



BIROn - Birkbeck Institutional Research Online

Brooks-Gordon, Belinda (2016) The sex conundrum. *Liberator* (381), pp. 18-19.

Downloaded from: <https://eprints.bbk.ac.uk/id/eprint/17963/>

Usage Guidelines:

Please refer to usage guidelines at <https://eprints.bbk.ac.uk/policies.html> or alternatively contact lib-eprints@bbk.ac.uk.

THE SEX CONUNDRUM

When politicians or pundits pontificate on sex work they make sweeping assumptions unsupported by the evidence, says Belinda Brooks-Gordon, who is seeking to revamp Liberal Democrat policy

Long before speculation about a snap general election began, work had started to develop truly liberal, distinctive, radical, and workable policy on sex work that would give power to the least empowered. A conference motion from the party grassroots *Towards Safer Sex Work* (2014) was passed calling for an update of past policy to deal with the issue of sex work in the 21st Century.

Like so many other social, sexual and commercial transactions which have transformed in the past two decades, relationships in sex work have changed much since the last policy paper *Confronting Prostitution* (1994).

There has been a shift to more work online with chatlines and webcam work; there is less street sex work; and a shift to people using commercial sexual activity as a means to supplement income from other types of work or study; there is more male sex work; and more transgender sex work.

Paradoxically, legislation has become more punitive despite attempts by Liberal Democrats to hold back the forces of authoritarianism. It is definitely time for an update so the working group reviewed party policy looking broadly at the issues around sex work as well as those specifically set out in the *Towards Safer Sex Work* motion to produce proposals in a consultation paper on which members were asked to respond at conference and now online.

The consultation should have been the first to go conference in autumn 2015 and full motion to spring conference 2016. We were told, however, that the first full policy paper following electoral wipeout and the election of a new leader should not be one on sex work. This was based on the assumption that with only with eight MPs the press were actually going to read our policy motions. Since then, the EU referendum has provided a useful lens through which to understand how past legislation ended up in such a messy state and help us to avoid the same dangerous pitfalls.

PUNITIVE DIRECTION

During the period from 1999 the Labour government reviewed sexual offences starting with a seminar at the Home Office. Many of us thought, not unreasonably, that this would be a genuine review. We were wrong, and indications of the punitive direction of policy travel could be seen in the 2003 Green Paper *Protecting the Public* and the White Paper *Paying the Price* (2004). It was the first full review of prostitution laws for 50 years since Wolfenden yet it never asked the question whether the behaviours involved in the sale and purchase of sexual services ought to be province of the criminal law, or whether it was likely

to be a disproportionate response or even counter-productive.

Idiosyncratic attention was given to the research evidence and ministers seemed fixated by what had happened in Sweden and the Sexual Offences Act 2003 and the Police and Crime Act 2009 expanded the range of activities for which people were criminalised.

What had happened in Sweden? A law criminalising the purchase of sexual services, the *Sexköpslagen*, was passed in 1998. It was first proposed in late 1992 just as the campaign for the EU referendum was getting under way in Sweden. The law of criminalising clients in Sweden arose as a response to Sweden's entry into the EU (in 1995) and prostitution thus emerged as an argument for staying out of the EU!

Throughout their time in office it was hard for Labour ministers to understand just how febrile the atmosphere in Sweden had been during the referendum period and how a false public discourse had created scapegoats on which a disastrous policy was then directed.

Quite how criminalising clients would make sex workers safer was unclear but it was never questioned as the corrosive atmosphere continued in Sweden as it defended and exported its *Sexköpslagen* laws while it was engaged in another referendum, this time on whether or not to adopt the euro. Indeed, so tense were things that a government minister Anna Lindh was stabbed to death, just four days before the 2003 election.

The parallels between the political speeches and dialogue on sex work in both Sweden and England were apparent: the crude stereotypes, the intolerance of unconventional lifestyles, and the assumed victimhood without asking the presumed 'victim' what they needed or wanted. Never was JS Mill's observation "Power holds a smooth tongue and whomever it oppresses it pretends to do so for their own good" more apt.

In England and Wales in the course of the 1990s there was an assumption that all women migrating from abroad were victims of unscrupulous traffickers, trafficked into prostitution by false promises.

We see from a number of court cases against sex workers was that what followed was that police resources were taken up with the de facto criminalisation of those in sex work while the small but significant number who targeted or were violent to sex workers were not investigated.

During the Coalition government there was an improvement from the Home Office offering stability and sense in its *Review of Effective Practice in Responding to Prostitution* (foreword by Lynne Featherstone) in 2011 which put forward

essential measures: safety for sex workers should be mainstreamed; language support to be available for migrant sex workers; violence against sex workers should be a hate crime; and that police resources should be targeted against the grooming of young women in care homes.

Mostly when people, especially politicians or paid pundits, pontificate on sex work they make sweeping assumptions unsupported by the evidence. The breathtaking ignorance so confidently displayed contributed to a public discourse that bears little relationship to the real interactions that sex workers have with each other, their work, their clients, the services upon which they rely or the peer-reviewed evidence. It would be good if our policy is able to change that.

Along with testimony and evidence we have taken from those in a wide range of commercial sexual activities, there has been a lot of academic work from peer-reviewed literature reviewed.

The working group listened intently to those in sex work and has learned of the difficulties they face in accessing the credit or other financial services that some of us take for granted, explicitly because of their work. There is discrimination faced by sex workers especially from insurance and financial services.

MORAL RISK

A feminist porn film maker explained that to insure the film set, against for example a spotlight falling on an actor, the premiums are four times that of other film makers. This expense, we learned, is not because of actuarial or statistical risk but a presumed, and uncalculated, 'moral' risk that the insurers associate with sex work. We learned too of levels of predation at same sex chemsex parties that must be addressed. Above all, we focussed much attention to the detail and balance of human rights and we have been impressed by the Amnesty analysis of rights in their sex work policy.

Cross-cultural comparisons have shown us that anti-prostitution laws have never contributed to the

improvement of women's position in society. It is both curious and shocking therefore that the Women's Equality Party is in favour of repressive legislation. This too is arguably another throwback to Sweden, where in the 1990s a group of prominent feminists who called themselves the Stödstrumporna or 'support stockings' threatened to form a political party unless other parties gave better representation to women. This was one of the triggers that led to Swedish Sexköpslagen policy. It is a tragedy that this laudable aim propelled legislation against some of the least franchised in society.

There has never been a more apposite time to develop decent policy in this area. With many so new members, it is more important than ever that they have a say on policy, if we can understand how other parties got sex work policy wrong, and if we listen to sex workers and the evidence, then we might just be able to get it right.

The working party did not arrive at the propositions and questions in the consultation paper because we were looking at how they would measure up in a coalition negotiation, or in the fear that the public wouldn't like it, or that the public would not vote for a genuinely liberal party (although interestingly, representative surveys show that public opinion has always been pretty sanguine about sex work. What the public abhor is politician hypocrisy about it). Rather, we measured the research and evidence against the benchmarks of individual empowerment fairness, compassion, and universal human rights.

So now it is down to party members. It is exciting to facilitate a consultation on such a quintessentially liberal issue and I hope members will share their views, thoughts and ideas and respond to the online consultation paper so that we can develop a policy on sex work that will be fit for the 21st Century.

Belinda Brooks-Gordon is assistant dean for equalities at Birkbeck College, a member of the Liberal Democrat Federal Policy Committee and a former councillor in Cambridgeshire.

www.libdems.org.uk/sex_work_survey

Cause Celebre

A Biography of Revel John Rudd by Lin Mehmel and Patrick Streeter

There are not many men who are mentioned on seven pages of Christine Keeler's memoirs and who rotted in a South African jail for making love across the racial divide.

John Rudd lived a roller coaster life from the gilded world of 1950s London to growing old disgracefully in the Karoo Desert.

Hardback £15, paperback £9.99 plus £2 p&p

From: Matching Press, Watermans End Cottage, Matching Green, Essex CM17 0RQ

Enquiries: sptstreeter@aol.com