



Glasgow

October, 31st, 2014

Dear Mr Field, Dear Mr McDonnell,

and dear Members of the Joint Committee on the Draft Modern Slavery Bill,

The International Committee on the Rights of Sex Workers in Europe - ICRSE, is a regional membership network of 63 organisations in 26 countries in Western, Eastern and Central Europe and Central Asia. Most of our members work daily with sex workers and/or are sex workers-led.

We write to you today regarding the amendment and two clauses to the Modern Slavery Bill put forward by Fiona Mactaggart MP to *'make the purchase of sex illegal, remove the criminal sanctions against prostituted women and provide support to women who want to leave prostitution'*.

ICRSE supports the removal of criminal sanctions against those selling sexual services and opposes the criminalisation of the purchase of sex.

We ask that you look at the growing amount of evidence that the criminalisation of clients in countries such as Sweden or Norway has not only failed to decrease the numbers of people involved in prostitution or victims of trafficking in human beings, but has participated in degrading working conditions for those who sell sex. **On the grounds of safety, public health and human rights, and in particular women's rights, migrant's rights and LGBTQ rights, we ask you to reject the criminalisation of clients of sex workers.**

Safety first!

Whatever our views on prostitution and sex work, the safety of those involved should be the main focus when deciding on policies that will affect their lives and working conditions. For this reason, a careful analysis of the evidence that the criminalisation of clients only increases the vulnerability of sex workers is not just a necessity but a moral obligation.

A recent evaluation of the effects of the law criminalising the purchase of sex in Norway makes it clear that *"women in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced."* <http://www.sexworkeurope.org/news/general-news/very-uncertain-evaluation-disregards-weaker-bargaining-position-and-more-safety>

The UK Network of Sex Work Projects – UKNSWP, representing more than 60 member projects across the UK which offer frontline support services to, and have direct contact with, thousands of female and male sex workers throughout the UK denounced the criminalisation of clients as increasing the vulnerability of sex workers:

“Research has shown that criminalisation of either the client or sex worker can result in negative, dangerous and sometimes fatal consequences for sex workers, especially those engaged in street working. In the case of street sex work, criminalisation often leads to displacement resulting in sex workers often working in darker, more dangerous and less well known areas. This increases possibilities of violence and makes those working in street sex industries more vulnerable to exploitation. In the off street sectors criminalisation of clients strengthens the stigma of sex work and sex workers fear that contact with the police and other authorities will bring investigation of them and their clients. This acts as a major barrier to sex workers having the confidence to report any crimes they experience to the police and other authorities. This heightens sex workers’ vulnerability in all sectors: many offenders who target sex workers do so because they believe sex workers will not report to the police. This proposed law will entrench that dynamic further.”
http://www.uknswp.org/wpcontent/uploads/UKNSWP_Scotland_consultation_response_dec_2012.pdf

These evidence alone should be enough to discredit such flawed policy. We question the ideology of Fiona Mactaggart who ignores the numerous reports from respected organisations and academics indicating the increased vulnerability and precariousness of sex workers whose clients are criminalised.

Public health

Furthermore, a large number of HIV and health organisations, including WHO and UNAIDS, have warned policy makers of the dangers of criminalising either sex workers or their clients. We quote **UNAIDS Advisory Group on HIV and Sex Work** in their 2011 report to accompany the UNAIDS Guidance Note on HIV and Sex Work (2009):

“States should move away from criminalising sex work or activities associated with it. Decriminalisation of sex work should include removing criminal penalties for purchase and sale of sex, management of sex workers and brothels, and other activities related to sex work.”

The Lancet, the most highly regarded medical journal worldwide, has this year published a whole issue on sex work. Supported by robust evidence, the Lancet **also calls for full decriminalisation of sex work**: *“With heightened risks of HIV and other sexually transmitted infections, sex workers face substantial barriers in accessing prevention, treatment, and care services, largely because of stigma, discrimination, and criminalisation. This Series aims to investigate the complex issues faced by sex workers worldwide, and calls for the decriminalisation of sex work, in the global effort to tackle the HIV/AIDS epidemic.”* <http://www.sexworkeurope.org/news/general-news/top-medical-journal-lancet-calls-decriminalisation-sex-work-special-sex-work-and>

Former health secretary and head of parliamentary committee on HIV, **Norman Fowler** who has been praised for his political and pragmatic commitment to fight HIV and AIDS **has recently declared that decriminalisation of sex work (with successful examples in New Zealand and New South Wales, Australia) is the only legal framework to ensure sex workers’ access to health and to prevent further HIV infections.**
<http://www.independent.co.uk/life-style/health-and-families/health-news/decriminalise-sex-work-to-stop-hiv-says-former-health-secretary-lord-fowler-9630850.html>

Human Rights

Human Rights organisations have spoken out clearly in favour of decriminalisation of sex work, including clients, on the grounds of access to justice and health.

In their most recent report, **Human Rights Watch** warns that driving sex workers into the shadows is counterproductive to efforts to treat, mitigate, or prevent harm. <http://www.nswp.org/news-story/human-rights-watch-supports-push-decriminalising-voluntary-sex-work-adults>

At its latest AGM, **Amnesty International UK** invited their members to vote on their policies regarding sex work. The motion that “*Amnesty International should adopt a policy position to support the decriminalisation of activities related to the buying or selling of consensual sex between adults*” was comfortably carried whilst a motion supporting for the Swedish Model received almost no support. http://www.amnesty.org.uk/sites/default/files/aiuk_agm_2014_decisions_booklet_finalx.pdf

In France, the Senate’s Special Committee, following a consultation with 50 organisations and individuals, rejected the criminalisation of clients following a clear statement from the highest **Human Rights Consultative Commission (CNCDH) in France** which stated that “*CNCDH estimate that the interdiction of sexual services' purchase and penalisation of clients is not an appropriate measure to fight against trafficking and exploitation of prostitution*”. <http://www.cncdh.fr/fr/publications/avis-sur-la-proposition-de-loi-renforcant-la-lutte-contre-le-systeme-prostitutionnel>

Women’s rights

The supporters of the criminalisation of clients fail to acknowledge that the “Swedish Model” is controversial even within the women’s rights movement and that the criminalisation of purchase of sexual services has been denounced by a very large number of women’s rights organisation including the **Global Alliance against Traffic in Women, International Planned Parenthood Federation Europe, Hampshire Women’s Institute and many more.**

A vocal new generation of feminists have been denouncing the paternalistic attitude of MPs such as Fiona Mactaggart, MSPs such as Rhoda Grant or MEPs such as Mary Honeyball, who, under the pretence of protecting women, are willing to disregard the views and opinions of those directly concerned: sex workers themselves. In UK, **many sex worker-led organisations such as the English Collective of Prostitutes, Sex Worker Open University and Scot-PEP have been denouncing the ill-effects of criminalisation of clients and demand that their views are considered and respected** (and not instrumentalised and distorted as happened in the development of the “[Shifting the Burden](#)” report).

The **National Union of Student Women Conference** voted to support student sex workers and the **Edinburgh University Student Association** also recently voted in favour of decriminalisation of sex work http://www.eusa.ed.ac.uk/eusapolicy/liberation/sex_workers/. Politicians need to listen to wide numbers of feminists and students demanding protection of sex workers’ rights through full decriminalisation of sex work.

Migrants' rights

Many organisations working with victims of trafficking and migrant sex workers have also denounced the conflation of sex work and trafficking, and then “end demand” approach. **La Strada International and a network of 12 anti-trafficking non-governmental organisations in Europe published a statement against the criminalisation of clients** during the debates surrounding the vote at European Parliament in February this year on the resolution on prostitution and sexual exploitation carried by MEP Mary Honeyball. They wrote: *“Criminalisation stigmatises and marginalises both domestic and migrant sex workers and it deprives them of the tools to protect themselves from violence and seek redress. It drives the sex industry even more underground, which results in less access to health, social and legal assistance for sex workers, and significantly lower chances to identify individuals who have been trafficked.”* <http://lastradainternational.org/lisidocs/STATEMENT%20-%20FEMM%20report.pdf>

LGBT rights

Members of the LGBT and in particular gay men and transgender women constitute an important number of people selling sexual services in the UK. **The ideological definition of “prostituted women” and the focus on gender-equality, is erroneous and renders invisible the lives and needs of transgender and male sex workers.** A policy that will affect not just cis-women but gay men and transgender women, should be developed in consultation with those communities. We recommend you read the Global Network of Sex Work Projects’ briefing papers on [male](#) and [transgender](#) sex workers, both calling for full decriminalisation of sex work and inclusion of male and transgender sex workers in policy-making and consultations.

[Transgender Europe](#) which represents 79 organisations in 31 countries issues a statement against the criminalisation of clients and LGBT trade unionists voted in favour of decriminalisation of sex work in their 2010 TUC LGBT conference.

For all the reasons developed above, we urge you to reject the criminalisation of clients as proposed by Fiona Mactaggart MP. Politicians cannot continue to ignore the growing amount of evidence and public support that the best way to protect sex workers’ rights and in particular their access to justice and health is through full decriminalisation. A flawed policy such as the criminalisation of clients is counter-productive and will only further endanger those it is supposed to protect.

On the grounds of safety, public health and human rights, we ask you to reject the criminalisation of clients of sex workers.

We are at your disposal for any questions and information.

Sincerely,

Luca Stevenson

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