



UKNSWP RESPONSE TO: “Consultation on the purchase of sex (Scotland) Bill (2)”



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UK Network of Sex Work Projects
Unit 114, Cariocca Business Park
Sawley Road
Miles Platting
Manchester M40 8BB
Tel: 0161 629 9861
Fax: 0161 205 3036
Email: admin@uknswp.org.uk
www.uknswp.org.uk



FURTHER INFORMATION

If you wish to discuss this response further please contact one of the following board members of UKNSWP:

Lorraine Galatowicz (Chair, UKNSWP)	chair@uknswp.org.uk
Mary Laing or Jane Pitcher (Academic Representatives to the UKNSWP Board)	academic@uknswp.org.uk

INTRODUCTION: UK NETWORK OF SEX WORK PROJECTS

This response is an organisational rather than an individual response. We wish the contents in this letter to be made public and included in any summary or statistical analysis of findings.

The UK Network of Sex Work Projects is a voluntary sector umbrella organisation to which projects providing support services to sex workers can affiliate. UKNSWP is a charity which aims to facilitate networking and the sharing of good practice in the provision of support services for sex workers. The UKNSWP coordinates the National Ugly Mugs pilot scheme (funded by the Home Office): this has Scottish project members from within and outside UKNSWP membership. The aim of the UKNSWP is:

“To promote the health, safety, civil and human rights of sex workers, including their rights to live free from violence, intimidation, coercion or exploitation, to engage in the work as safely as possible, and to receive high quality health and other services in conditions of trust and confidentiality, without discrimination on the grounds of gender, sexual orientation, disability, race, culture or religion”

Our criteria for assessing policy and law relating to prostitution are that it should enhance the health, safety, civil and human rights of sex workers and enable the provision of accessible, quality and needs based support services.

UKNSWP has 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. UKNSWP facilitates the sharing of good practice in the provision of support services for sex workers and promotes the health and safety of sex workers. Members are well placed to observe the impact of laws and policies on sex workers and on targeted services themselves. We hope that the views of experienced health and social care professionals working within our member projects will be given due consideration, as they are based on professional practice-based experience of working with people involved in prostitution in a range of sectors. UKNSWP also has a strong Associate member affiliation which consists of many key academics with a solid background of empirical ethically conducted research on prostitution in the UK.

QUESTIONS

Q1: Do you support the general aim of the proposed Bill? Please indicate “yes/no/undecided” and explain the reasons for your response.

No. The proposal to criminalise the purchase of sex represents a radical change to the criminal law in this area. No Parliament in the UK has ever taken such a step, particularly one that is not well supported by either public opinion, academic evidence or many practitioners working front line delivering support to sex workers from the UK or abroad. We are concerned that the proposed reform has a narrow focus on criminalisation and that responses will be similarly narrowed into either supporting or rejecting intervention. Such a binary approach simply obstructs a more research and evidence-informed strategy for tackling the issues arising from prostitution where it is exploitative or damaging for participants. More widely it is problematic in the context of improving the social inclusion, health and human rights of sex workers. As a network of support services we are opposed to the general aim of this bill because this bill would create a framework within which it would be even harder to provide accessible needs-based quality health, safety, social care, exit support and other support interventions for sex workers.

We have a number of further concerns regarding this:

- 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.
- Punishing clients for paying for sexual services with adult sex workers would not be beneficial to sex workers – of course targeting violent clients and others who commit crimes against sex workers is important, but targeting all clients ultimately erodes the human rights of sex workers to health and safety. Commercial sex is not inherently violent and much can be done to make it safer (Sanders and Campbell, 2007). Also scarce police and other public resources should be used in a focused way to target clients who are abusive, violent and commit other crimes against sex workers - not those who are respectful and have positive working relationships with sex workers.
- It is important to recognise that, while some sex workers may have limited options available to them, particularly those in street markets, many sex workers make an informed decision to sell sex (Sanders, O'Neill and Pitcher, 2009). Those most affected by this legislation will be male, female and transgender sex workers in Scotland working of their own volition and often within the law (the sale and purchase of sex by consenting adults is not currently illegal in the UK). Many lives could be worsened through loss of business and income, through increased stigma due to criminalisation of the purchase of sex. People will be working in fear of engaging in criminal acts when they are in fact selling and having sex with other consenting adults. People selling sex in outdoor environments will disappear from known areas of street sex work and meet clients in less well known and less safe areas which could impact on levels of violence.

- The proposed legislation will further stigmatise sex workers and their clients, rendering a vulnerable group more vulnerable. It also promotes the message that sex work always constitutes violence against women – which is a falsehood given substantial research findings to the contrary, and evidence from countries (e.g. New Zealand) where sex workers work within a decriminalised system and have access to the criminal justice system - rather than being excluded from it. Promoting an uninformed and ideologically-based notion that all sex work is automatically a form of violence against women trivialises the issue of actual violence when it is perpetrated against female, male or transgender sex workers, which should be taken seriously by criminal justice authorities. Many academics have challenged the validity, accuracy and rationality of describing all sex work as violence against women (e.g. O’Connell Davidson 1998). To say all prostitution is comparable to other forms of violence, for example, rape, sexual assault and domestic abuse, is not accurate. Kinnell (2008), in the most comprehensive study of murders and serious sexual offences against sex workers in Britain, argues that to describe all sex work as violence is: *“a meaningless shibboleth which diverts attention from violence as sex workers themselves define it and from the structural conditions that allow it”* (Kinnell, 2008: 27)

She clarifies that it is crucial to be clear that those making the “prostitution is violence” claim are describing *“the commodification of women’s bodies through charging for sexual acts or performances”* not *“beatings rapes and murders inflicted on sex workers”* (ibid)

To equate all instances of sex work, such as a female or male escort spending a weekend with a client in a five star hotel and providing some contractually agreed sexual services, with violence (for example a multiple offender rape of a street sex worker) is inappropriate and insensitive to people’s experiences of violence

- Evidence from Sweden where the purchase of sex has been criminalised has resulted in :
 - classic displacement of sex workers
 - Women working off-street, through networks (taxi drivers etc) being made vulnerable to different types of harm and economic exploitation. In Sweden sex work appears to be happening elsewhere in less visible forms. There are consistent reports that prostitution has not gone from Sweden but has just been displaced onto the Internet and more hidden forms of advertising and arrangements (<http://www.thelocal.se/9621/20080110/>). Skilbrei and Holmstrom, (2011:26) note there are reports of sex workers using their own cars to collect clients; doing business in taxis; advertising on more websites; advertising on Danish websites; sex workers dispersing to Denmark (particularly Copenhagen); and Norway to avoid the law.
 - Despite an initial dip in street prostitution, in the majority of cities where street sex work occurs numbers have returned to pre 1999 numbers - a 2007 report from the National Board of Health and Welfare noted: *“The overall picture emerging from the interviews is that the sex trade virtually disappeared from the street during a brief period immediately after the law went into effect. It later returned, albeit to a lesser extent. For instance, representatives of the Stockholm Prostitution Centre say that prostitution initially vanished from the streets when the law was passed, only to later return at about half the former extent. Now about two thirds of street prostitution is back, compared to the situation before the law against purchasing sexual services went into effect”*. (2008:33)
 - The Rose Alliance, a sex worker led organisation that works with sex workers in Sweden, have recently communicated that there is no evidence at all that the indoor sex markets, where most of sex is exchanged, are slowing down, and if anything

there are more people entering the industry (personal communication, 2011). This may also be part of a larger global trend where the Internet is the main advertiser.

- The Swedish approach has meant an official government agenda which has validated and privileged support designed to exit people from sex work rather than a balanced approach which supports holistic provision, including harm reduction health, safety and welfare interventions as well as exit support. There have been criticisms of the dearth of support services for sex workers who continue to work and a neglect of vital harm reduction services (Levy, 2011). Levy (2011) found the availability of harm reduction services seems patchy at best. The Stockholm Prostitution Unit does not give out condoms during its outreach and takes a staunch view that harm reduction is linked to maintaining people involved in prostitution. Despite such provisions being long established effective public health interventions across Europe, Sweden has ignored this (Day and Ward, 2004). The emphasis from government sponsored welfare agencies is on exiting people from sex work; when people commit to exit then assistance will be provided. Leander 2005 has criticised the Swedish government for under-resourcing the reforms.
 - Low conviction rates (500 in 10 years)
 - Majority of investigations discontinued - insufficient evidence, few proceeded to court.
 - Rather than tackling demand – restructured patterns of sex working – such as a further shift to off-street settings
 - Negative impact on most socially marginalised sex industry workers
 - Greater policing – would this be workable in the Scottish context in the current times of austerity?
 - Drop in custom - lower prices charged by sex workers, less choice in clients and clients pressing for quicker and therefore more risky transactions due to the concerns over criminalisation.
 - Greater risk taking and greater stress and danger due to the above
 - The legislation has had a paradoxical effect as it has resulted in higher levels of risk and danger to the most vulnerable - street based sex workers (Scoular, 2010).
- There also needs to be consideration to ensure that those selling sex are not criminalised through the new bill as this could increase vulnerability.
 - In relation to this the point must be stressed that this bill does not directly model the “Swedish Approach”. In Sweden sex workers themselves are not criminalised and we see nothing in the bill that reflects this and proposes that all laws which are used to criminalise sex workers, such as the Prostitution (Public Places) (Scotland) Act 2007, be repealed. Also calls to introduce the Swedish approach to other countries have been criticised for not considering the socio-economic context of Sweden and for trying to transpose a model into countries where legal, social welfare systems and cultural attitudes are very different (see Gould, 2001; Bucken-Knapp et al, 2011).

A broader problem is that the bill itself has an ideological foundation rather than one couched in evidence. A review of the partial and flawed body of ‘research’ used to inform the bill is given below. For now, however, we wish to address the approach of the bill. The first line in the introduction is ‘I believe that prostitution in Scotland is a form of violence against women and sexual exploitation’. This is problematic on many levels:

1. All policy and legislation under the Sexual Offences Act 2003 should be gender neutral. The bill clearly presents a gendered approach and lacks any understanding of the complexities of prostitution and diversity amongst sex workers. It openly states that it is seeking to protect

women from harm - what about the male and transgender workers? They seem to have been forgotten in this bill. There is a mention towards the end that the gender of participants is 'irrelevant' in the context of offences - however this is cursory. This indicates not only an-unworkable, gender biased piece of legislation but a complete ignorance of the working complexities of the sex industry.

2. Law should not be based on ideological approaches or opinions. They should be based on rigorous empirical evidence and research. Throughout the report statistics and evidence are presented in a misleading fashion - please see comments on this below.
3. That prostitution is always and inevitably violence against women is a dangerous falsehood. The criminalisation of all purchasing practices deflects attention from actual experiences of violence and other crime and trivialises those experiences. Also treating all sex workers as victims of abuse and violence deflects attention from those who do feel forced into sex work or harmed through it.
4. The use of statistics in the consultation is un-rigorous, problematic and perpetuates myths around sex work. There is no evidence to support the statement that "the majority of those who are involved in prostitution are unwilling participants". In fact, the many rigorous academic studies that have been undertaken, particularly concerning adult sex workers, demonstrate that those entering sex work do so for a range of reasons. The majority of adults who enter sex work do so of their own volition, primarily for economic reasons, based on their circumstances and consideration of the alternative options available to them (O'Connell Davidson, 1998; Sanders et al, 2009). It is important to separate out the circumstances of adult sex workers from young people who are selling sex, as their situations are often very different.

The statistics used in the consultation are highly misleading, as they are generally based on very small-scale studies of particular groups, who are not necessarily representative of the wider population of sex workers. For instance, the 75% cited in the study by Melrose is based on a single study of 46 young women who had become involved in prostitution before the age of 18, the majority of whom were working on the street. To misrepresent the figures in this way indicates either failure of understanding on the part of the author, or a deliberate attempt to distort the findings.

The statistics cited in this paragraph relating to a background of care and familial sexual abuse are also based primarily on studies of young people rather than adults involved in sex work. The original document on which the claim that "70% of women in prostitution spent time in care" is based, in fact states that as many as 70% spent time in care, the "up to" being very important here. This report itself draws on a number of studies, mainly of young people, in which proportions of young people with a background of care ranged from less than or around a third (the majority of studies) to 70% (just one study with 55 young women aged 18 or younger recruited through specialist services). Given the profile of participants in these studies, there was a much greater likelihood that they would come from a background of troubled family relations or the care system than had the samples been drawn from adults involved in sex work who had not previously been in contact with the criminal justice system or service providers, and who worked across a range of sectors.

The study by Church et al (2001) discusses violence by clients towards female sex workers in different work settings: the background section of this consultation paper, however, focuses mainly on one of these settings, i.e. street-based work, which is undeniably very different from indoor settings. Street-based sex workers tend to experience significantly greater levels of violence, are likely to enter sex work at a younger age and are much more likely to be dependent on drugs than their indoor-based counterparts, as Church et al and others note.

Again, the study cited in the consultation paper on drug use relates solely to street-based and not indoor-based workers, although this is not acknowledged in the consultation paper. Yet street-based workers form a minority of those involved in sex work, being estimated in some studies to comprise no more than 10-12% of all women working in the sex industry, and a small minority of male sex workers (Sanders et al, 2009).

Thus the studies selected, or the findings cited in this consultation paper are designed to present a skewed picture of all sex work as dangerous and coercive, with participants in the work being viewed as victims rather than active agents taking a decision to enter sex work for economic reasons. Inevitably, if a study is undertaken of young people involved in prostitution, for example, the likelihood will be that the age of entry of many will be earlier than the legal age of consent for sexual activity or labour market participation. This is not typical of the majority of indoor-based or adult sex workers, however, who form the great proportion of the sex working population. Studies have shown that indoor-based adult sex workers tend to enter sex work at an older age than those working on the street, typically in their twenties (Jeal and Salisbury, 2007; Sanders, 2005). Those working as escorts may sometimes not start selling sex until they are older (Jenkins, 2009). Thus the context in which people work, as well as their personal and social background, are important factors to consider.

Jeal and Salisbury (2007) and others note the importance of taking into account the work setting when considering the service needs of different groups of sex workers. While it is essential to acknowledge the very different experiences of indoor-based compared with street-based sex workers, and adults compared with young people, it is also important not to downplay the role that agencies and policy can take in making sex workers' lives safer. It is the case that a large proportion of street-based workers, and also indoor-based workers to a lesser extent, face the possibility of violence from a range of sources (which may sometimes be clients, but also other violent individuals, including those posing as clients, robbers, vigilantes and others). Criminalising the purchase of sex, however, is not a solution to these dangers, but will serve to exacerbate them, for the reasons we discuss later.

Q2: What do you believe would be the effects of legislating to criminalise the purchase of sex (as outlined above)? Please provide evidence to support your answer.

Methods of deterrence including the criminalisation of the purchase of sex are usually ineffective. Sex workers and their clients will work in different ways to avoid criminalisation. In addition much commercial sex is now sold via the Internet - how is it possible to police and enforce against this, especially when the police would have to deal with all transactions involving consenting adult sex workers, who are the majority? Any deterrence relating to the criminal justice process would ultimately put those involved in selling at risk of serious harm, especially those selling sex on the street, for the reasons detailed above. As touched on earlier, it will also deter sex workers in all sectors and of all gender identities from reporting violence committed against them due to concerns of being implicated in criminal activity, thus making a marginalised, stigmatised group more vulnerable to exploitation. This bill would criminalise all commercial sex transactions including those between purchasers and consenting adult sex workers; the police whose resources are already stretched and not able to carry out high levels of proactive work to address matters such as the sexual exploitation of children and young people would be under further pressure to investigate and prosecute a new group of "criminals": this would dilute further police work relating to child exploitation, trafficking and other forms of already illegal exploitation.

Q3: Are you aware of any unintended consequences or loopholes caused by the offence? Please provide evidence to support your answer.

As the bill considers all prostitution as sexual violence, although it is unlikely that the intention of the bill is to seek to make sex workers more vulnerable to violence, this will nonetheless be the unintended outcome. If the purchase of sex is criminalised, presumably there will be increased enforcement. Evidence from Canada and the UK suggests that increased enforcement and the move to remove street based sex workers from the areas in which they work, results in displacement of sex workers from the street resulting in increased levels of risk and violence (Lowman, 2000; Pitcher et al, 2006). By criminalising the purchase of sex, sex workers would inadvertently be made more vulnerable to violence.

An unintended consequence of this bill is that it will heighten the stigma of sex work and the social exclusion of sex workers. It is a pretence to think this bill would have no impact on sex workers themselves. Criminalising sex workers' customer base has direct impacts for sex workers and the context they work within. It will create a more illicit, hidden, stigmatised, unregulated commercial sex scene in Scotland, with the potential for more exploitation and violence as a result. This stigmatisation and shift to even more hidden, more illicit, less visible forms of sex work and transactions between sex workers and their clients will be a regressive step for Scotland. Sex workers will be less likely to want to make themselves visible and less likely to want to or feel able to engage with support services, the police and other authorities.

UNAIDs stress that sex workers should be able to participate in all aspects of community life free from economic, cultural, or social marginalisation: criminalising the non-violent, non-abusive clients of sex workers will not enable sex worker social inclusion (UNAIDS, 2009). This bill will further force the sex industry and sex workers to the margins of society. Outlawing the purchase of sex could see a return to the state where people would be frightened to report corruption, rape, violence, exploitation etc, and would make the industry a magnet for potentially more criminal activity.

As a network of frontline services we are very much aware that an unintended consequence will be that it will make the work of health, drugs, social care and exit services even harder. There is a considerable body of literature in the UK which has been developed over the last 20 years or so which identifies the challenges for enabling access to support services for sex workers and the barriers to be overcome; this bill would have the unintended consequence of adding another big barrier to sex workers being able to access support. The experience of outreach health care projects from the USA (Ditmore 2001), Canada, (Cler-Cunningham and Christenson 2001), and Germany (Munk 2001) illustrate how prohibitionist laws promote risks amongst sex workers, and intense policing and crackdowns only increase sex workers' vulnerabilities. Projects in New Zealand, where sex work is decriminalised and where women have few inhibitions to contact formal support, do not report problems contacting sex workers. Where there are areas of intense policing of the current laws in the UK, sex workers are known to displace and move to areas which are harder for projects to locate them, more isolated and also with the potential to disrupt communities (Hubbard and Sanders, 2003). During periods of more intense enforcement of laws relating to indoor sex work with police raids and other actions, projects report greater difficulties accessing venues and engaging with sex workers (Campbell, 2009). A number of international bodies have recognised how criminalisation of sex work, including the clients of sex workers, creates barriers to delivering health and support services (WHO, 2004).

UNAIDS (2009) urged governments to take a comprehensive rights based approach to sex work and HIV, to reduce the social inclusion, stigma and vulnerability of sex workers, to build capacity in sex worker communities and develop policy which actively involved sex workers. In 2012 UNAIDS UN

Advisory Group on HIV & Sex Work made it very clear that the criminalisation not only of sex workers themselves but their clients has a considerable detrimental effect on the health, safety, welfare and rights of sex workers as well as wider public health. It stated:

*“Stigma and discrimination within society results in repressive laws, policies and practices against sex work, and the economic disempowerment of sex workers. **Policies and programmes to reduce the demand for sex work, designed ignoring the voices of sex workers, often result in unintended harms including increased HIV risk and vulnerability for sex workers and their clients, diverting attention from protecting sex workers rights.**” (UNAIDS 2012, Pg 4)*

Criminalising clients of sex workers provides an adverse framework in which to meet the needs of sex workers. The Scottish Parliament need to take this UN guidance and reports very seriously.

More generally the advisory group stress that:

“There is very little evidence to suggest that any criminal laws related to sex work reduce the demand for sex work or the number of sex workers. Rather, all of them create an environment of fear and marginalisation for sex workers, who often have to work in remote and unsafe locations to avoid arrest of themselves or their clients. These laws can undermine sex workers ability to work together to identify potentially violent clients and their capacity to demand condom use of clients” (UNAIDS, 2012, pg6)

Q4: What are the advantages or disadvantages in using the definitions outlined above?

Definition of sexual activity (paragraph 81)

Some commercial sexual transactions do not involve sexual acts - some do not even involve touch. It is stated in the bill that the definition is that which a ‘reasonable person would, in all the circumstances, consider to be sexual’. Due to the variety of services provided – this definition is vague and will be unworkable in many situations due to the complexity of people’s sexual requests and non-normative nature of desire. Is sitting and talking, for example, considered sexual? Would a reasonable person consider this sexual? Also what is defined as ‘reasonable’ in this context? The positioning of this is also problematic as it separates out and categorizes sex workers and clients as implicitly ‘unreasonable’.

Definition of payment (paragraph 79)

The definition for payment in the consultation is vague - and although the research literature does discuss a wide economy of exchange in the context of commercial sex - once this definition is used in a legal context this becomes potentially problematic. How will it be possible to prove that the exchange occurred via non-cash payment? What about relationships of convenience – where one party financially supports another in return for companionship and potentially a sexual relationship? Will non-normative sexual lifestyles be criminalised through this bill?

Q5: What do you think the appropriate penalty should be for the offence? Please provide reasons for your answer.

None – the purchase of sex between consenting adults should not be criminalised. See above.

Q6: How should a new offence provision be enforced? Are there any techniques which might be used or obstacles which might need to be overcome?

Tried and tested methods of enforcement usually make sex workers more vulnerable to violence and attack as men and women working in the industry feel as though they must move into less familiar darker or more dangerous areas and those working off-street must make themselves less visible. If clients are to be criminalised it is also likely that sex workers will be even more reluctant to report violence committed against them to the police as there will be uncertainty about their legal position. Regular clients (which many sex workers have and research suggests that sex workers working in both on and off street sex work have positive working relationships with regular clients) will be deterred, resulting in less safe working practices.

In addition, we question whether this offence is even enforceable. There are several barriers in terms of policing and enforcing a prohibition on the purchase of sex. The police are already experiencing cuts in the current climate of austerity - is this offence even police-able - especially given that a significant proportion of sex workers now operate online? To what extent is it desirable to police this offence given that evidence suggests that sex work often involves consenting adults? Policing this is likely to be an impossible, as well as undesirable task. It may also take resources away from dealing with cases of actual violence against sex workers and bringing perpetrators to justice.

Q7: What is your assessment of the likely financial implications of the proposed Bill to you or your organisation; if possible please provide evidence to support your view? What (if any) other significant financial implications are likely to arise?

While the proposals may not affect UKNSWP directly as an organisation, there are potential consequences for sex work projects in Scotland, which are already under-funded and frequently operating on limited resources. The proposals if enacted might result in more resources being needed to access and keep in touch with sex workers, who are likely still to be selling sex, but may be reluctant to approach services or authorities for help, thus requiring more intensive outreach. There would also be potential additional work for projects supporting sex workers dealing with the consequences of the legislation, in terms of reduced levels of safety for sex workers as a result of their working in more risky ways to avoid their clients being arrested, with the possibility of more incidents of serious violence against sex workers. Evidence from evaluations of the criminalisation of the purchase of sex in Sweden indicate that there are also probable negative implications for the sexual and general health of sex workers, due to their reluctance to access services, which may have longer-term repercussions for services (Jordan, 2012). Given the mobility of sex workers and their clients across borders (Skilbrei and Holmstrom, 2011), a further potential outcome of the criminalisation of the purchase of sex in Scotland may be displacement of sex work into England, and thus there may also be financial implications for projects in England if there is a need to provide services to increased numbers of sex workers.

Q8: Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

The bill as it stands has substantial negative implication for equality, as it lacks gender nuance and fails to consider the complexity of the male and transgender sex work industries, since it has been documented that some groups of sex workers may have a range of additional, complex needs relating to their engagement in sex work.

It also proposes taking away the sole livelihood of substantial numbers of women and men, many of whom are consensually sex working to support themselves and their families. Many sex workers have few feasible alternative employment options available to them, for a range of reasons, and thus the proposals if implemented would take away their only source of income, leaving them potentially destitute. The proposals offer no viable suggestions as to how alternative sources of immediate funds would be made available to address this consequence. Given the current economic situation and imminent cuts to welfare benefits, the proposals are financially as well as morally irresponsible and would have the effect of plunging a large group of people, who are already marginalised, into poverty and even greater social exclusion.

The Bill also denies the agency of the many women and men who have taken an informed decision to enter sex work, usually for economic reasons. The sale of sex is not itself illegal and the Bill would be taking away the rights of those sex workers who are working legitimately of their own volition, since it would create a contradictory situation where they would have the right to sell sexual services, yet anyone purchasing those services would be criminalised.

The negative implications could be minimised or avoided by not allowing a gender biased, flawed, un-enforceable piece of legislation such as this to be validated.

In addition, equality issues are not easily solved via the criminal law. It has a role to play but its use in this instance is too indiscriminate and too general to be effective. The proposals here would have severely detrimental consequences for equality in relation to sex workers, as they deny them a voice and if implemented would lead to far greater harm for people who sell sex, as they would have even less recourse to support and protection by the law than they do now.

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