

Sex work is not 'commercial sexual exploitation'

A BRIEFING summary

from SCOT-PEP

This is the summary of a longer briefing note on the same issue, available on our [website](#)

Sex work is where an adult consensually sells or exchanges their sexual labour. It is not intrinsically violence. Sex workers are people of all genders, who are entitled to human rights and labour protections – crucially, within sex work, as well as if they choose to leave. The phrase 'sex work' does not deny that exploitation exists any more than the phrase 'domestic work' denies that some people experience exploitation within the sphere of domestic labour; however, to use the phrase 'sex work' roots the solution to exploitation in sex workers' calls for 'rights, not rescue'. Sex work is often conflated with trafficking, and this conflation and the policies that result from it harm the rights and safety of migrants, sex workers, and migrant sex workers.

Sex work – including activities such as pole dancing and stripping, as well as brothel work, escorting, and street-based sex work – are defined by the Scottish Government as 'commercial sexual exploitation' (CSE). This briefing lays out the key ways in which this definition of sex work – as intrinsically a form of violence against women – creates and exacerbates serious harms to sex workers. These harms are laid out as follows.

This definition makes invisible the violence that sex workers themselves define, meaning there is no incentive to pursue policies that reduce that violence.

When sex workers object to the definition of sex work as violence, they are not denying that violence and exploitation are often present in sex workers' workplaces: no one knows that reality better than sex workers themselves. Criminalisation is a fertile ground for human rights abuses. But this conflation means there is no incentive to pursue policies

that reduce the violence that sex workers themselves identify. If sex work is violence, and so is sexual assault, then disrupting a sex worker's workplace can be presented as 'tackling violence' in the same way that preventing or punishing sexual assault is. That's despite the fact that limiting or displacing a sex workers' ability to sell sexual services, or disrupting their workplaces, might force them to seek out unfamiliar or risky work venues, making them more vulnerable to violent individuals.

The definition provides political justification to push for policies that demonstrably increase violence against sex workers, as defined by sex workers themselves.

The things that sex workers define as violence against them – robberies, assaults, sexual violence, as well as harassment from members of the public, and things such as the threat of eviction from landlords – all increase when anti-prostitution policies are implemented¹.

1 Petra Boynton (2006). Sex workers to pay the price: UK plans to cut street prostitution will threaten sex workers' health. *BMJ*. 332(7535), p190-191; Phil Hubbard (1998) *Community action and the displacement of street prostitution: evidence from British cities*. *Geoforum* 29: p269-86; Teela Sanders (2004). *The risks of street prostitution: punters, police and protesters*. *Urban Studies* 41: p1703-17; the Lancet, Crago et al, *Human rights violations against sex workers: burden and effect on HIV*, 2014.

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UK Home Office research found: *'Police operations can have the effect of reducing the number of men seeking prostitutes in an area. Women, sometimes desperate to earn money to fund drug use, will still go out on the streets, often at a later hour, remaining there for longer, thus increasing their vulnerability'*². However, if sex work itself is defined as violence, anti-prostitution policies can be promoted as 'anti-violence', and 'in the best interest' of sex workers.

Furthermore, when sex work is conceptualised as intrinsically violence, additional violence becomes acceptable in order to 'rescue' women from sex work. When the saunas in Edinburgh were raided by police, in June 2013, one woman told SCOT-PEP: *'I felt so bad, so violated. I've never been so humiliated in my life'*³. Women were detained for over seven hours, strip-searched, their personal phones and money taken and never returned. Edinburgh Violence Against Women Partnership (EVAWP), which upholds the Scottish Government definition of sex work as intrinsically violence, subsequently noted: *'We support this police action'*⁴.

The definition impedes harm reduction strategies, by positioning harm reduction – such as non-judgemental health services – as akin to condoning the 'violence' that is sex work.

When sex work is defined as 'violence', policies and approaches that permit a person to continue to sell sex – focusing instead on their safety, and on solving the issues that they identify as problematic for them – at best make no sense, and at worst can be viewed as 'encouraging' the 'violence' that is sex work. This is hugely damaging: even for

people who do wish to leave sex work, issues such as housing and employment mean that 'exit' does not happen overnight; and if harm reduction schemes are impeded, the safety of those people who are looking towards leaving is threatened alongside the safety of those who intend to continue to sell sex.

It means that sex workers are systematically excluded from policy-making around sex work.

Sex workers – who inevitably speak from a huge diversity of experiences – are automatically disqualified from participation in sex work-related policy-making in Scotland, unless they adhere to the Scottish government's definition. Participation that is premised on only being listened to if you say the 'right' thing is not real participation. This leads to absurdities like Edinburgh City Council's 'expert working group on men and women selling sex' containing no men or women who sell sex. Glasgow city councillor James Coleman, who chairs the Glasgow Violence Against Women Partnership, refused to allow a sex worker-led support service to join, stating: *'it appears that your organisation does not take the view that all prostitution is a form of violence against women'*.

The World Health Organization states that sex workers should not only participate in, but lead in policy discussions around sex work⁵, emphasising: *'a [sex worker] community-led approach to planning, delivering and monitoring services for sex workers is essential'*⁶. Due to the definition of sex work as 'commercial sexual exploitation', sex workers in Scotland have no meaningful input into planning, delivering, or monitoring the services that are ostensibly 'for' them.

2 *Tackling Street Prostitution: Towards an holistic approach*, Marianne Hester and Nicole Westmarland, Home Office Research Study 279, 2004, p24.

3 <http://www.scot-pep.org.uk/news/i-felt-so-bad-so-violated>

4 EVAWP end of year report, 2013.

5 *Implementing Comprehensive HIV/STI Programmes with Sex Workers: Practical approaches from Collaborative Interventions*: http://www.who.int/hiv/pub/sti/sex_worker_implementation/en/

6 As above, pXVIII.



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