

# From Morality to Rights: Debating Sex Work and Sexual Exploitation

## The Symposium on Women, Human Rights and Prostitution

July 2007

Anne Robinson, The Hallam Centre for Community Justice

### Foreword by Symposium Chair

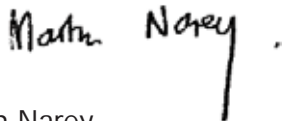
As Commissioner of the Symposium on Women, Human Rights and Prostitution, I am pleased to present this report, *From Morality to Rights: Debating Sex Work and Sexual Exploitation*, which continues the dialogue and thoughtful discussions initiated by the five seminars held between October 2006 and May 2007.

Barnardo's is fortunate to have shared the lead on this timely topic with SOVA and Sheffield Hallam University. Together we have faced difficult questions while maintaining an inclusive forum. The Symposium has challenged us all to scrutinise set beliefs and welcome fresh perspectives.

I would like to thank all of the individuals who attended the seminars representing their organisations and/or themselves who provided such stimulating debate. Without the diversity of views offered by the participants we would never have achieved our goal of bringing together key stakeholders in the discourse surrounding sex work and sexual exploitation.

I extend my gratitude to the Commission Group who steered a course through turbulent waters to reach if not the shores of consensus, at least those of greater understanding and to the Working Party who kept the ship afloat through consistent direction and support for the Symposium.

Finally, I would like to acknowledge the author of this report, Anne Robinson from the Hallam Centre for Community Justice, for so carefully capturing both the breadth of debate and the encouraging emergence of consensus.



Martin Narey  
CEO Barnardo's

### What is the Symposium?

The Symposium has been an exciting and innovative forum encouraging an open and inclusive debate about prostitution. The Symposium has met on five occasions between October 2006 and May 2007, involving participants with very different interests in or experience of prostitution and child sexual exploitation. It has been facilitated by a partnership between Barnardo's, the Hallam Centre for Community Justice and the voluntary agency, SOVA, as managing agent, and is funded through the ESF Equal programme. Because this funding is linked to activity addressing gender inequalities, the focus of the Symposium has been primarily on women involved in prostitution

## Who has been involved?

As well as the three main partner agencies, a Commission Group chaired by Prof Martin Narey, CEO, Barnados, has guided the Symposium. This group has drawn upon legal, criminal justice and academic expertise as well as involving the International Union of Sex Workers. The Commission Group set out to attract a wide range of participants and view points at Symposium meetings, and successfully brought together parties with divergent perspectives who typically tend not to be present at the same meetings or to share platforms at events. Within an inclusive and neutral environment, opportunity was created to identify broad areas of agreement despite sometimes conflicting ideological and moral starting points. The range of views represented makes the Symposium stand out from most other settings where prostitution and prostitution policy is debated.

As an ESF funded project, a transnational partnership, Kyrene, has been an integral part of the Symposium, involving a Greek partner, Eirini, and an Austrian partner, Sophie. This has encouraged and enabled the Symposium to consider the attitudes of other European jurisdictions to prostitution and their different legal and regulatory frameworks.

## Why now?

The Symposium is particularly timely in the light of the Home Office consultation, *Paying the Price* in 2004 and the publication of the Co-ordinated Prostitution Strategy in January 2006, which had indicated the possibility of the most fundamental rethink of the law around prostitution since the Wolfenden Report of 1957 and the Street Offences Act 1959. This second document does demonstrate some clear intentions on behalf of the government in terms of policy direction, although in practice no new legislation has been passed. New provisions are proposed within the Criminal Justice and Immigration Bill currently before Parliament, but this still leaves the way open for further thinking and debate about appropriate ways to protect those who need protection and to promote the human and civil rights of all stakeholders, including those women, men and children involved in selling sex.

The Symposium is of the view that the discourse evident in the Co-ordinated Prostitution Strategy is overly reliant on a particular view of prostitution – specifically street prostitution – as a nuisance activity which needs a criminal justice response. The Symposium suggests that there are other analyses that might lead to alternative and more inclusive ways of responding to the human rights, public health and/or disorder concerns raised by prostitution activity. Rather than making specific policy recommendations, the Symposium has focused upon how the discussion and the process of policy formulation can be opened up, creating a constructive debate that allows for the possibility of imaginative and innovative measures or actions, which seek to include rather than isolate and further stigmatise those involved in prostitution.

## Areas for discussion within the symposium

Prostitution is a complex subject, with many different aspects. The Symposium has discussed the following areas, in order to cover an appropriate range of topics and to include input from the UK Human Trafficking Centre, The Poppy Project, Suffolk Constabulary and Barnardo's, in addition to academics, researchers, activists, practitioners and politicians from differing perspectives. Participants have also engaged in small group discussions and activities, as well as plenary debate.

- October 2006 Durham  
Children & Young People Exploited through Prostitution
- November 2006 Manchester  
When can 'sex work' be a free choice?

- January 2007 Vienna  
Legislation to ensure Human Rights
- March 2007 Sheffield  
Victims of trafficking and/or migrant sex workers?
- May 2007 London  
Zero tolerance – solution or oppression?

## What is the Symposium hoping to achieve?

The Symposium aims to challenge the thinking of policy makers and, in particular, to ensure that women involved in prostitution are included in the policy debate. Whilst the Paying the Price consultation seemed to offer an opportunity to influence policy and the potential for constructive change, the resulting Co-ordinated Prostitution Strategy is limited in its vision and remains firmly within a criminal justice framework. The Symposium views this as unhelpful and urges broader and deeper thinking about the meaning and the reality of prostitution. This may then suggest different, new ways of tackling associated risks and problems and of protecting rights

### The Symposium proposes widening the debate around prostitution and enabling more creative responses by

Civilising the terms of the prostitution debate and moving the locus of interventions from the criminal justice into the civil arena

Creating space for new voices and new knowledge

recognising and respecting different views and rights

### The Symposium advocates the following principles to underpin debate:

reducing the use of criminal law against women selling sex, specifically prostitution-related law

moving away from the concept of prostitution as a nuisance activity and allowing space for other ways of seeing prostitution

exploring the use of non-criminal law to strengthen protection and rights

adopting a rights based framework as a means of promoting inclusion

recognising that women make complex choices and that they weigh up the positives as well as the negatives from being involved in prostitution and in movement across national borders

accepting that the voices of diverse women in prostitution should be integral in determining the way forward

rejecting the concept of 'child prostitute' and making an explicit acknowledgement that what such terms refer to are children and young people being abused or sexually exploited

taking a different approach to 'at risk' young people that does not categorise them as either innocent victims ('deserving') or active delinquents ('undeserving') and that is able to recognise their coping strategies - of which prostitution may be one - but is also clear that all children and young people exploited through prostitution deserve care and protection

understanding that purchasing sex is a more normalised activity than is generally acknowledged and is not restricted to a deviant minority of men

# Civilising the terms of the prostitution debate and moving the locus of interventions from the criminal into the civil justice arena

## Key issues from the Symposium

Three points arose very quickly from Symposium discussions and remained constant throughout. Although some participants were from an abolitionist perspective, others in favour of treating prostitution as a legitimate occupation and others with a mix of different opinions, there was clear agreement that:

- The force of criminal law should not be directed against the women selling sex
- The potential for children under the age of 18 to be criminalised for soliciting should be removed
- Treating street prostitution as a nuisance activity is counterproductive and that use of measures such as Anti-social Behaviour Orders (ASBOs) may cause women to work in more risky ways.

Official discussions of prostitution in policy documents and elsewhere consistently equate prostitution with only one of its possible settings – the street market. Whilst portraying (street) prostitution as a nuisance activity does reflect the very real concerns of residents affected by such activity, it also creates a distorted image of prostitution as a whole. There is an implicit message that other areas of prostitution that are less in the public eye can be ignored, potentially neglecting the position of women in the indoor sex markets whose rights and safety may also need protection.

The consequences of focusing intervention on the control of street prostitution and using criminal or ASB measures are

- The risk of ignoring women involved in other areas of prostitution
- The potential for displacing prostitution activity and increasing risk of violence, as women work in less familiar areas, at different times of day or perhaps alone rather than in a group
- The isolation and stigmatisation of women engaged in prostitution
- The additional stigma and social consequences of a criminal record
- The potential for moral judgements and vigilantism

## How would this help?

Currently the majority of interventions around prostitution are linked to the criminal justice system, including anti-social behaviour measures. These are therefore exclusionary both in intent and in effect. Assistance with drugs and other problems associated primarily with street prostitution are increasingly being delivered through criminal justice routes, such as arrest referral schemes or Intervention Orders, as well as probation service supervision, and this trend seems set to continue with the forthcoming Criminal Justice and Immigration Bill.

The understanding of prostitution that underlies this reliance on criminal justice interventions is one that is based upon prostitution as a nuisance activity. It is true that the recent focus of police concerns have tended to shift towards male users of prostitutes rather than the women themselves, but the increasing resort to ASBOs and CCTV mean that the women are also still the object of official attention. There is also an anomaly in that women are not imprisoned for soliciting offences, but can find themselves in custody for breach of an ASBO.

Whilst the Symposium recognised that criminal justice interventions have a role, it is suggested that there are benefits in exploring other ways of looking at prostitution. By moving away from a narrow criminal justice or nuisance approach, which tends to assume 'one size fits all', the debate can be widened and a range of possible, more helpful and inclusive measures, can be sought. The Symposium itself is not advocating any one alternative view of prostitution as being preferable, but is suggesting that taking the bold step of abandoning the current preoccupation with nuisance could stimulate new thinking and shift the parameters of the debate in a helpful direction.

Regarding young people, it was noted that the Co-ordinated Prostitution Strategy expressed an intention to retain criminal powers in relation to young people, despite the inclusion of all under 18s involved in prostitution within the child protection framework. Although very few prosecutions are now brought against that age group, retaining criminal measures on the statute book is symbolically powerful. There is still a potential to punish which seems at odds with the spirit of Every Child Matters.

The Symposium believes that all young people under 18 – even those who present as being unco-operative and hard to engage - deserve protection from abuse and that more flexible, perhaps non-statutory, services are needed to reach out to these young people instead of writing them off as being more 'troublesome' than 'troubled'. This means finding more pro-active ways of engaging these young people, enabling them better to protect themselves in the short term and being there when they are ready to exit.

The criminal law, nevertheless, is relevant for under 18 year olds in terms of enforcement action against men who sexually exploit young people or who purchase sex from minors. There is potential for considerably more proactive enforcement action against abusers.

## **What would it mean in terms of policies or actions?**

The main thrust of the suggested change would imply an exploration of how the law could be used more positively to enable solutions and offer protection, not through prohibitions and sanctions, but by such measures as a strengthening of networks of provision and multi-agency working in local areas to respond to the pattern of prostitution activity locally. This may involve imposing additional duties on public agencies to audit need, to consult with all parties involved, and to make informed decisions about providing an appropriate range of services for women and for young people.

As a result of shifting the terms of the debate, questions may be raised about which might be the most appropriate agency to take the lead and where tackling issues associated with prostitution might fit within Local Strategic Partnerships. This is not to imply that there is no role for enforcement or for the criminal justice agencies, but that criminal law, where used, should aim to protect rather than to criminalise and further isolate those who sell sex. The Symposium is suggesting moreover that criminal justice solutions could be part of the response, not the primary resort in dealing with prostitution issues.

## Creating space for new voices and new knowledge

### Key issues from the Symposium

Debates on prostitution rarely feature a range of voices from those women with direct experience of the sex industry. The Symposium aspired to capture different views from these women, despite the acknowledged sensitivities and obvious difficulties involved.

Two distinct perspectives arose from Symposium debates, one evidencing optimistic and empowering experiences of prostitution, the other with a narrative of abuse, exploitation and lack of control. Both these perspectives are valid and it was felt by most participants important that debate acknowledges and responds to both positive and negative experiences, recognising the differing lived realities of women in prostitution.

Increasing the contribution of women involved in the sex industry may not be easy or straightforward, given the fear of stigma and lack of confidence and trust. Nevertheless, the Symposium believes that this contribution would represent a significant step forward. In particular, it would help in creating a greater awareness amongst those making policies and developing services of why women enter the various prostitution markets, why they might continue working there and how best to protect the most vulnerable.

Whilst there is a channel for some prostitute women to have their views represented by the sex workers union, the IUSW, there are more limited opportunities for children and young people subject to sexual exploitation to be heard. In many respects there may be an even more pressing need for attention to their experiences and wishes in order to provide more appropriate protection and services.

In particular, a stronger voice from those children and young people exploited through prostitution may enable the debate to transcend the current stereotypes of passive victims. While the men who take advantage of young people in these circumstances are abusers, the Symposium recognises that young people may view their situations differently and view the selling or trading of sex as a survival tactic or a means of building stability or gaining intimacy in the midst of loss, insecurity or personal trauma rather than as exploitation.

Understanding and respecting individual young people's perspectives is an important step in shifting from a moralising to a rights based approach that seeks to protect and to stand alongside each young person. As with older women, listening to individual life stories may reveal valuable insights into how these young people negotiate their lives and exercise degrees of choice and agency in sometimes extremely difficult or distressing circumstances and offer ways to address their complex needs.

Similarly, the issues around trafficking and migration may create difficulties in accessing the voice of non-UK nationals in the sex industry, but their narratives are important in creating a more grounded sense of the degrees of knowledge and choice they have had in their movements. Their voices would critically increase understanding of patterns of migration and the position of non-UK nationals in the indoor sex markets and indicate what services might be most appropriate, again moving beyond simple moral judgements and notions of 'rescue'.

Many analyses of prostitution refer to male demand as an important part of the prostitution equation, and this is variously linked to biological urges, economic power and male domination. However, as yet the knowledge about men who use prostitutes is partial and developing. A deeper understanding of the prevalence and motivations for purchasing sexual services is necessary in order to provide more effective long-term strategies promoting a change in culture and attitudes towards sex. It may also indicate short term tactical measures with more impact than the current clampdowns on male cruisers and kerb crawlers re-education programmes ('John's schools') imported from the North Americas.

There are precedents for research involving women in prostitution and more recent studies on male users of prostitutes, as well as work by Barnardo's and others on children subject to sexual exploitation and trafficking. A strong argument exists for expanding such research opportunities and linking this growing knowledge to create evidence based policy and practice.

## How would this help?

There are four key groups relevant for research:

- Adult women in prostitution
- Children subject to sexual exploitation, including trafficked children
- Women who have entered this country as migrants or who have been trafficked to work in the sex industry
- Male users of prostitutes

The benefits of research with and for these groups is evident, in terms of more informed and, therefore, potentially more effective policy responses. For the participants, there may also be positive outcomes from contributing to research, consultations or service development. These processes may in themselves be empowering and therefore an affirming experience for groups of women who may be significantly disempowered or simply routinely neglected because of the legal status of their work.

A more powerful voice from women in prostitution may enable policy makers, politicians and others to develop more complex pictures of involvement in prostitution and to move beyond the current conventional stereotypes of prostitute women and trafficked women - in terms of social inadequacy, economic deprivation, passive victimhood, chaotic drug use or amorality – towards a more nuanced set of understandings.

One particular outcome anticipated from research with children and young people would be the ability of service providers to move beyond 'rescue' and towards working more meaningfully alongside them to effect change. It would also give important guidance as to the range of services that could usefully be developed, including safe houses and other supported accommodation.

## What would it mean in terms of policies or actions?

A number of developments may follow from women in prostitution and children abused through prostitution participating in debates about policy, and from increased awareness, knowledge and understandings.

Briefly, but not exhaustively, these may be:

- A challenge to the orientation of some existing services
- Indications of new types of service to fill identified gaps in provision
- An increase in more holistic approaches and diversity of services for women both in custody and in the community
- An exploration of how civil legal measures can be used to improve the lives of women in prostitution, promote their rights and enable alternative choices for those wishing to exit
- Possible indications of changes in children's services, in particular for those children being looked after or who are most at risk of sexual exploitation, so they are better supported and protected by services and care structures

- Development of more responsive and flexible services for those young people who have been previously 'hard to reach', involving non-statutory agencies as appropriate
- Adoption of an 'every child abused through prostitution matters' approach
- Indications of how services for trafficked women might usefully develop and encompass a wider constituency of women who have moved or been moved to work in the UK sex industry
- More long term strategies within education to address awareness of gender inequalities and attitudes towards sexual behaviours
- Indications of fruitful areas for further research and appropriate, perhaps innovatory, methodologies

## Recognising and respecting different views and rights

### Key issues from the Symposium

By its very nature, the Symposium encouraged expression of a diverse range of opinions and positions vis-à-vis prostitution. Its process demonstrated that such diversity can generate creative tensions and help develop new thinking and ideas. Whilst prostitution debate has historically often been polarised, the Symposium has shown that this does not have to be the case and that a consensual middle ground can be found. Although this middle ground consists of general areas of agreement rather than specific policy proposals, it is nevertheless significant because of the concerted voice that it represents calling for a change in the way that prostitution is talked about and the assumptions underlying prostitution policy.

The key to significant and constructive change is recognition that prostitution is a complex phenomenon, with many facets and numerous different markets. Within prostitution there are therefore a rich variety of experiences. Yet often the narratives of those women involved in prostitution who are able to exercise control over their working lives and to achieve economic independence are markedly less prominent in debate than the life histories of those women whose experiences in prostitution are less positive. Similarly, there are few examples current in debate of women who have exercised some choice in travelling to work in the UK sex industry or exploration of their stories, as opposed to unambiguous tales of abduction and forced trafficking, which pose less complex moral questions.

The Symposium heard testimony of different aspects of involvement in the sex industry and contrasting experiences. It was acknowledged that this diversity is absent from most public discourse, which has concentrated on the more damaging (and arguably more salacious) aspects of prostitution. This is connected to the focus previously mentioned on street prostitution, but is also linked to a more recent preoccupation with sex trafficking.

## How would this help?

The main benefit that derives from looking at prostitution from different viewpoints is the way that it can help stimulate discussion and awareness of a wider range of rights than is conventionally considered. This may specifically include the right to participate fully in civilian life, often in practice denied to prostitute women by virtue of their marginalised status. It also includes rights associated with the workplace, such as health and safety, trade union representation and employment rights. Different rights may be emphasised by individuals or organisations coming from particular positions on prostitution, for instance, workers rights might be considered more important by those taking a 'sex worker' perspective. However, there are basic rights to be free from violence and exploitation and to self-determination universally accepted as necessary.

Considering the viewpoints of women in prostitution does not mean ignoring the views and needs of other stakeholders, such as residents in areas of street prostitution, the law enforcement agencies or local businesses. However, it does mean finding an accommodation between the various parties and their respective rights.

## What would it mean in terms of policies or actions?

The adoption of a rights-based approach to prostitution creates opportunity to move debate and policy away from a potentially divisive criminal justice orientation. Inherent in a rights-based approach is the notion of balancing the needs and rights of all stakeholders and this critically encompasses the rights of women in prostitution and children abused through prostitution. It has therefore the potential to include rather than further ostracise these individuals and accords them a dignity and respect that is missing from other approaches. It does not pre-suppose any one particular view of prostitution, but offers a basis for opening debates and thinking further about possible frameworks for understanding and priorities for action.

## Where do we go from here?

The Symposium wishes to provoke debate and to encourage exploration of different analyses of prostitution, which may uncover new insights and understandings. The hope is that politicians and policy-makers, nationally and regionally, will take up this opportunity and that a re-invigorated debate will result in a range of fresh policies, research options, resources and services to respond to the newly defined issues around prostitution.

## **Organisations that participated in the Symposium on Women, Human Rights and Prostitution**

Austrian Ministry for Women's Affairs  
Barnardo's  
Barnardos SECOS project (Sexually Exploited Children On the Streets),  
Middlesbrough  
Bradford MDC  
CROP (Coalition for the Removal of Pimps)  
DeMontfort University  
European Network of Women, Athens, Greece  
Gloucestershire Police  
Greek Helsinki Monitor, Athens, Greece  
Hallam Centre for Community Justice, Sheffield Hallam University  
ICRSE (International Committee for the Rights of Sex Workers in Europe)  
Initia, Athens, Greece  
IUSW (International Union of Sex Workers)  
Lefo, TAMPEP, Vienna, Austria  
Lifeline projects  
London Metropolitan University  
London School of Economics  
MASH (Manchester Action for Sexual Health)  
Middlesborough PCT  
NACRO  
NCAP (National Christian Alliance on Prostitution)  
Nea Zoi, Athens, Greece  
New Philanthropy Capital  
Northern Refugee Centre  
Nottingham Trent University  
October Films  
Osterreich Frauenring, Vienna, Austria  
Positively Women  
Project One 25  
Red Kite Learning  
SAWIN (Slough Asian Women's Information Network) - Stonham  
SCOT-PEP  
Sheffield Hallam University  
SOPHIE, a place of education for sex workers, Vienna, Austria  
SOVA Women into Work: Moving On  
STD-Ambulatorium, Vienna  
Stonham  
Stonham Durham Mental Health Project  
Stonham Gateshead Women's Service  
Streetreach  
Suffolk Constabulary  
The Poppy Project  
Tooks Chambers  
UKHTC (UK Human Trafficking Centre)  
UKNSWP (UK Network of Sex Work Projects)

University of Bedfordshire  
University of Durham  
University of Keele  
University of Northumbria  
Volkshilfe Wien, Vienna, Austria  
Walsall Street Teams (National Coalition Against Prostitution)  
Women and Young People's Group, NOMS  
Women's Work

## Speakers, Panelists, Table Facilitators and Chairs

Laura Agustin, London Metropolitan University  
Helen Atkins, The Poppy Project  
Sarah Booth, Barnardo's SECOS project  
Neil Brown, UKHTC  
Sophia Cannon, Tooks Chambers  
Lynne Cardwell, Barnardo's SECOS project  
Alan Caton, Suffolk Constabulary  
Maddy Coy, London Metropolitan University  
Panayote Dimitras, Greek Helsinki Monitor  
Alisdair Gillespie, DeMontfort University  
Sarah Hartley, SOVA  
Jean Henderson, SHU  
Cordula Hoebart, SOPHIE  
Ruth Morgan-Thomas, SCOT-PEP, ICRSE  
Martin Narey, Barnardo's  
Marie Theres Prantner, Austrian Ministry for Women's Affairs  
Jo Phoenix, University of Durham  
Jennifer Roemhildt, Nea Zoi  
Paul Senior, SHU  
Wendy Shepherd, Barnardo's SECOS project  
Petra Timmermans, ICRSE  
Sunita Toor, SHU  
Nicole Westmarland, University of Durham

A full set of conference papers can be obtained from the Hallam Centre for Community Justice by contacting:

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