



SCOT-PEP briefing note ahead of today's meeting in Committee Room One to discuss sex work

The organisers of this meeting about sex work have excluded sex worker-led organisations from participating in the discussion. Ms Grant speaks the language of equality, and yet demonstrates that she does not really consider sex workers to be her equals when she excludes us from policy discussions about our own lives. To quote former UK Health Secretary Lord Fowler, *"Are we prepared to recognise sex work and cooperate with sex workers, bringing them in to the policy dialogue, or do we call them prostitutes and assume they have no input?"* **Refusal to include sex workers reveals that the real agenda is not welfare or human rights.**

The criminalisation of clients has already failed - in Scotland. In 2004, the [Report of the Expert Group on Prostitution in Scotland](#) (p66) warned against approaches that criminalised sex workers' clients, on the grounds that such measures drives stigma, and pushes sex workers into more isolated areas. This echoed UK Home Office research, which found client criminalisation means women *"will still go out on the streets, often at a later hour, remaining there for longer ... increasing their vulnerability [to violence]"* ([Home Office, p24](#)). These concerns were confirmed when the Prostitution in Public Places (Scotland) Act came in - a law which criminalised the clients of street-based sex workers. In the first six months after the law was enacted, SCOT-PEP (at the time funded by the Scottish Government to do outreach and provide services) [recorded a more than 50% rise in violent attacks on street-based sex workers](#) in Edinburgh. In Dundee, this criminalisation of clients led to *"dispersal of sex workers to isolated areas at the edge of the city"*, and the rates of violent attacks reported to outreach workers doubled (Kinnell, [p71](#)). A senior Lothian and Borders police officer expressed the view that the new law meant *"prostitutes working further away from the gaze of CCTV cameras and police officers, putting themselves in more dangerous situations"* (Kinnell, [p71](#)).

The law itself was putting sex workers in more dangerous situations, as, with clients jumpy and fearful of arrest, sex workers had drastically reduced time to discuss services, negotiate condom-use, and assess a client's demeanour before deciding whether to do business with him. Sex workers, whether street-based or indoor, use a variety of screening methods to decide whether a client is safe: the criminalisation of clients makes those crucial screening methods harder or sometimes impossible, as clients are fearful that sharing information about themselves will lead to their arrest. Sex workers, who still need to make money in criminalised contexts, are therefore forced to see clients who they have not been able to assess or screen. Perpetrators of violence know this, and are able to target sex workers with greater impunity. **Advocates for the criminalisation of clients in Scotland need to explain why they support legislation that has already and repeatedly been shown to increase - by more than double - violence against sex workers.**

If proposals to criminalise clients became law, Scotland would be dangerously out of step with expert opinion on a global stage. Calls for the full decriminalisation of sex work, including the decriminalisation of clients and third parties, have come from bodies such as [the World Health Organization](#), [UNAIDS](#), [Human Rights Watch](#), the [Global Alliance Against Traffic in Women](#), and, just this month, leading UK medical journal [The Lancet](#). UNAIDS wrote about the failed Swedish model: *"There is very little evidence to suggest that any criminal laws related to sex work reduce demand for sex or the number of sex workers. Rather, all of them create an environment of fear and marginalisation for sex workers ... In Sweden, sex workers who were unable to work indoors were left on the street with the most dangerous clients and little choice but to accept them"* ([p4](#)), and: *"well-meaning but ill-informed NGOs ... believe that they are helping sex workers by calling for criminalisation of clients. However, there is no evidence that these 'end demand' initiatives reduce sex work ... or improve the quality of life for sex workers. These laws do not reduce the scale of sex work, but they do make sex workers more vulnerable"* ([p8-9](#)).

The Global Alliance Against Traffic in Women “strongly oppose[s] criminal penalties against clients” (p7), on the grounds that “‘End demand for prostitution’ approaches not only threaten the effectiveness of anti-trafficking efforts, they can often place sex workers at greater risk of violence and exploitation” (p31), and “‘end demand’ not only fail[s] to reduce trafficking and sex work, but [has] also resulted in further harms and human rights violations against sex workers” (p31). Human Rights Watch states, “[Criminalizing clients harm\[s\] sex workers, forcing them to work in more dangerous and isolated locations](#)”. Leading medical journal [The Lancet this month published a special issue on HIV and sex work](#), which called in the strongest terms for the decriminalisation of sex work, and noted that asymmetric criminalisation - such as the criminalisation of clients - has the same negative impact on sex workers as direct criminalisation. **Advocates of the criminalisation of clients need to meaningfully engage with these recommendations, including explaining why they think they know better than the Global Alliance Against Traffic in Women about measures to tackle trafficking, and why they know better than the Lancet and the World Health Organization about measures to mitigate the worldwide HIV epidemic.**

Isn't sex work all a form of violence against women, though? No. In the words of a [Glasgow-based sex worker support service](#), set up and run by sex workers, “To see all sex work as violence, against the wishes of the specific sex worker you're speaking to, treats our consent as meaningless – which is the position of an abuser, [and should not be] the position of a support service.” Nor should it be the position of policymakers. It is common sense that sex workers have a range experiences in, and feelings about, sex work. This diversity of experience is shaped by the context in which sex work takes place - for example, the legal status of sex work and sex workers' workplaces, as well as factors like gender and migration. Examination of ‘Ugly Mugs’ reports - a mechanism for sex workers to report violence in a way that warns other sex workers about the perpetrator - reveals that some kinds of workplaces that some sex workers are able to use are much safer than others. Reports of violence from contexts where sex workers are able to work with a colleague, friend, or other people nearby are much lower than those from contexts where sex workers have to work alone (p82, 86-87). This highlights that sex work is not all merely reducible to “violence”: some contexts facilitate violence, and some contexts prevent it. When policymakers reduce the complexity and context of all sex work to “violence”, they are ridding themselves of the need to examine **which contexts** produce the violence that sex workers report.

If all sex work itself is simply defined as “violence”, irrespective of the actual violence sometimes experienced, then there is no need to ensure that fewer sex workers are raped, robbed, beaten or killed; no need to look at the workplaces where sex workers are safer, and to ensure sex workers are able to access those workplaces. Indeed, by defining all sex work as violence, policymakers can push legislation that actually harms sex workers - for instance, by further criminalising sex workers' safety measures, such as working with a friend, or forcing sex workers and clients to avoid arrest by meeting far away from members of the public who could intervene if a worker needed help. ‘[Operation Homeless](#)’ (“huslos”), [run by Norwegian Police, targets indoor sex workers for legal - yet extra-judicial - eviction](#) in the basis that landlords can be prosecuted as ‘pimps’, with the result that over [400 women have been made deliberately homeless](#) in the name of fighting exploitation. The “Swedish model” criminalises two indoor sex workers who work together for safety, and street-based workers are forced to meet clients in isolated areas; it criminalises sex workers' safety strategies, makes women homeless, and thereby facilitates the violence it claims to be against. **Advocates of the criminalisation of clients need to explain why, despite the Swedish model's claims to “decriminalise the women,” basic safety strategies are still criminalised, making sex workers vulnerable to both prosecution and violence. They also need to stop ignoring the trend whereby initiatives such as Operation Homeless emerge from jurisdictions that have adopted the Swedish model - and explain how such measures uphold the human rights of sex workers.**

