

# **A Rational Approach to Harm Reduction**

## **Policy Paper 127**

### **Clear Print**

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## 1. Executive Summary

1.1. The evidence we have taken so far, the fundamental importance of consent, long-standing party policy, and the conference motion that formed the basis of this paper, lead us to the conclusion that we can only propose a system that is based on full realisation of sex workers' human rights and underlines the states' obligations to address them. This means one that has decriminalisation at its heart.

1.2. Decriminalisation is primarily a question of reducing harm – to sex workers, to communities, and to people who currently suffer as a result of overstretched police and health services. It is also about coming to terms with a failed state policy.

1.3. The murder and assault rates on sex workers remain persistently high. Criminalisation presents a significant barrier to moving on to other work, and can precipitate a downward spiral into other activities when legitimate work is closed off, while the threat of prosecution encourages increasingly risky and dangerous behaviour. There is no evidence that such criminalisation reduces the prevalence or incidence of sex work. Rather, previous research, as well as government inquiries, have shown that sex work is simply displaced from one venue to another.

1.4. To ensure harm reduction, people who voluntarily choose to engage in sex work should have the same employment and civil rights as any other person and be freed from discrimination by legal, health, and financial institutions. In addition, those who provide support services, whether as employers, agents, owners of premises or in any supportive capacity should be able to do so without fear of criminalisation.

1.5. We also suggest that moves towards censorship, particularly of pornography, are alarming and contrary to the interests of a democratic state. The enforcement of proposals currently before Parliament in the Digital Economy Bill will lead to court orders banning British citizens from accessing porn of acts that are entirely legal to perform and film. Not only is it counterproductive and hugely expensive to adequately enforce, but it is fundamentally illiberal.

1.6. This policy paper, therefore, calls for:

- The decriminalisation of sex work, to reduce harm to sex workers and focus law enforcement activity on non-consensual activity
- New laws to address coercion based on ‘three F’s’ – fear, force, or fraud produced in the supplement to the UN’s 2000 Convention

against Transnational Organized Crime, also known as the Palermo protocols.

- Additional support for people trying to leave sex work including support for one-stop shops, increased education and training, and including agencies such as Local Housing Authorities and healthcare providers in the multi-agency approach.
- Redrawing trafficking laws to ensure that people involved in assisting consensual sex work cannot be prosecuted for human trafficking
- Quashing of past convictions for any sex work convictions that would be decriminalised under the new system, meaning, for example, that loitering or solicitation charges, or charges for non-payment of fines, would be quashed but charges for trafficking for sexual exploitation or causing or inciting child prostitution would remain
- Opposition to plans for age verification on all porn websites and to ban all online content that would not be classified by the BBFC
- The compulsory rollout of a Merseyside+ Model to all police forces, requiring that they

use a multi-agency approach to support sex workers and combat crimes against them and the wider community

## 2. Introduction

### 2.1. Background

2.1.1. Decriminalisation of sex work is about defending human rights and being committed to harm reduction and harm prevention. The law as it stands harms vulnerable people. For that reason, and that reason alone, we must commit to changing it.

2.1.2. In recent decades, great strides have been made in our society in the direction of tolerance and respect for the life choices of others. But people who participate in sex work continue to encounter stigma and discrimination. They are forced to operate on the margins of society in hidden and dangerous places where they are poorly protected by the state. Abuse and violence go unreported and under-investigated, and perpetrators are allowed to offend again.

2.1.3. To us, it is very clear: sex work law as it stands contravenes human rights.

The origins of this policy

2.1.4. In Autumn 2014, Liberal Democrat Conference passed the motion *Towards Safer Sex Work*, which forms the basis of this paper. It called for us to build on the principles established in our 1994 policy paper *Confronting Prostitution* and, on the specific policies



in Real Women<sup>1</sup> in 2009 to produce a policy that dealt with the issue of sex work in the 21<sup>st</sup> Century.

2.1.5. Our 1994 policy called for decriminalisation of sex work and regulation of brothels and similar establishments. It sought to:

- Identify the causes of prostitution (primarily economic)
- Liberate from prostitution those who do not wish to be involved in it (including by increasing education and training opportunities, preventing benefits from being removed from the youngest people, and regulating brothels to ensure no one can be forced into prostitution)
- Rationalise the legal framework to regulate prostitution and protect those who remain (via decriminalisation); and
- Reduce the nuisance caused to individuals and communities by the current system

2.1.6. In 2009 Real Women called for 'ending the increasing criminalisation of non-coercive prostitution and increasing efforts to help those wishing to exit the sex industry' as well as 'providing a Freephone

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<sup>1</sup>[http://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/2002/attachments/original/1390832887/Real\\_Women.pdf?1390832887](http://d3n8a8pro7vhmx.cloudfront.net/libdems/pages/2002/attachments/original/1390832887/Real_Women.pdf?1390832887)

trafficking helpline for clients to report concerns and for victims to self-report. Advertising of this hotline would be required as part of the licensing agreement for all sex encounter establishments’.

2.1.7. The 2014 motion called, in the interim, for us to oppose any steps to implement the ‘Nordic Model’ in England; to roll out the Merseyside Model nationwide; to promote solutions to international trafficking and forced prostitution that do not endanger sex workers; to reintroduce the Ugly Mugs<sup>2</sup> scheme on a more permanent basis; and to reaffirm our commitment to strong social and community safety nets so that no person should be pressured to enter or be afraid to exit sex work at any time.

2.1.8. In recent years, there have been renewed moves to further criminalise sex work. Sweden, Norway, France, and Northern Ireland have all instituted a ‘sex buyer law’ or the ‘Nordic Regime’. These laws aim to end the demand for sex work by criminalising clients and are often framed around the premise that sex work is inextricably linked to abuse

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<sup>2</sup> National Ugly Mugs is a scheme to help protect sex workers from violent and predatory clients by sharing information, and working with the police and professional services where appropriate. It was funded by the Home Office for a trial period during 2012 and continues without government support.

and human trafficking, and are supported by 'prohibitionist' or 'end demand' groups.

## 2.2. Essential Figures

2.2.1. Safety of sex workers: 153 sex workers have been murdered since 1990 – more than any other single category of victim

2.2.2. Safety of sex workers: Various studies show that around 75% of women in prostitution have been physically assaulted, and more than half had been raped or seriously sexually assaulted

2.2.3. Number of sex workers in the UK: 72,816, of which 31,990 are London-based

2.2.4. Proportion of sex workers who work on the street: 5% - 8% of the total

2.2.5. Paying for sex: Around 11% of British men have paid for sex

2.2.6. The law: In 2014-15 there were 456 prosecutions of sex workers for loitering and soliciting

2.2.7. Trafficking: 1080 potential victims of sexual exploitation were referred in to the National Referral Mechanism in 2015. Statistics do not include information on how many of these were eventually determined to be victims. Research has shown that

around 6% of sex workers in London have experiences that match the description of trafficking.

2.2.8. Public Opinion: 54% of people think prostitution involving consenting adults should be fully decriminalised vs 23% who opposed full decriminalisation

### 3. The purpose of this policy

#### 3.1. Our remit

3.1.1. We have spent over a year taking evidence from a wide range of people – including academics, NGOs, charity workers, health workers, current and former sex workers, and campaigners on both decriminalisation and prohibitionist sides. In developing our policy, we have considered a wide range of the issues surrounding sex work in the 21<sup>st</sup> century. Although our primary focus has been to propose reforms to the legal framework for sex work, we have also produced proposals around the wider issues of stigma, pornography, and support.

#### 3.1.2. During our discussions, we have considered:

- The wide span of activity that constitutes sex work and the range of varied individuals who are sex workers
- The stigma and risk sex workers face
- Movement in and out of sex work and the factors that influence it
- Changes to the organisation and shape of sex markets, including cultural mainstreaming of the sex industry
- The impact of increased criminalisation from 2003 – 2010

- British experience with initiatives such as Ugly Mugs
- Different approaches to the regulation of sex work in other countries
- The relationship between sex work, organised crime, and modern slavery,
- The impact on communities of sex work, and
- Recent proposals for changes to the access and availability of online pornography.

### 3.2. Problems that this policy seeks to address

3.2.1. Violence against sex workers – 153 sex workers have been murdered since 1990 – more than any other single category of victim. Sex workers are also much more likely to be subject to violent or sexual crimes, and to be the victims of robbery. Sex workers themselves report that working together helps reduce crimes against them, and that working alone presents a danger. After a police crackdown on street works in Redbridge in 2014, Mariana Popa, a migrant sex worker, was fatally stabbed. Fellow sex workers reported that owing to the police operation, street workers were working alone, outside their usual areas, and later than usual because clients had been driven away.

3.2.2. Coercion and trafficking – both coercion and trafficking negate consent, and should play no part in

sex work or any other kinds of work. Current laws, though, are loosely drawn and ill-targeted – trafficking extends to someone who drives a consensual sex worker to an appointment, and coercion is legally linked to the management and assistance of sex work, even where sex workers work consensually.

3.2.3. Lack of reporting of criminality/adequate investigation by police – Sex workers are often less likely to report crimes for fear of becoming known to the police, or, particularly in the case of sexual crimes, because collective experience has been that they will not be believed or the crimes will not be investigated. In Merseyside, where crimes against sex workers are treated as hate crimes, rape of sex workers has a 75% conviction rate from court cases, compared to a national average ‘generic’ rate of 58%.

3.2.4. Out of date legislation – Much of the legislation concerning sex workers is focused on an increasingly smaller part of the sex worker population – street workers. Even in the past 15 years, methods of selling sex have changed beyond recognition. Easy access to the Internet and the prevalence of mobile phones means that laws are both ineffective and ill-targeted – designed to deal with moral hazard and concerns about street harassment that are less and less prevalent.

3.2.5. Criminalisation of sex workers – The persistent criminalisation of sex workers makes it more difficult for them to leave sex work when they may want to. Street workers may have ASBOs on their record, in addition to prosecutions for loitering and solicitation, and people who work together can be prosecuted for brothel-keeping. In addition to prosecutions, many people are unwilling to list sex work on their CV, which can lead to the appearance of extended career breaks or periods out of work, which may be undesirable to potential employers. What may start out as a short-term option can, with current laws, spiral into something that is difficult to move on from.

3.2.6. Stigma – stigma takes two broad forms – enacted and felt. Stigma is enacted by the state and by corporations as sex workers find it more difficult to get a bank account or borrow money to build their businesses, or are persecuted by the family court system. Felt stigma is the experience of those who are discriminated against – for example in public and by the media. Most importantly, stigma extends beyond illegality to all areas of sex work – even if people work in lap dancing clubs or as webcam operators, they often feel the need to keep their work hidden.



3.2.7. Local community issues – historically communities have been concerned about sex work – largely owing to the presence of street workers and police clampdowns meaning that workers would be displaced from existing place of work into more dangerous spaces. Community reaction to legal sex work businesses such as lap dancing clubs in East London has been vocal, although not generally replicated across the country. Managed ‘sex work zones’ such as those in Holbeck in Leeds have caused some backlash from residents who noticed an increase in activity and an associated increase in drug use and crime. These issues need addressing, primarily at local level, but it remains the case that sex work venues often operate quietly and without known disturbance of local communities – research shows that many neighbours are often surprised to discover sex work venues are operating in their area.

### 3.3. Aims of the policy

3.3.1. Prioritising consent: Transactional sex should be no different to sex – that is, its lawfulness should be based entirely on the consent of the people involved. We believe that it is possible for a person to give legal consent in exchange for money. This also leads us to conclude that certain aspects of work including sex work – notably coercion and trafficking

– negate consent and are not part of sex work but part of a criminal enterprise.

3.3.2. Harm prevention: The current system does not work to prevent harm. Sex workers are more likely to be physically and sexually assaulted, more likely to be murdered, and more likely to avoid reporting crimes to the police for fear of persecution. Certain groups of sex workers, most notably street workers who although they are a small proportion of sex workers, are also disproportionately likely to have poor housing security, problems with drugs and/or alcohol, and be care leavers. Criminalising these people does nothing to help them with their problems, and does nothing to tackle underlying issues of violence and coercion.

3.3.3. Ending stigma: Stigma is an integral part of violence against sex workers. Even workers who are not breaking the law report feeling unable to report crimes to the police, and often lack support networks that know about their work. Stigma can also lead to sex workers taking bigger risks in order to avoid detection, which is actively harmful. Regardless of how anyone feels about sex work, stigmatising workers only serves to exacerbate harm.

3.3.4. Equal application of legislation: Enforcement of sex work laws is currently down to individual police

forces. To varying degrees, police forces choose not to enforce laws around sex work – either because they consider them counterproductive, or because they make use of sex workers as a resource for informing them about more serious crimes. This leads to vast differences across the country in what individuals can be arrested for and how cases are treated. In a liberal society, every citizen should be able to know what the law is and how to abide by it – rather than being subject to the discretion of an individual police force, which may change both geographically and over time.

3.3.5. Improved support and rehabilitation – Sex workers need support when they choose to leave sex work – and Conservative cuts are making this support harder to access. Adult education is key, as are English language classes in areas with high migrant sex work populations (like London). It is also important to ensure adequate support for vulnerable people who may feel compelled to turn to more dangerous types of sex work – care leavers are a particularly vulnerable group, as are people with chronic drug problems.

### 3.4. Liberal Democrat Principles

3.4.1. Liberal Democrats believe in the harm principle – that government should only intervene in the

liberties of consenting adults to prevent harm being caused to others. This steers us away from government based on forcing a single form of morality or cultural preference on citizens, and also from making laws purely based on preventing offence to other citizens.

3.4.2. Liberal Democrats also have a long history of not only refraining from making laws where harm is not a factor, but reversing laws that actively cause harm. Most notably we continue to call for the decriminalisation of drugs for personal consumption, and the legalisation of cannabis – realising that criminalising users has a negative impact on often already vulnerable users.

3.4.3. Harm prevention, therefore, is a key principle for sex work legislation.

3.4.4. Feminism does not have a single position on sex work. Some strands of feminism (such as radical separatism) have been vocal in opposing prostitution and pornography – maintaining that they are inherently damaging both to the women involved and to women's place in society more widely. This argument is silent on the issue of transgender and male sex work. Sex-positive feminists tend to believe that the focus for sex work should be on improving conditions. Liberal feminists acknowledge and

support the idea that equality of people regardless of gender should apply, and that the same safety and prevention from harms should be the same for all, ensuring that consent and freedom from coercion are central to government's approach.

3.4.5. We believe that liberal feminism is central to improving conditions for sex workers, and the only way to truly base law on harm prevention principles.

3.4.6. We also support a person's inalienable right to bodily integrity – that every person should have control over their own body. This includes a belief that consent is central to sex work, and to sex more widely. It also dictates that we work to combat current aspects of sex work that undermine consent – including coercion (into sex work generally and into specific acts), trafficking (where people are moved against their will), and control (as opposed to management or assistance).

3.4.7. Finally, Liberal Democrats adhere to an enlightenment approach of rationalist principles and scientific evidence to create evidence-based policy. This requires us to take and examine evidence from the UK and around the world, and can need us to move beyond the preconceptions that govern existing law. It has been helpful for us that New Zealand, a country with a decriminalisation programme, also

began with baseline figures prior to the enactment of legislation, and made an evaluation of policy at 5 and 10 years to examine the impact of the law. It is also why we welcome the calls of the Home Affairs Select Committee for a full examination into the prevalence and state of sex work in England and Wales – helping us to establish a baseline for the development of future legislation.

## 4. The Current Approach

### 4.1. What is sex work

4.1.1. Sex work encompasses a wide range of activities relating to the exchange of money (or its equivalent) for the provision of a sexual service between consenting adults within the terms agreed by the seller and the buyer. These services may be divided into direct and indirect sex work. Direct sex work refers to services, such as indoor and outdoor prostitution and escort services, which typically involve the exchange of sexual contact for a fee. Indirect sex work refers to services, such as lap dancing and stripping, where sexual contact is less common but a fee is still charged.

4.1.2. 'Sex work' is the preferred term for many in the industry, partly because it encompasses a wider group of people than the simplistic 'prostitution', and partly because the term prostitution is seen by many activist groups as being associated with abuse, control, and the rhetoric of groups advocating the Nordic Model. The use of the term 'sex worker' is also an effort to reclaim something that has long been stigmatised by the bulk of society. Related to hashtags and campaigns such as #sexworkiswork, it is a self-definition that we believe everyone should adopt.

4.1.3. Sex work from a Liberal Democrat perspective therefore covers a wide span of activity – from phone-line operators and webcam broadcasters to dancers in sex entertainment venues such as strip clubs and actors in and producers of pornography to indoor and outdoor prostitution and escort services. Under existing law, many of these activities are treated differently. Decriminalisation in and of itself refers primarily to prostitution and activities associated with it, such as brothel-keeping, solicitation, and kerb-crawling.

4.1.4. Recent changes to wider society have also changed the scope and operation of sex work. For instance, alongside increased use of mobile technology and the internet there has been a reduction in street-based sex work. Related to this, there has also been a degree of cultural mainstreaming of the sex industry, particularly via increased ease of finding people, services, and venues, websites, and smartphone apps where sellers of services can reach a wider audience than before. These changes have helped to further blur the line between personal relationships and sex work.

## 4.2. Who are sex workers

### Demographics



4.2.1. The ONS lists the total number of sex workers in the UK as 72,816. The demographics of sex workers vary by region, with the biggest differences between London and other areas. The majority of sex workers are cisgender women<sup>3</sup>, when examined on a per capita basis - though a larger proportion of the transgender community is involved in sex work compared to the proportion of the population of cisgender women who are workers.

4.2.2. Analysis has shown that at an EU level, 86% of sex workers are female, 8% male, and 6% trans. There are regional variations but in the UK, it is estimated that as many as 20% of sex workers are male.

### Types of sex work

4.2.3. Contemporary research shows that, street-based workers account for between 5- 8% of sex workers. The most prevalent category of workers is female off-street (middle income) workers, who account for 50% of sex workers.

4.2.4. The WHO definition of sex work does not require that sex workers consider sex work to be their

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<sup>3</sup> According to the OED, 'Cisgender' denotes or relates to a person whose self-identity conforms with the gender that corresponds to their biological sex; not transgender.

occupation – merely that it is income-generating. This helps to extend the number of people who are considered sex workers to include significant number of male and trans workers (30% of total workers) who work independently, often advertising on specialist websites and with transgender workers often saving up for treatment during transition. Male workers are likely to be more transient than their female counterparts – occasionally accepting money or drugs as part of a sexual transaction but not relying on sex work as their primary means of income.

## Migration

4.2.5. Sex work in the UK has a significant number of migrant workers. In the UK and NI, 41% of sex workers are estimated to be migrants, increasing to 80% in London. Across the country, this compares to the service sector as a whole, where the proportion of migrants in sex work parallels the proportion of migrants in other service sector occupations (such as hotel, restaurant, or retail food outlet staff) in any given city.

4.2.6. This prevalence of migrant workers has not been shown to be linked to similarly high levels of trafficking – only 6% of workers in London are reported to have experiences that might correspond with the definition of trafficking. It does, however,

mean that there is an added incentive for sex workers to avoid reporting crimes to the police because of potential consequences to their immigration status.

## Regional variation

4.2.7. ONS reports also reveal some disparity between the numbers of sex workers in London (31,990) and other states and regions of the UK. Apart from the North West at the higher end (with over 9000 sex workers) and North Ireland at the lower end (under 1000), sex workers are populated relatively evenly between regions.

## Earnings

4.2.8. Earnings range widely, depending on region, working practices and type of work – estimates suggest that while a street worker outside London earns an average of £11,000 a year, a high-income female off street worker based in London earns an average of £264,000 a year. Estimates for the ONS indicate that direct sex work generates £3.8 – £5 billion a year for the UK economy, a significant portion of which is currently likely to go untaxed.

4.2.9. That does not mean, however, that there is an inexorable drag towards London for sex workers. As detailed later in this chapter, many sex workers are

working precisely because of family commitments or to supplement other income, which tie them to specific areas. The figures listed here are gross, and do not account for the high costs associated with off-street work, including accommodation, transport and security, and clothing – all of which are more expensive in London. Similarly, the large number of sex workers can mean that where sex workers in some areas may have a small but reliable client base, sex workers in London face more competition.

#### 4.3. Why people enter sex work

4.3.1. Sex workers who gave evidence cited flexibility and pay as two of the main influences on their choice of work – reports that are supported by research and formal studies. Several mentioned that there are no other occupations where women [and men] with low levels of qualifications and/or a lack of professional connections can make comparable amounts of money.

4.3.2. A 2015 study by Professor Teela Sanders for the Wellcome Trust found that 91% of respondents found their work in the sex industry flexible, 66% described it as ‘fun’, and 56% found it rewarding. This compares to an ESRC figure of 78% job satisfaction (‘completely, mostly, or somewhat satisfied’) among the entire population.

4.3.3. Related to the flexibility and income available to sex workers, some groups of people are generally over-represented in the sex industry. The English Collective of Prostitutes has said that 70% of sex workers are mothers, particularly single mothers. The 2015 Wellcome Trust report stated that 70% of sex workers had previously worked in healthcare, education, or charities – while more than a third held university degrees.

4.3.4. This variance is most clear amongst the relatively small cohort of street-based sex workers, who are disproportionately likely to suffer from isolation and vulnerability. Research suggests that many of these workers are either homeless or at risk of being made homeless, and may have other problems such as heroin or crack cocaine use. Some of these will have been in the care of the state as children. Evidence we have received suggests that these factors are likely to have been pre-existing rather than as a result of sex work, and then compound the difficulty of individuals choosing to move out of sex work.

4.3.5. Some people enter sex work through a narrow set of economic options. Lack of choice is particularly common amongst migrant sex workers, where work permits or access to employment can be particularly

hard. It can also be true of people from poorer backgrounds, who may need additional income from low paid work, or whose lack of qualifications can mean finding formal work is difficult. Work by Amnesty International shows that groups most affected by discrimination are frequently over-presented in sex work.

4.3.6. We also received evidence relating to street-based sex workers and their relationships with organised crime or other criminals. For people living such disordered lives, and with the criminalisation of street sex work and their fractious relationship with the police and state, the possibility of protection and support was often seen as a lifeline. As a result, keeping oneself removed from drug-taking and wider criminality was, we were told, “like trying not to get wet when it’s raining...you can’t stay away from it forever.”

#### 4.4. Legislation

##### Legislative history

4.4.1. The majority of laws governing sex work have their origins in the Victorian era, or in the 1959 Street Offences Act. The Wolfenden Report precipitated the Act – laws governing prostitution being a lesser-known result of the report that decriminalised

homosexual activity. The report itself stated that its focus was on allowing people to go about the street 'without affront to his or her sense of decency'. At the time, the primary concern was street workers soliciting for business in all areas of towns and cities, having been displaced by greater police activity in red light districts. Its object, therefore, was not to eradicate prostitution (a task that they accepted was impossible), but displace activity so as to lower public nuisance and make the streets more acceptable to travellers.

4.4.2. More recent legislation has been swayed by the argument that demand for prostitution could and should be eradicated. It relied on targeting clients of sex workers, and remains concentrated on reducing the public nuisance of prostitution. However, laws have not progressed beyond a focus on street work. Recent legislation has also helped to propagate the narrative of coercion being an inherent part of sex work – with trafficking provisions accompanying legislation dealing with consenting sex work, and a failure to separate management and assistance from coercive control.

## Relevant Acts

4.4.3. The Criminal Justice and Police Act 2001 introduced the offence of advertising sexual services in public telephone boxes.

4.4.4. The Sexual Offences Act 2003 established much of the modern law around sex work, including making sex work references in law gender neutral, criminalising people working together as brothel-keepers, and introducing the offence of ‘trafficking for the purpose of sexual exploitation’.

4.4.5. The Policing and Crime Act 2009 amended the law on soliciting and loitering, and removed the term ‘common prostitute’ from legislation. It also required sex workers arrested for offences to attend meetings to encourage them to exit prostitution. Liberal Democrats at the time refused to support these aspects of the bill, saying that they would simply drive sex workers underground, weaken local communities, and fail to prevent harm.

4.4.6. The Modern Slavery Act 2015 updated the law on human trafficking for the purpose of sexual exploitation.

4.4.7. The Serious Crime Act 2015 updated the law on child sexual exploitation, including replacing legal references to ‘child prostitution or pornography’ with ‘sexual exploitation of a child’.



## Offences

4.4.8. Currently, neither the sale nor the purchase of sex is illegal in England and Wales, nor in Scotland. In Northern Ireland, a 2015 change in law made it illegal to pay for sex.

4.4.9. There are no laws against indirect sex work such as being a web-cam operator. Strip clubs and lap dancing venues are licensed by Local Authorities under rules for 'sexual entertainment venues'. Other services such as BDSM and some forms of pornography can also be subject to laws on 'extreme porn' even if performing these acts is not illegal.

4.4.10. Despite the legality of sale and purchase of sexual services, there are a number of laws designed to target activities surrounding their exchange. These include:

- Loitering and soliciting, which makes it an offence for a person to persistently (on two or more occasions in a three-month period) loiter or solicit in a street or public place for the purposes of offering sexual services
- Keeping a brothel, including letting premises for use as a brothel, a tenant permitting premises to be used as a brothel, and a tenant permitting premises to be used for prostitution.

- Causing, inciting and controlling prostitution for gain, which outlaws pimping
- Kerb crawling, an offence for a person in a street or public place to solicit another for the purpose of obtaining a sexual service as a prostitute
- Placing adverts, which is specifically illegal in relation to a public telephone box
- Paying for the sexual services of a prostitute subjected to force, which applies whether or not the client is aware that the prostitute was subject to force.

#### 4.5. Enforcement

4.5.1. Different police services have approached enforcement in different ways, with a wide variance in the enforcement of legislation, and disagreements about the objective and effectiveness of policing sex work. Forces disagree about how to approach the questions of whether, where, when, and how sex workers can work without interference from the police ('managed zones'), and also the way in which crimes against sex workers are addressed.

4.5.2. A well-known example of innovative enforcement is the Merseyside Model, implemented by the Merseyside police service since 2006. It treats crimes against sex workers as hate crimes, working

closely with sex work projects that offer services such as harm reduction, counselling, and outreach. It also makes use of Independent Sexual Violence Advisors to act as intermediaries where sex workers have been victims of crime. The focus is on prioritising protection over enforcement, and in 2010 the overall conviction rate in Merseyside for crimes against sex workers was 84%, including a 67% conviction rate for rape – ten times higher than the national average.

4.5.3. Holbeck in Leeds has been operating a managed zone since 2014 in which street-based sex workers can sell sex between 7pm and 7am without interference from the police. This managed zone has rules – including not working outside the allotted hours, not leaving litter, respecting businesses and other properties, not tolerating crime or public disorder, and no drug use. Local police have made the decision not to stop sex workers operating in line with the rules, and instead focus on checking welfare and working with the council and charities to support sex workers and try to keep them safe. The proportion of crime victims willing to report incidents has risen from 26% to 51% since the zone was instituted, and attacks (including fatal ones) are vastly lower with zones than without them. There are, however, some complaints from residents who report

an increase in street workers and in paraphernalia such as used condoms and needles.

4.5.4. At the other end of the scale, some areas have adopted a punitive approach on sex work. With the unification of Police Scotland, the historic and understated approach to policing saunas in Edinburgh has been overturned, with large numbers of police and social workers being involved in raids from 2013 onwards. Licences granted to the saunas by Edinburgh City Council have been suspended, and five people in the first round of raids were charged with brothel-keeping and living off 'immoral' earnings. More recently, police have been involved in 'welfare checks' of off-street sex workers, which are largely seen by the industry as a means of establishing whether workers are breaking laws about working together. In Suffolk, police also committed in 2006 to eradicating street sex work, and in 2009 moved on to recognising 'that adults working in off-street premises anywhere in Suffolk...needed help'.

4.5.5. Alongside formal enforcement structures, which include police and social services, there are third sector projects that work with sex workers. The most prominent of these is National Ugly Mugs, which is a national organisation which takes reports of incidents from sex workers and produces warnings of

dangerous clients, shares intelligence with the police, supports sex workers in making reports to the police, and helping sex workers gain access to professional services if they have been a victim of crime.

Essentially, they act as an intermediary and advice service to a group of people who are unlikely to turn to the police for help.

4.5.6. In terms of best practice for enforcement, the Home Office (2011) Review of Effective Practice in Responding to Prostitution, carried out by Liberal Democrat Minister Lynne Featherstone suggested four principles for policing practice:

- safety should be mainstreamed by police forces;
- there should be language support for migrant sex workers;
- violence against sex workers should be treated as a hate crime, and
- the grooming of young women in care homes should be tackled as a priority.

4.5.7. The Home Office review also recommended that this revised approach to sex work, based on the Merseyside Model, be rolled out across all police forces, but no police service has yet changed their approach.

## 4.6. Pornography

4.6.1. Acting in and the production of pornography is, by and large, legal under the current system. There are, however, three areas where recent moves in the law have risked criminalising (or actually criminalised) people who make or watch pornography:

- Age verification
- BBFC classification of online pornography
- Extreme pornography

### Age verification

4.6.2. The Digital Economy Bill currently before parliament has provision for porn websites to undertake age verification, ostensibly in order to prevent children from stumbling across pornography whilst looking for something else online. In practice, this will require websites to implement their own age verification procedures, making use of public information combined with tracking information on a user's computer. Suggestions for age verification techniques include requiring a credit card number or asking for address details to check against the electoral roll. Regardless of how it is done, the overall effect will be that a private act of watching legal and consensual pornography will be recorded and connected with personal, identifying data.

#### 4.6.3. The existing plans have additional weaknesses:

- Lack of privacy protections – there will be lists, available to websites (and hackers) of personal information linked to sexual and pornographic preferences. As with all bulk datasets, these may be made available for purchase, including by government agencies under the recent Investigatory Powers Act, where this information will be connected to other personal data
- Easy to circumvent – websites will not be instituting age verification for all visitors, simply those coming from the UK, so use of a VPN or proxy (both of which are easily and freely available) will bypass the rules by fooling websites into thinking viewers are coming from another country. These measures are already widely used by young people to get around parental and school controls, and to access resources such as the US Netflix library
- Enforcement – US websites have already said that they will refuse to abide by a rule they see as infringing on personal liberty, so the UK could end up either with a system

where some of the largest foreign-based sites refuse to engage, or where UK courts are blocking access to some of the most viewed websites in the world

- Undue targeting of sexual minorities – especially people for whom their sexual preferences are secret, including members of the LGBT+ community. The potential for hacking of personal data could prove actively harmful to many people.
- Weak supporting evidence – there is little evidence that young people accidentally stumble across porn, or that if they do then it is likely not to be on a dedicated porn site that would be covered by the age verification requirement. Online pornography is a fact of modern life – education and open communication with younger people has to be central to tackling issues around pornography.

## BBFC classification of online pornography

4.6.4. As part of the Digital Economy Bill, in addition to the British Board of Film Classification enforcing the presence of age verification, the BBFC have said that they would check whether sites host



“pornographic content that we would refuse to classify”. Although the BBFC do not publish a list of acts that would lead to them refusing to classify a film, the evidence we have taken suggests that they routinely require pornographers to remove scenes, shorten sequences, and in some cases, make significant cuts to footage.

4.6.5. Once again, these acts are consensual and legal to perform. In many cases, they do not go as far as footage listed under extreme pornography – and have been accused by several evidence-givers of being anti female sexuality in their banning of acts such as female ejaculation.

### Extreme pornography

4.6.6. Under the Criminal Justice and Immigration Act 2008, it is illegal to possess an extreme pornographic image. It is important to note that in prosecution, many of the acts covered under this law are legal to perform. The nature of the offence has a disproportionate impact on those engaging in BDSM scenes – and recent changes in the law to extend government powers to online video on demand services has led to some websites with footage of consensual acts that did not cause any lasting harm being shut down.

4.6.7. A number of high profile cases prosecuted under extreme porn laws have failed to result in conviction – for instance, R v Walsh [2012] and R v Holland [2010].

## 5. Stigma and Discrimination

### 5.1. Types of stigma

5.1.1. Stigma is a problem not just for those who work in aspects of the sex industry that are criminalised, but almost all areas. It is not limited only to direct sex work – but also extends to those who provide services that do not involve sexual contact of any kind. The fact that it extends outside areas that are criminalised shows that it is not simply an issue around law but around sex work in general.

5.1.2. Stigma can be divided into ‘enacted’ and ‘felt’. Enacted stigma is defined by discrimination – for instance police refusing to adequately deal with complaints of sexual assault, banks refusing to lend to legal sex work businesses, and a lack of accessibility to goods or services. Felt stigma, on the other hand, is the feelings of people who experience discrimination. It can also be seen in the reaction people have to sex work – from a hostile media to harm to personal relationships, an increased fear of violence, and a sense of societal alienation.

5.1.3. Stigma is not simply about sex workers having to learn to cope with the opinions of others. It is a pernicious and destructive force that has severe effects on the mental health of people involved. The

recurring phrase is that ‘stigma kills’ – it prevents sex workers seeking help, and prevents service-providers helping when they do. Reducing stigma is not about making sex work an acceptable career choice, but about protecting sex workers from the damaging impact of institutional ignorance.

## 5.2. Depth and extent

5.2.1. Dr Teela Sanders’ work with the Wellcome Trust also asked sex workers about their experiences of stigma. The figures from this study highlight the pervasive nature of stigma for sex workers:

- 71% of respondents experience stigma because of their work
- 60% of respondents stated that they have to pretend or lie about their job
- 46% of respondents indicated that they fear they will be recognised
- 15% of respondents said that nobody knows that they are engaged in sex work.

5.2.2. There is also sizeable evidence that the issue of stigma is not only external. Sex workers fear how they will be treated if people find out about their work, and so shy away from circumstances where they may be ‘found out’. Most notably, this ‘felt’ or internalised sense of stigma does not vanish once somebody moves on from sex work: “You’re forever socially

judged once you've been an escort...it's hard in your head to stop seeing yourself as a prostitute.”

### 5.3. Impact

5.3.1. Stigmatisation has an impact both on sex workers directly and on society as a whole. The stigmatisation of sex workers contributes strongly to their unwillingness to interact with official bodies, including the police – “Even though what I do is legal, I won't contact the police if I'm not in immediate danger – if you do, you become known as a sex worker – a troublemaker – and it creates a stigma so you can't use them when you really need help.” In turn, it leads to a greater degree of social alienation where sex workers feel unable to use the services available to the general public, and unable to share information about their lives and work with other people.

5.3.2. Stigma allows society and the same official bodies to discount sex workers, their problems, and their opinions. When prevailing opinion automatically victimises or sees them as troublemakers, or drug addicts, it allows their experiences to be discounted and for government to make policy and law without their involvement or input. This kind of paternalism is the most pernicious as it relies on the very

stigmatisation that puts sex workers in the difficult position policymakers then seek to exploit.

5.3.3. Further than that, discrimination by public and private services impact on the way sex workers can live their lives. There is a struggle to find properties to work from or live in as landlords are unwilling to let to sex workers, there is the issue of taking payment for legal acts as online payments firms refuse to provide services to sex workers, and the problem of getting insurance when it comes to pornographic filming. As we heard – “We face discrimination other businesses just don’t. It’s not even just the businesses, it’s workers too. Banks are taking away porn stars’ bank accounts, insurance is almost impossible to get because we’re classed as a ‘moral risk’, and we’re paying 15% fees on our merchant accounts when other businesses are paying 2%.”

## 6. Coercion

### 6.1. Trafficking

6.1.1. Human Trafficking has, for the past seven years, been dealt with via the National Referral Mechanism (NRM) – a framework for identifying potential victims of human trafficking or modern slavery. To refer someone via the NRM, first responders such as police forces, the UK Border Force, Local Authorities, or a variety of NGOs, refers a case either to the Modern Slavery Human Trafficking Unit or Home Office Immigration and Visas. The NRM team then consider the case and come to a decision about whether human trafficking or modern slavery has taken place.

6.1.2. In 2015, the NRM received 1080 referrals for sexual exploitation, though there is no breakdown of the outcomes of these cases.

6.1.3. The Modern Slavery Act 2015 extended provisions in the Sexual Offences Act 2003 to include all transport of people subject to 'sexual exploitation'. The term 'sexual exploitation' is not further explained in the legislation, but is explicitly intended to include all offences in Part 1 of the Sexual Offences Act. The Act also declares that consenting to trafficking makes no difference to the illegality of the act. This means

that anybody transporting a sex worker to a consensual appointment could be accused of human trafficking.

6.1.4. Trafficking and modern slavery are serious crimes, and should remain as such. But the laws as they are drawn are wide, unfocused, and have the potential to impact very heavily on those assisting sex workers. We are particularly concerned by the addition of the provision that consent is not a defence – as freely given consent to travel to consensual sexual encounters, paid or otherwise, should in our view not be the purview of trafficking law.

## 6.2. Grooming

6.2.1. The NSPCC defines grooming as “when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation, or trafficking”. Sexual grooming is an offence under the Sexual Offences Act 2003, when it can be proved that an adult intended to meet a child. Section 67 of the Serious Crime Act 2015 advances this, making it an offence to communicate sexually with a child or encourage a child to communicate sexually with an adult for the purpose of sexual gratification. However, this section has had severe delays in its implementation, and it is unclear whether it is yet being used by police.



6.2.2. Grooming also takes place offline, where individuals or groups encourage or incite children into sexual activity. Perhaps the most well-known of these types of offences is the example of the Rotherham gang who abused up to 1400 children between 1997 and 2013.

6.2.3. Inciting children into sexual activity is not part of sex work, and not only will it remain illegal under all Liberal Democrat plans but we expect our policies would enable police to target such activities with more adequate resources than have previously been the case. We are concerned that resources that could be used to track down, and find the perpetrators of child grooming are instead being used to arrest consenting adults engaged in consensual sexual activity – when police time would be much better spent combatting real harms.

### 6.3. Pimping

6.3.1. Pimping is often seen as synonymous with ‘controlling prostitution for gain’. Definitions tend to include aspects of profiting from sex work and management of sex workers, though the use of the word ‘pimp’ is popular with prohibitionist groups who tend to reference degrees of violence or coercion that are not inherent in management.

6.3.2. The evidence we have taken largely reflects other research into the pimp/sex worker relationship. Street workers feel vulnerable working alone, and are accepting of the business-type arrangement of passing on some income for management and protection. In addition, however, they are often also exposed to more organised crime, drug use, violence, and abusive relationships. That is not to say that everybody who would ordinarily be described as a pimp matches these descriptions, but there are undoubtedly a great many individuals who do.

6.3.3. It is important to divide the bare fact of managing sex work from other aspects of pimping. Management in and of itself is not harmful – if it is done with consent, and is the basis of a business relationship. If there is any coercion or use of violence, it should continue to be illegal. Once again, we believe that these issues are only exacerbated by criminalisation of street workers. When their only interaction with police and official bodies is to issue ASBOs or arrest them for solicitation, it is unsurprising that pimps may seem like the safest option.

## 6.4. Drugs and Addiction

6.4.1. Homelessness and substance abuse are particular issues amongst street workers, where

many live disordered lives with pre-existing addiction, housing, and mental health problems. Sex workers may also take up drug use either to cope with the situation that they're in, or simply because it is the norm in that scene.

6.4.2. In addition to the use of more traditional addictive drugs by street workers, there is an increasing number of drugs used within the LGBT+ community. This is currently referred to as chemsex. Chemsex is defined by the use of any combination of drugs that includes three specific drugs before or during sex by MSM (Men who have Sex with Men). These are: Methamphetamine (crystal/crystal meth/Tina/meth), Mephedrone (meph/drone), GHB/GBL\* (G, Gina). The results include extended sex and extreme sexual disinhibition.

6.4.3. We heard evidence regarding increased incidence of coercion to participate in chemsex amongst MSM sex workers and that to remain competitive, choice and consent were often blurred. This was especially true where attendees at chemsex parties reported feeling that they had pre-emptively given consent and lacked the agency or means to withdraw it.

6.4.4. Men find themselves providing sex in return for being accepted into an often default chemsex

scenario especially via social media apps which have become the norm for finding sexual partners. The supply of chemsex drugs often assumes a requirement for sexual acts to be given by the recipient in return – sex work, but without the exchange of money. Chemsex has many facets that require a policy and health response. Some of these are being dealt with by the LGBT+ community, such as with ‘Let’s talk about gay sex and drugs’ meetings. The alignment of aspects of the chemsex scene to sex work may seem indirect but it would be incorrect not to recognise that such an alignment exists.

6.4.5. More widely, addiction poses a particular, many-layered problem to the question of consent. If somebody is high, can they consent? If they are undertaking sex work to fund their habit, can they consent? No right-minded person would want vulnerable people to have to sell sex to fund an addiction and Liberal Democrat policy on drugs goes some way to address this. However, we do not believe criminalisation is the answer to the complex issues faced by street workers. Simply taking away clients will do nothing to help them out of a difficult situation.

6.4.6. One-stop shops such as Open Doors in Hackney provide an invaluable service to sex workers

– starting by focusing on health and expanding to include support for housing, mental health, benefits claims, and finances. These projects aim to provide sex workers with a real alternative to sex work if and when they want it. In addition, our existing drugs policy would provide support for these workers – removing the threat of criminalisation, providing additional support to help them quit, and focusing instead on drug dealers.

6.4.7. Unfortunately, necessity is an issue faced by all workers in low paid, insecure jobs – particularly where they have their own complex problems to overcome. But we believe that claiming that people in these circumstances do not have the capacity to consent is counterproductive. It robs them of their voice in favour of paternalistic policy-making.

## 7. The Liberal Democrat Approach

### 7.1. Decriminalisation

7.1.1. Decriminalisation when it comes to sex work means the removal of all prostitution-specific laws, although sex workers and sex work businesses must still operate within the laws of the land. So, while the offence of solicitation would be removed from the statute books, human trafficking would remain.

7.1.2. Legalisation, on the other hand, makes special provision for sex work in law, making it legal only under specific circumstances such as if sex workers must register with the government or are not allowed to work on the street. The drawback of legalisation in these circumstances is that it places additional barriers in the way of workers – often places a bar which some workers cannot reach. When they cannot be legalised by the state, their engagement in sex work does not stop but rather continues in the grey economy, with the commensurate risk of being criminalised.

7.1.3. Liberal Democrats therefore continue to support the decriminalisation of sex work as the only way that sex workers' human rights can be protected and as the only effective means of harm reduction.

7.1.4. In addition, we call for past convictions for sex work to be quashed, including convictions for loitering, soliciting, brothel-keeping, and kerb crawling. Any convictions including or alongside violence, coercion, or other sexual offences including offences related to children will not be quashed.

7.1.5. We welcome calls from the Home Affairs Select Committee for a report on the state and extent of sex work in the UK. During our policy discussions, we have found the independent reviews of sex work laws by the New Zealand government subsequent to decriminalisation invaluable. We call for an adequate baseline study of sex work in the UK prior to the change of laws, and an evaluation of the changes at five and ten years after the law has changed.

### Sale of sex

7.1.6. Criminalising the selling of sex via laws around solicitation, loitering, and advertising is actively damaging to sex workers – most notably the small proportion of sex workers who work on the street, and who often have additional and complex problems with addiction and homelessness. The threat of criminalisation dissuades sex workers from contacting the police or other services to which they are entitled, and contributes to a wider sense of social alienation. And the presence of criminal records poses a

particular issue when trying to leave sex work, especially if workers are trying to move into careers that make use of skills that are particularly useful in sex work – such as listening, caring, and empathising. It also remains a heinous provision of law that women who choose to work indoors and together for safety are criminalised as brothel-keepers.

7.1.7. We would therefore decriminalise the selling of sex and remove references in law to solicitation, loitering, and the criminalisation of women working together for safety. We would not decriminalise offences relating to coercion, trafficking, or sexual assault.

### Purchase of sex

7.1.8. We have been told time and again by sex workers that criminalising clients puts them in danger. A lack of other adequate, suitable work or training opportunities – particularly with regards to time and income - means that they are largely unable to move out of sex work immediately. A lack of baseline figures for countries where criminalisation policies have been implemented means that there is no conclusive evidence as to the impact on the number of people involved in sex work. And the concern for sex workers is that the criminalisation of clients will



necessarily lead to workers taking more risks in order to sustain their income. The bottom line of criminalising clients is that it will be the low hanging fruit of law-abiding clients who are driven away – as we were told “I do not want my clients to be people who are willing to break the law”.

7.1.9. We would therefore decriminalise the purchase of sex, including reference in law to kerb crawling.

### Management and Assistance of Sex Work

7.1.10. In law, the management and assistance of sex work is largely referred to as causing, inciting, or controlling prostitution for gain. There is no requirement for offenders to be using violence or coercion, or be negating consent in order to be prosecuted. The question of whether to decriminalise management and assistance can be answered in much the same way as the question of whether to call for decriminalisation or legalisation of sex work. Decriminalising the selling of sex but criminalising management will catch many sex workers who may not be capable (perhaps because of high overheads or fears about safety) of working alone.

7.1.11. There is also a large crossover between the sale of sex and the management of sex work. Many managers have previously sold or continue to

sell sex, and sex workers operating together and sharing costs and profits are classed under existing law as controlling sex work. In short, decriminalising the sale and purchase of sex but criminalising management and assistance has the same pitfalls as the current system.

7.1.12. For these reasons, we would decriminalise the management and assistance of sex work, including references to causing, inciting, or controlling prostitution for gain.

## 7.2. Consent and coercion

7.2.1. Sex work should be based entirely on consent. This requires that workers are able to freely and voluntarily give consent, have the ability to withdraw it, and are not subject to coercion. By the same token, it requires that workers voluntarily engage in sex work more generally and are not trafficked, groomed, or forced into it. Economic circumstance and issues such as substance misuse and homelessness or the risk of homelessness may be present when a person goes into sex work. We Liberal Democrats will continue to support policies that assist addicts to recover and to reduce poverty and homelessness, but we do not consider these factors sufficient to negate consent.

7.2.2. The most significant danger faced by sex workers is that of violent or predatory clients. The nature of sex work, even in a decriminalised system, will require privacy and some time alone, and some clients can take advantage of these vulnerabilities to abuse sex workers. To help sex workers make informed decisions about their clients and increase detection and conviction rates of perpetrators, we will provide sustained funding for the National Ugly Mugs scheme, supporting and extending their current work.

7.2.3. It is also true that sex buyers are often concerned about the welfare of the people from whom they are buying sex. However, under the current system clients are less likely to come forward as it can mean criminalisation. Reports of trafficking from one of the prime sources are therefore curtailed. We therefore call for the establishment of a tip line where anyone – including clients, sex workers, and third parties - can anonymously report their concerns about coercion of any workers. This line should be well advertised, and we will encourage sex work venues to advertise it on their premises and along with their services. Police and enforcement bodies should be prevented from obtaining orders to investigate or disclose identities of tipsters except in exceptional circumstances.

7.2.4. Given the agency that is required to engage in sex work, and the potential for abuse particularly of vulnerable and looked-after children, we will maintain the current age of consent for sex work (including pornography) at 18.

### Trafficking

7.2.5. Trafficking is already covered in law, including for the purposes of sexual exploitation. We are clear that transporting people for the purposes of any exploitation should remain illegal. The Modern Slavery Act 2015 does not define sexual exploitation, but instead refers to offences listed in the Sexual Offences Act 2003 – which our proposals in 6.1 would remove in the case of sex work. We would therefore retain existing trafficking laws, ensuring that people trafficked for crimes such as rape and causing or inciting a child to engage in sexual activity are criminalised but that transporting sex workers to consensual appointments is not.

### Grooming

7.2.6. The grooming of children into any type of sex by adults is a pernicious problem that is not adequately detected or combatted by law enforcement. A significant aspect of this is decisions taken by the police not to help girls they viewed as

sex workers – which can also result in ignoring serious safeguarding issues. A consistent approach to grooming and child sexual exploitation is necessary – an approach that we believe will be helped by police abiding by a single set of effective laws rather than making operational decisions about which aspects of legislation to neglect. We support anti-grooming laws and call on the Ministry of Justice to expedite the rollout of existing laws around sexually explicit communications with children.

## Coercion

7.2.7. With the removal of laws around management and assistance of sex work, we must ensure that there are adequate provisions for dealing with coercion by management. Coercion into individual acts is already covered by Section 4 of the Sexual Offences Act 2003 ‘Causing a person to engage in sexual activity without consent’, and we believe that this should be the relevant legislation for dealing with coercion into sex work, alongside other related charges. However, we call for the review of coercion cases as part of the five- and ten-year reviews into decriminalisation, to ensure that cases of coercion are being adequately dealt with by existing law.

### 7.3. Ending stigma

7.3.1. Though stigma can be countered by political speech, fairer media coverage, and encouraged by decriminalisation of sex work, a significant factor in its decline will be also be time. Government and political parties can take a lead, however, in reducing the stigma of sex workers, they cannot end it entirely immediately.

7.3.2. Discrimination, on the other hand, should be set clearly in the sights of lawmakers. The use of perceived corporate ‘reputational risk’ to prevent law-abiding individuals from accessing basic services is, we believe, indefensible. The ability of service providers to discriminate against sex workers regardless of their position in relation to the law must be curtailed. Formal guidelines should be drawn up for governmental organisations, including the police and court systems, as to what constitutes acceptable conduct. We believe that a significant part of formal stigma comes down to a lack of understanding about the complex legal situation many sex workers find themselves in – a fact which decriminalisation should solve.

Job-seeking

7.3.3. Whilst we believe that sex workers should be able to work free of the constraints of specific laws regarding sex work, we understand that sex work is not a job that everybody would wish to engage in. Given the specific and unique aspects of consent around much of sex work, we would write into the law the understanding that job centres cannot compel jobseekers into taking jobs in sex work, and that refusing to engage in sex work would not mean jobseekers would fall foul of the 'actively seeking work' rules in the benefits system. We would also call for sex work to be omitted from careers advice programmes.

7.3.4. Our evidence also suggested that sex workers and related businesses struggle to access financial products, including having access to a basic bank account. We therefore welcome the implementation of the EU Payment Accounts Directive and its provisions on the non-discrimination of the provision of basic bank accounts, but remain concerned that its refusal provisions could be used to continue to refuse accounts to sex workers. We would therefore amend the Payments Accounts Regulations 2015 to include provision that no one may be refused access to a payment account because of their status as a sex worker.

## 7.4. Support

7.4.1. The Merseyside Model has undoubtedly helped many people in sex work in the Merseyside area to be able to report and be supported during the prosecution of crimes against them. We have received evidence that suggests that the Merseyside Model is a stepping-stone on the road to decriminalisation. But it is our belief that institutional stigma will not immediately be dispelled – and that police forces will need, at least in the immediate term, to deal with crime against sex workers in a new, mandated way. We understand that having dedicated officers, single points of contact, crimes against sex workers treated as hate crimes, and using sexual violence intermediaries will help sex workers while these services and wider society learn to move beyond stigma. We therefore call for the Merseyside Model + to be rolled out across police force areas, subject to review at the five- and ten-year reviews of decriminalisation

7.4.2. We particularly welcome the work done by ‘one stop shop’ services such as Open Doors in Hackney. These are arms-length organisations that unite access to healthcare, housing information, benefits claims, and other services, and provide a supportive environment for sex workers,



predominantly street workers, to access support. What can start as an environment for accessing healthcare can progress to finding ways to voluntarily access ways to leave sex work. We are deeply concerned by growing requirements for these services, designed to help sex workers, report on their activities along with identifiable information to enforcement authorities. One-stop shops should not be a one off. To enable sex workers to access support when they need to, and access services to help them exit sex work when they choose to, we call for earmarked support via national NHS bodies for CCGs to establish one-stop shops where a need is identified. This should include provision to include representatives from bodies including Local Housing Authorities, Local Education Authorities, local police, and local mental health teams.

7.4.3. The main reason given for people engaging in sex work is that there are few other jobs that pay so well for people with few qualifications or skills. A central plank of helping people to exit sex work when they choose, therefore, is helping them to gain skills so that they can earn the money they need in a different way. At the lower end of the income scale, this will be assisted by better enforcement of living wage law in the service economy, especially in sectors such as social care. At the higher end, more

work needs to be done to make qualifications accessible to sex workers – not just in terms of actual study, but in terms of applications and understanding what courses and qualifications are available.

7.4.4. One of the main purposes of a one-stop shop system that is semi-independent from official organisations is that they provide a trusted, continuing point of contact for sex workers who often live disordered lives. As such, it would be appropriate to use them as a mechanism for additional support provision for people choosing to leave sex work. In addition to health, benefits, and mental health support, we believe that one-stop shops should act as gateways to education, training, and employment. To enable sex workers to access educational courses and qualifications, as well as allow access to supportive courses, for example about drug addiction, we will provide a block funding grant to one-stop shops designed to enable their clients to access supportive courses and educational qualifications, helping them exit sex work if and when they choose. The provision of funding in this way rather than in the form of specific grants will also allow sex workers to remain anonymous when entering courses, thus preventing stigma developing.

7.4.5. Liberal Democrats already support the roll-out on the NHS of Pre-Exposure Prophylaxis (PrEP) for those at high risk of HIV infection – which is relevant to sex workers, particularly those in more vulnerable circumstances or men who have sex with men.

Although evidence indicates that sex workers are more likely to engage in safe sex than their non-sex worker counterparts, we will ensure that one-stop shops highlight the availability of safer sex strategies, including the use of drugs such as PrEP.

## 7.5. Taxation

7.5.1. Alongside decriminalisation of sex work inevitably comes discussion of employment terms – most notably the payment of tax. The Treasury already acknowledges the contribution of sex work to the UK economy – valued at £5bn a year – but is currently unable to collect taxation on a large proportion of this income. In a decriminalised system, sex workers may pay income (and other relevant business) taxes without being discriminated against.

7.5.2. Our calculations suggest that tax income from sex work could total around £1.8bn per annum. This takes into account income and costs of sex workers, and – where relevant – income tax and national insurance, as well as VAT from those workers who earn above the VAT threshold.

7.5.3. Currently, sex workers can pay tax and some choose to – but the fear of stigma, of reporting to the police, and the sense that tax should not be paid on an effectively criminalised activity means that many sex workers choose not to contribute. Thanks to the Liberal Democrats in government, the personal allowance is now set to increase to £11,750 – which means that in general, street workers and many sex workers outside London will not pass the threshold and will not find themselves paying tax on their earnings. In the long term, however, requiring sex workers to pay tax in the usual way will mean a large number of people paying National Insurance Contributions, which govern the level of pension they eventually receive.

## 7.6. Communities

7.6.1. Communities have been part of the discussion of sex work for many years – most notably with the public nuisance approach as it currently stands in law. For the people that live in these areas, the impact of sex work can be noticeable, although this has got less over the years with the shift of commerce online. So, it is generally the case that most members of a community are not aware of sex workers in their neighbourhood unless and until the police raid premises. It is our opinion that a sign of well-

functioning sex work law is minimal impact on local communities.

7.6.2. We therefore believe that small, co-operative brothels, including women working together for the purposes of safety, should not be subject to specific additional licensing, but abide by local by-laws, and be subject to the same complaints procedure as other local businesses and residents. We also call for brothels that employ sex workers or charge sex workers for using facilities to be registered with the local authority and pay the applicable business rates. Local Authorities would preserve the power to shut down establishments who break the law or cause persistent nuisance, with provision for recourse to an independent appeals panel. This registration would not be subject to permission being granted – but be a notification of the relevant local authority.

## 7.7. Pornography

7.7.1. Nobody wants children to be exposed to pornography. Although it may not always be damaging, evidence suggests that repeated exposure, particularly in the absence of other information or education, can have a heavy impact on mental health and shape opinions of what constitutes a healthy relationship. However, the approach of the current government towards safeguarding is, at its

root, ineffective. A technological solution to the issue of children accessing pornography will never solve the problem. More dangerously, it provides parents with a false sense of security – that if websites will prevent children from accessing pornography then they do not need to speak to their children about the topic. We believe that this is erroneous, and has the potential to be hugely damaging.

7.7.2. It is our conclusion that the age verification system proposed in the Digital Economy Bill is illiberal, poses a severe danger to privacy, and is fundamentally unworkable. We therefore oppose age verification of porn websites. Instead, we call for comprehensive Sex and Healthy Relationship Education to teach young people about healthy sexual relationships, and to encourage them to talk about worries they have around content they have seen either on the internet or elsewhere.

7.7.3. We also encourage parents to make use of parental control tools, limiting what children can access online. One of the problems raised with us and in general discourse about the use of internet pornography by children and young people is that parents are ill-equipped to deal with technological developments, and may not understand how and when children are exposed to pornography. We

therefore propose that schools provide relevant information and support parents in having productive conversations with their children about sex, consent, and pornography – this could take the form of dedicated meetings or make use of existing dates like parents’ evenings.

7.7.4. We remain fundamentally opposed to the concept of UK courts banning access to pornography which is legal to perform, particularly on the grounds that the BBFC would not classify it for sale in shops. As authoritarian countries around the world have learned, the internet does not lend itself well to censorship. Even when it comes to legal enforcement of copyright, there is a limit to the success film and music production companies have had. Beyond any notions about liberalism, freedom, and consent – banning porn is technologically nonsensical. It simply won’t work. For that reason, we oppose provisions for the BBFC to examine internet content and issue non-compliance notices to pornography they would refuse to classify.

7.7.5. In relation to extreme pornography, we reiterate that it should be an offence to publish, sell, distribute, or display material which exploits for sexual purposes unlawful acts involving (or appearing to involve) persons under the age of 18, non-consenting

adults (or adults consenting to very serious harm) or animals. But adults would, if they wished, be able to watch in private films depicting consensual acts between adults. This policy remains separate from that regarding consensual sharing of personal images (sexting) by people aged under 18, which should not be covered by extreme pornography laws.

## 7.8. Conclusion

7.8.1. This approach, focused on decriminalisation, is the first and most important step in ensuring that sex workers' human rights are realised. But more than that, it will bring an end to a damaging, ineffective, and illiberal state policy. The proposals contained in this paper will:

- Reduce stigma, ensuring sex workers feel able to report crimes against them, as well as play a full part in society;
- Reduce violence, ensuring police are focused on tackling violence against sex workers and the wider community rather than stopping consensual sex work;
- Reduce the prison population, where women engaged in prostitution spend, on average, six days at a time – leading the removal of children and the loss of her home;



- Improve health and safety, making services easier to access and ensuring they are provided without sex workers worrying they may be reported to the police;
- Free up police resources, allowing them to go after serious crimes like grooming gangs and trafficking;
- Improve relations between sex workers and the police, encouraging the reporting of crimes not just against them, but in relation to the wider community; and
- Increase tax revenues, ensuring tax is paid where it is owed, and enabling sex workers to declare their earnings appropriately.

## A Rational Approach to Harm Reduction

### Policy Paper 126

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 8.4 of the Federal Constitution.

Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom.

The Party in England, the Scottish Liberal Democrats, the Welsh Liberal Democrats and the Northern Ireland Local Party determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas.

The Party in England has chosen to pass up policy-making to the Federal level. If approved by Conference, this paper will therefore form the policy of the Federal Party on federal issues and the Party

in England on English issues. In appropriate policy areas, Scottish, Welsh and Northern Ireland party policy would take precedence.

## Working Group on Sex Work

Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every statement or every proposal in this Paper.

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