy¹⁰⁷ aims to protect the human rights of sex workers, through measures that include the decriminalisation of sex work. Their policy is based on evidence and the real-life experiences of sex workers, who have been saying all along that criminalisation makes it less safe for us to work. It does not protect pimps, and that's a lie that's been thrown at Amnesty. It makes it clear that, and this is a quote, "Those who exploit or abuse sex workers must be criminalised".

The policy calls for rape, trafficking and all other violence to be vigorously dealt with, and all the laws around that have to be implemented. On the other hand, it says that the laws that criminalise brothel-keeping and promotion often lead to sex workers being arrested and prosecuted themselves.

As we've heard today, women can be criminalised and can end up in prison for years with devastating results on them and their families, and it makes it hard to get other work. It's just catastrophic. In Norway, Amnesty International found evidence that sex workers were routinely evicted from their homes under so called 'pimping laws'. In the UK, along with many other countries of the world, a flat where two sex workers are working together for safety is considered a brothel, and women can face arrests, raids, prison and so on. Again, it's very catastrophic.

Amnesty's policy does not support the criminalisation of clients, because they found, and I quote, that "even though sex workers are not directly criminalised under the Nordic model where clients are criminalised, many aspects, like purchasing sex and renting premises to sell sex in are still criminalised. This compromises sex workers' safety and leaves them vulnerable to abuse."

Amnesty's policy does not promote sex work. It recognises that sex workers often engage in sex work as their only means of survival and because they have no other choice. This again has been spelt out today. Austerity, cuts and discrimination are driving women right to the brink, and sex work is a survival strategy for many of them, especially for mothers.

Amnesty puts obligations on states to provide resources in the form of state benefits. This is really a crucial part of the policy. It calls on governments to "provide education, benefits, training and other alternative employment" to help sex workers leave prostitution if they want. This is even more crucial now, as women are in much poorer circumstances and facing horrendous cuts and low wages. Also, we have to add that many asylum seekers who have been denied benefits and the right to work have no other way to survive besides sex work.

Amnesty's policy spells out the harm caused by criminalisation, specifically the ways in which it "puts sex workers at greater risk of violence, including police violence, denies sex workers access to justice and police protection, and encourages discrimination in the provision of housing, health and immigration status".

Amnesty's policy recognises that women, transgender people and migrants are overrepresented in sex work because of discrimination and it demands that states take action to improve and support their situation, and not, quote "devalue their decisions, compromise their safety and criminalise the context of their lives". That is so important, this measure is not only for health, and safety, but also it's an anti-racist measure and it can give us protection from the police who you've heard so much about today. The fact that we're criminalised as workers is constantly used against us.

I'll just finish by saying that the opponents of Amnesty International's policy have completely ignored the success of decriminalisation in New Zealand. We're thrilled to hear more detail today about this. It's given us a great power here and we can really draw on that. The opponents of Amnesty International have been promoting the Swedish model, which has criminalised clients and endangers sex workers around the world.

So we're going to be building on Amnesty's policy, but also drawing on the power that we have seen here today. There's a mass movement of sex workers and it's drawing together a whole set of other people for our safety, for health, for our welfare and for a better quality of life (applause).

PROF COLIN FRANCOME, MIDDLESEX UNIVERSITY

Public Opinion Polls on Prostitution, presented by Nina Lopez, Legal Action for Women.

This is from Professor Colin Francome, who has been a very good friend of the English Collective of Prostitutes. He is also Director of the Campaign for Radical Sociology. He has conducted a number of polls that show that the public is largely in favour of decriminalisation. Here is the evidence.

A poll conducted between 28th February and 2nd March 2014, ¹⁰⁸ found that the majority of people supported decriminalisation. Only approximately 3 in 10 nationwide were in favour of criminalisation.

In London it was only one in four. Another poll was conducted for YouGov on the 30th August 2015,¹⁰⁹ which asked the question: "In some cases prostitution has been legal in Britain, but in others it is a criminal offence. Would you support or oppose the full decriminalisation of prostitution as long as it were consensual?" The response was 54% in support and only 23% against.

As far back as 2008, 59% of people agreed that prostitution was a perfectly reasonable choice that women should be free to make. Only 27% disagreed.¹¹⁰ In Canada, there was a poll in June 2014¹¹¹ which found that 54% of people thought prostitution should be legal and only one third thought it should not be legal. So the evidence is here (applause),

RELEASE

Similarities between Decriminalisation of Drug Possession and Sex Work – written submission.

Release is the UK centre of expertise on drugs and drugs law, providing free advice on drug-related legal issues. We also campaign for the decriminalisation of personal possession of drugs. For many of our clients there is an intersection between their drug use and engaging in sex work, though of course we recognise that this is certainly not the case for all sex workers. We developed a guide on sex work and the law a number of years ago because there wasn't anything comprehensive available. We are currently updating this booklet, with input from ECP.

While we have also always been interested in the policy side of sex work, we became much more involved when we joined the Safety First Coalition following the deaths of five sex workers in 2006, who all also used drugs. There is a number of parallels between drug use and sex work, including, but not limited to: the stigmatisation and marginalisation of already vulnerable groups through criminalisation; similar battles and experiences such as closure orders for drugs under the Anti-Social Behaviour Act 2003 and for brothels under the Policing and Crime Act 2009; and the fact that the laws disproportionately target certain people according to factors such as ethnic background. Likewise, there are also parallels between the campaigns for decriminalisation. Both call for an evidence-based policy, using international examples (of both good and bad practice), and advocate for a health and safety rather than a criminal justice response, while highlighting the negative and unintended consequences of criminalisation.

For that reason, I would like to share with you some of the strategies we have found to be successful during our campaign for decriminalisation, in the hope that these can also be used in relation to decriminalisation of sex work.

- Using research – referring to existing research or conducting your own holds a lot of weight, particularly when carried out in conjunction with reputable partners (which I will come to in more detail shortly). Release built on existing research into the impact of drug law enforcement on Black people and had researchers from the London School of Economics conducting analysis of the data we obtained. The report has been widely referenced in its own right, to a level beyond what we could have hoped for.
- Considering indirect issues/consequences – this can lead to a broadening of the issues and attract support from others who might not be interested in sex work issues otherwise. In addition to the issue of ethnicity, we have also looked at the economic costs of policing and prosecuting drug possession. This then leads on to discussions about what any savings could be used for. Financial issues can often unite two opposing parties, so are always worth considering.
- Enlisting unexpected and varied supporters – this is essential when combating the opposition that you are only interested in decriminalisation because of a narrow or biased view (we've been called 'lefty liberal legalisers' before!). We have managed to challenge this opinion by gaining support from a wide range of respected people, including academics,

medical professionals and governing bodies, lawyers, politicians and celebrities. If such a wide range of people can see the value in your arguments, then people will start to listen

- Collaborations/coalitions – these can often occur naturally as a result of some of the other activities discussed above, as by looking at wider issues and seeking support from the unusual suspects, areas of common ground are likely to be found. If not, then I encourage you to seek out potential partners. It can be difficult when you have been working on something for so long and know the issues inside out, but there will always be things that other organisations or individuals can add. We have learned to play to the strengths of others that we involve to build a stronger overall campaign. If we had conducted the data analysis for our research report ourselves, the outcome would still be the same but the LSE involvement adds credibility to it and has no doubt attracted attention it wouldn't have received if we had insisted on keeping it in-house.

CLASH (CENTRAL LONDON ACTION ON SEXUAL HEALTH)

Impact of Criminalisation on Health – written submission.

Our project is part of the Central and North West London NHS Foundation Trust and works with female and transgender sex workers, offering sexual and reproductive health testing, advice and health promotion and support in a clinical setting and on outreach. The support we provide to our clients focuses on working safely, assisting sex workers in reporting crimes to the police, explaining current legislation affecting sex workers, trafficking and coercion with clear referral pathways. We also support our clients providing information and referrals about tax, national insurance, immigration, GP registrations, drug and alcohol services and support, and change of career plans when appropriate.

It is becoming more and more difficult for sexual health services such as CLASH to engage with female and transgender sex workers and to find new venues to visit for health promotion and sexual health screening. These are services of benefit to the sex workers themselves and to the wider health of the general public. We believe this is due to the stigma attached to sex work, something criminalisation contributes to.

Criminalising sex workers working in a brothel, for example, has made the process of reporting a crime against them much harder for fear of repercussions, fear of not being taken seriously and fear of being deported due to their immigration status. This also makes it more difficult for sex workers who are searching for alternative employment for the potential of criminalisation attached to current legislation.

CLASH is finding that we are only being granted access to venues where there is a long-standing trusting relationship and where staff know the workers within the venue. It has become extremely difficult to access or even locate new sex work venues, though we know these exist. This appears to be largely due to the lack of trust and increased suspicion workers, maids and employers feel towards the professionals who make contact with them, not knowing if they can trust anyone as they feel they may be prosecuted.

At CLASH, our aim has always been to reach out to this vulnerable group, and work towards improving their access to sexual and reproductive healthcare, and to provide health promotion and safer sex information that they would likely otherwise not receive for many reasons (e.g. long and unsocial working hours, not being registered with a GP, immigration/visa issues). Some examples of the work we carry out include being able to perform smear tests for women who are not registered with GPs, vaccinating all sex workers against Hepatitis B as they are a higher risk group, and providing contraception and emergency contraception to sex workers to prevent unwanted pregnancy. These services reduce infection rates and unwanted pregnancy.

Research by Platt, Grenfell, Bonell et al. (2011) has shown that outreach to sex workers has an impact on infection rate, in that having no contact with an outreach worker or nurse increased their risk of infection. Since many of the women we visit on outreach are not able to access the clinics we run, it is imperative that health services such as CLASH are able to access sex work venues.

The fear of prosecution that sex workers face and the difficult relationship with authorities, especially the police, have serious public health implications for services such as ours that rely on access to sex workers in their working premises to carry out STI testing, provide condoms and offer support.

Despite reassuring sex workers that our project is confidential, there is still a lot of worry about letting external agencies enter their working premises for fear of being arrested, as working in a brothel is illegal. In the vast majority of cases, both in clinic and on outreach, we meet migrant sex workers that have chosen sex working as a career choice to support their families, their studies or their income, and via sex working they have managed to maintain a decent living standard in the UK and improve the living conditions of their families in their country of origin.

Despite no coercion or trafficking being present in these venues, our access to them is still compromised. For example, even leaving condoms is an issue for some of the flats and saunas we attend. In the recent past, condoms have been used as evidence that sex working is being carried out on the premises as part of brothel closures and police raids. This has the potential of increasing the number of sex workers that offer hurried and unprotected services, which has an implication on HIV and STI transmission.

CLASH completely agrees that the law should continue to help and support individuals that have been trafficked and it is essential that the police and projects such as ours work closely to protect sex workers who are being coerced and trafficked and who are at risk of exploitation. It is also important to highlight that the decriminalisation model in New Zealand for example has already seen clear success examples in tackling violence against sex workers with brothel owners being prosecuted for harassment towards a sex worker working for them and that this could prove as successful in protecting sex workers working in the UK.

TONI MAC, SEX WORKER OPEN UNIVERSITY

*The Laws that Sex Workers Really Want – written extract from TEDxEastEnd, 2016.*¹¹²

In this talk, I'll take you through the four main legal approaches applied to sex work across the world and explain why they don't work, why prohibiting the sex industry actually exacerbates every harm that sex workers are vulnerable to.

The first approach is full criminalisation. Half the world including Russia, South Africa, and most of the US, regulates prostitution by criminalising everyone involved (so seller, buyer, or third parties). Lawmakers in these countries apparently hope that the fear of getting arrested will deter people from selling sex. But if you're forced to choose between obeying the law and feeding yourself or your family, you'll do the work anyway, and take the risk.

Criminalisation is a trap. It's hard to find a conventional job once you have a criminal record; potential employers won't hire you. So, assuming you still need money, you'll stay in the more flexible informal economy. The law in effect forces you to keep selling sex, which is exactly the opposite of its intended effect.

Being criminalised also leaves you exposed to mistreatment by the state itself. You may be coerced into paying a bribe or even into sex with a police officer to avoid arrest. Police and prison guards in Cambodia, for example have been documented subjecting sex workers to what can only be described as torture: beatings, threats at gunpoint, electric shocks, rape, and denial of food.

Another worrying thing: if you're selling sex in places like Kenya, South Africa, or New York, police officers can arrest you if they catch you carrying condoms because condoms can legally be used as evidence that you're selling sex. Obviously this increases HIV risk. Imagine knowing that if the police bust you with condoms it'll be used against you – pretty strong incentive to leave them at home, right? Sex workers in these places are forced to choose between risking arrest or having risky sex.

The second approach to regulating sex work, seen in these countries is partial criminalisation where the buying and selling of sex are legal but surrounding activities like brothel-keeping or soliciting on the street are banned. Laws like the ones we have in the UK and France, essentially say 'We don't mind you selling sex, just make sure it's done behind closed doors, and alone.'

Brothel-keeping, by the way, is defined as just two or more sex workers working together. Making this illegal means that many of us end up working alone, which obviously makes us more vulnerable to violent offenders. But we're also vulnerable if we choose to break the law by working together.

For instance, a couple of years ago a friend of mine was nervous after being attacked at work, so I told her she could see clients at my place for a while. During this time, we had another client turn nasty. I told the guy to leave, or I'd call the police. He looked at the two of us and said 'you girls can't call the cops – you're working together, this place is illegal'. He was right. He eventually left without getting physically violent but the knowledge that WE were breaking the law empowered that man to threaten us – he felt confident he'd get away with it. The prohibition of street prostitution also causes more harm than it prevents. Firstly, to avoid getting arrested, street workers may take risks to avoid detection, working alone or in secluded locations like dark forests. And if you are caught selling sex outdoors, you get fined. How do you pay a fine without going back to the streets? It was the need for money that saw you on the street in the first place. And so, the fines stack up, and you're locked into a vicious cycle of selling sex, to pay the fines you got for selling sex.

Let me tell you about Mariana Popa who worked in Redbridge, East London. The street workers on her patch would normally wait for clients in groups, for safety in numbers and to advise each other about avoiding dangerous guys. But, because of a police 'crackdown' on street workers and their clients, Mariana was forced to work alone to avoid being arrested. She was stabbed to death in the early hours of October 29th 2013. She had been working later than usual, to try and pay off a fine she'd received for soliciting.

So, if criminalising sex workers hurts them, why not just criminalise people who buy sex? This is the aim of the third approach I want to talk about, the Swedish or Nordic model of sex work law.

The idea behind this law is that selling sex is intrinsically harmful, so you're in fact helping sex workers by removing the option. But there is no evidence that the "end demand" approach works. There's just as much prostitution in Sweden as there was before. Why might that be?

It's because the people selling sex often don't have many other options for income. If you need that money, the only effect of a drop-in business is to force you to offer more risky sexual services or lower your prices. To find more clients, you might seek the help of a manager. So you see, rather than putting a stop to what's often described as 'pimping', this law actually gives oxygen to potentially abusive third parties.

To keep safe in my work, I don't take bookings from clients who call from withheld numbers, and if it's a home or hotel visit, I always get his full name and details. Under the Swedish model, clients would be wary to give out this information. I might have no other choice but to accept an appointment from someone who will be untraceable if he turns out to be violent.

If you need their money, you need to protect your clients from the police. If you work outdoors, you may be forced to work in isolated locations where you're vulnerable to attack, just as if you were criminalised yourself. You may get into cars quicker: less negotiating time means quick decisions – is this guy dangerous or just nervous? Can you afford to take the risk? Can you afford not to?

I'm always hearing 'prostitution would be just fine if we made it legal and regulated it!' We call that approach legalisation, and it is used in places like the Netherlands, Germany, and Nevada in the US.

But it's not a great model for human rights: Under state-controlled prostitution, commercial sex is only legal in certain areas or venues, and sex workers have to comply with special restrictions, including registration and forced health checks. Regulation sounds great on paper, but politicians deliberately make regulations around the sex industry difficult and expensive to comply with. It's a two-tiered system: legal and illegal work. We sometimes call it "backdoor criminalisation". Rich, well-connected brothel owners can comply with the regulations, but marginalised people find those hoops impossible to jump through. And even if it is possible in principle, getting a licence and proper venue isn't going to be an option for someone who needs money tonight. Maybe they're a refugee, or fleeing domestic abuse. In this two-tiered system, the most vulnerable people are forced to work illegally and so they're still exposed to all the dangers of criminalisation I talked about earlier.

Here in the UK, I'm part of sex worker led groups the English Collective Prostitutes and the Sex Worker Open University and we're part of a global sex worker rights movement demanding decriminalisation and self-determination. The universal symbol of the movement is the red umbrella. We are supported in our demands by bodies like UNAIDs, Amnesty International and the World Health Organisation.

You can ask escorts in New York city, brothel workers in Cambodia, street workers in South Africa, and every girl on the roster at my old job in Soho and they will tell you the same thing. You can speak to millions of sex workers and countless sex worker led organisations; We want full decriminalisation and labour rights as workers.

CLOSING REMARKS

Niki Adams, English Collective of Prostitutes.

Thank you. I'm not going to do a summary of everything that we've heard today because there's too much, but I want to highlight some of the key things.

The issue of safety ran through a lot of the presentations. There is no doubt now that decriminalisation would actually improve sex workers safety and ability to implement our own safety mechanisms. That's an important issue – the way in which criminalisation prevents sex workers from taking measures to keep ourselves safe.

We heard about the health harms caused by criminalisation. We've heard solid evidence about the issue of trafficking from Professor. Nick Mai. I hope that finishes up with the idea that the majority of sex workers are trafficked. It may be very obvious to us, but we have to remember that in the run-up to the Policing and Crime Act, the figure that 80% of sex workers are trafficked was taken up by politicians – unfortunately, some Labour women politicians too. This was then repeated on television, on the radio and in Parliament, despite the fact that certain people knew it was a fabrication. That figure became established and was used as a justification for the crackdown that came with the 2010 Policing and Crime Act. So if we can establish today that the figure is a lie, through the evidence that we heard, I think that we will have done some very good work here.

We also heard a lot about the issue of poverty, and what's happening to women. I agree with Jenny Pearl that we live in very frightening times. We have to know what we're up against. Some of the information that we heard about the way that people's benefits are being cut, despite the knowledge that cutting people's benefits can kill them, is scandalous.

One of the things that criminalisation does, is to hide what women have to do to survive. It hides what immigrant people are doing to survive, it hides what students are doing to survive, it hides what asylum seekers are doing to survive, because it keeps prostitution out of the public eye and to a certain extent underground, and it prevents sex workers speaking in our own defence (applause).

John [to John McDonnell MP], the last time we saw each other was in Brighton at a Labour Representation Committee meeting. You said something then that really resonated with a lot of us. You said two things actually, although I'm sure you said more than that (laughter), but those two things really resonated with us. One was, "whenever workers are in a struggle to improve their working conditions, they deserve the support of everyone else" and you committed yourself, as you always have done, to providing that support. Well, we are workers, we are in a struggle to improve our working conditions and we demand support from other sectors in society (applause).

You also said that the trade union laws were "the organised humiliation of working people". We agree and I know a lot of people here also agree that criminalisation is the organised humiliation of working people who are sex workers. That is one of the reasons we have to get the laws off our backs.

I wanted to say why evidence matters. You would not believe that some of the simplest issues have been the most contentious in organising this symposium. Something that we would have thought would be absolutely obvious to everyone, which is that the majority of sex workers are women, and the majority of those are mothers, has been an issue of great contention.

That is an example of why evidence does matter: if we can establish, without a shadow of a doubt, that the majority of sex workers are mothers who go into prostitution to support themselves and their families, then that has implications for law and for policy. If sex work is seen as a way for mothers to escape the exploitation of other jobs, then that has implications for law and policy. It means that when law and policy on prostitution are being framed, they should be framed by that one indisputable fact. If that were the case, instead of treating us like poor victims that need to be saved, and proposing to abolish prostitution in order to save us, you would look at what mothers needed to survive without going into prostitution and you would come to a set of very different conclusions.

You would be talking about benefit sanctions, as Laura [Watson] said. Your anti-prostitution strategy would be to abolish benefit sanctions, to deal with extortionate rents, to deal with debt, to deal with homelessness, to deal with poverty generally. That is what we have to demand from politicians now. We have to say this is who we are, this is our situation and, based on that, we demand you do something, because we do want, many of us do want, to get out of prostitution.

Liz Hilton from Thailand said that the lowest paid sex workers earn twice the minimum wage available for women in other jobs. If sex workers are going into prostitution to escape exploitation in other jobs, starting with the garment industry, which is the biggest employer of women worldwide, then why is the focus for change not on tackling low wages, exploitative working conditions and lack of pay equity?

We want better working conditions, of course and we want rights as workers, but we also don't want to have to do that kind of work in order to survive. One of the demands we have from our Women's Centre is for a living wage for mothers and other carers. That is crucially connected to our situation as sex workers; if we had a living wage for the caring work that we do, we would not have to go into prostitution to survive.

Lastly, the other question that is sometimes asked when we're faced with so many issues to organise on is why decriminalisation matters. Well, one of the reasons that it matters, is that the push to criminalise sex workers, and prostitution generally, is part of the reactionary forces that are ranged against us. We cannot let those forces prevail. Criminalisation is increasing for many people – young people, immigrant people, many sectors of society are not only being forced into poverty and then criminalised for it, but criminalisation across the board is increasing. We cannot allow this.

The measure to criminalise clients has been presented as a gender equality issue. That is not to be sustained. We have to oppose that. Gender equality cannot mean attacking men; we have to finish up with that. It's also been an expression of elitism, that is, one sector of women largely has decided that they know better than us what's good for us. We can't let them get away with that either.

The Women's Equality Party just came out for the Nordic regime, for criminalising clients. A lot of people lobbied them and pressed them to listen to sex workers and they did the opposite. If they maintain that position they cannot be seen as representing women, and certainly not grassroots women – maybe they just represent the women that made it to the boardrooms.

We have to defend the Amnesty International decision. They voted for decriminalisation, first and foremost based on the experience of sex workers in countries of the south, so we have a responsibility to make sure the policy is implemented.

I want to thank the team that put together this event and the other people in our network who helped publicise it and invited their MP to come. I want to also thank the women and men from the Crossroads Women's Centre, who have pitched in whenever is needed, and without whose support, goodwill and the infrastructure of the Centre, organising an event like this would be much more of an uphill battle.

And I want to thank all the speakers. Every single speaker that you heard could have occupied a whole event on their own. Unfortunately we didn't have time for that as we wanted to showcase experience from different countries.

Finally and most importantly, thank you very much to all of you for coming. We've have had a very good gathering of people and are well positioned to prevail (applause).

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