



Submission in response to the Public Bill Committee's Call for Evidence in respect of the Crime and Policing Bill

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This submission has been prepared by:-

Street Workers Collective Ireland
Red Umbrella Éireann
Sex Workers Alliance Ireland
Ugly Mugs Ireland
Reclaim the Agenda
Alliance for Choice Belfast
Dr. Caoimhe Ní Dhónaill

For further information please contact

danielle@reclaimtheagenda.org

Introduction

Our organisations operate on the island of Ireland, some working on an all island basis and others within Northern Ireland or the Republic of Ireland. Both jurisdictions have adopted criminalisation of purchase of sex, also known as the Nordic or Swedish Model, NI in 2015 and RoI in 2017. This submission is informed by both academic research on and lived experience of these laws. We oppose New Clause 1 and New Clause 2 and have set out our reasons below. We support the introduction of New Clause 3 as it would remove some criminalisation from sex workers. In addition we disagree with the framing of sex work as 'commercial sexual exploitation'. While sexual exploitation, and trafficking, are issues in our society these should not be conflated with sex work.

We refer to the 2019 peer led survey of sex workers conducted by SWAI who summarise their findings as:-

1. This law has not prevented people from engaging in sex work.
2. It has negatively impacted safety measures making survival more perilous.
3. Instead of making workers safer it has made sex work much more dangerous and decreased faith and trust in Gardaí amongst workers.
4. Crime against sex workers has increased significantly under this law.
5. This law has failed to reduce numbers of clients but instead it has worsened behaviour of clients toward sex workers.
6. Sex workers have lost bargaining power and are therefore seeing clients they might have previously refused to see and engaging in acts they might not have previously considered.
7. Existing supports for workers are severely lacking and tend to be focused on workers that are actively trying to exit sex work.

We further refer to the 2019 review of legislation in Northern Ireland commissioned by the Department of Justice and conducted by academics and urge the Committee to consider this report in full. Briefly:-

'An analysis of prevalence data suggests that the period following the implementation of the legislation has seen an increase in the supply of prostitution services in Northern Ireland. The report further argues that sex purchase legislation is difficult to enforce, and has longstanding and damaging consequences for the wellbeing and mental health of sex working populations.'

We urge the UK Government to learn from the evidence in Northern Ireland and the Republic of Ireland, as well as further afield, which clearly demonstrates that laws criminalising the purchase of sex put sex workers in more danger and also do

nothing to support people who have experienced sexual exploitation or trafficking. If the purchase of sex is criminalised, both provider and purchaser will experience the criminal burden and the sex worker would be forced to move their work further underground.

Relevant clauses:

- New Clause 1: Commercial sexual exploitation by a third party (NC1);
- New Clause 2: Commercial sexual exploitation (NC2); and
- New Clause 3 : Victims of Commercial sexual exploitation (NC3).

Opposing NC1:

This clause is very broad and would criminalise sex workers for working together, associated people such as drivers, and potentially even friends or family who know someone is a sex worker.

Criminalising sex workers for working together, even where there is no financial benefit for one party over another, makes sex workers less safe. Sex workers will have to choose between working alone and being more vulnerable, or working with the support of others and placing everyone at risk of prosecution. This risk is also a barrier to street-based workers moving indoors to work in safer spaces. In research from Dublin and Limerick, most participants “reported fears of being charged with brothel-keeping, while also emphasising that working together from a shared space would have been the scenario that would ensure their physical, psychological, and financial safety and security” (Minescu et al, 2022)

This amendment would also criminalise websites where sex workers advertise. While these websites are making a profit and many sex workers are unhappy with the ways they operate, they also provide some level of security in screening clients. Decriminalisation would be more effective in removing the financial control these websites can have as it would empower sex workers to advertise their services in a similar way to other workers and collectively organise for better conditions on these sites. The impact of similar laws in the United States has demonstrated the negative effect on sex workers’ safety where advertising is restricted.

Opposing NC2:

Criminalising the purchase of sex is harmful for sex workers, as shown by multiple studies carried out in Northern Ireland and the Republic of Ireland since the

introduction of similar laws here in 2015 and 2017 respectively (Amnesty International, 2022; Ellison, Ní Dhónaill, & Early, 2019; Minescu et al, 2022; Armstrong et al, 2024).

Northern Ireland is unique in having Government commissioned academic research before the implementation of criminalisation of purchase, and a review a few years later. This research indicated that the introduction of criminalisation of purchase did not correspond with a reduction in demand, which was one of the stated aims of the introduction of the law, with the findings showing a 23.2% increase in advertisements for sexual services on the largest sex work advertising website (escortireland.ie) between 2012 and 2018 which includes the period since the law was changed. The same is true in the Republic of Ireland. After the release of a Department of Justice review of the law, Minister for Justice Jim O'Callaghan stated "regrettably, the Review highlights that despite the criminalisation of the purchase of sexual services, demand has not decreased." Introducing a law against the purchase of sex puts sex workers at greater risk whilst also being ineffective in the aim to reduce demand.

As demonstrated by the Northern Ireland academic review and the experiences of sex worker led organisations the damage these laws can pose to sex workers are clear. Data from the sex worker survey confirms that 73.3% of sex worker respondents reported receiving abusive text messages or phone calls within the 12 month period prior to the research. Narrative interviews relate that this increase of threatening and abusive behaviour coincided with the changes in the law and attribute it directly to that change. 50.6% of sex workers also reported in-person threatening or abusive behaviour within the same period.

"You know, from the law changed, some guys have it in their heads that they can phone you up and be abusive, and you are not going to say anything in return because they feel that you can't go to the police, because, you know, because of the work I'm doing... That I'm not afforded the same rights, as I would, if I was working like, in a garage, or a bar, or whatever. So, yeah, I've had maybe twenty [abusive callers] since the law changed". Interviewee G

This aligns with the experiences of sex workers in the Republic of Ireland where a 92% increase in violent attacks was recorded in the two years post law change (Campbell et al, 2020).

Criminalisation of purchase means that sex workers are forced to take more risks in terms of who they see and where they will go with clients in order to avoid detection, they cannot rely on previous safety checks they may have used such as verifying identity. Clients increasingly have the upper hand in negotiations because sex workers are acting out of a financial need and feel the pressure to agree to different terms as the clients want to protect themselves, and present themselves as the party assuming all the legal risk to bolster their position. Findings from the research in

Northern Ireland, between 2016 and 2018, the number of clients who feel that they can talk a sex worker around into providing 'free sex' has increased by 1725%. There are health implications to this change in negotiating power too, as more clients seek sex without condoms (SWAI, 2019).

Sex workers continue to be policed, despite the law purporting to only target clients, and police treatment of sex workers ranges from stigmatising to outright abusive and harmful. Twenty per cent of street-based sex workers interviewed in Ireland reported being sexually abused by police (Minescu, 2022). Rather than lifting police surveillance of sex workers, the law allows for continued police harassment with legal impunity. Placing police officers in a greater position of power over sex workers without carefully considering the potential consequences of this is highly dangerous. There is a very long history in the UK of police abuses of power and police corruption directly in relation to sex work (Punch, 2009). At the current time police sexual exploitation of vulnerable persons, especially women, is a major concern in the UK. As the Baroness Casey Review into the standards of behaviour and internal culture of the Metropolitan Police Service (2023) notes, sex workers are a group that have been specifically targeted by police abusers. Now is the time we should be looking towards reducing police abuses of sex workers, not thoughtlessly giving police greater powers over sex workers without considering the outcomes.

Another significant issue comes when we look at testimony from Swedish sex-workers who are increasingly coming forward to talk about how the introduction of the Swedish Sex Purchase Act in 1999 has resulted in them becoming further marginalized (Ostergren 2023). Although not criminalised themselves, sex workers in Sweden have reported experiencing an increased 'stigma' when they try to access health services, with an expectation that they do not 'deserve' support unless they are willing to leave the industry.

When similar legislation was proposed in Scotland by MSP Rhoda Grant, the Scottish Prostitutes Education Project (SCOT-PEP 2012) submitted a consultation response that provides a useful overview of the international research reflecting the negative impact of criminalising the purchase of sex. In particular they noted the problems with assuming it will reduce trafficking for sexual exploitation pointing to the fact that this analysis is too simplistic.

They state:

"It is often claimed that targeting the clients of sex workers will fight trafficking. In fact, the evidence suggests that such an approach can have precisely the opposite effect. Criminalising demand and imposing prohibition creates a black market which serves as a financial incentive for traffickers and is therefore a flawed and dangerous logic. Sex workers and their clients are best placed to identify potential victims of trafficking. Criminalisation will make clients and sex workers less likely to report a

potential trafficking victim or to refer them to agencies who can offer them support.”

Similar work has been highlighted recently in England where sex workers have been able to prevent child sexual exploitation (BBC 2025). Under the Nordic Model third party reporting becomes risky.

Sex worker safety has been undermined by politicians and lobbyists riding roughshod over them to enact laws that they insist are meant to protect them. As most sex workers are women, this means that women are put in danger and treated as collateral damage as part of an apparent mission to target male clients. It is sex workers, and not clients, that will face further disadvantage if this proposed offence is introduced. This is demonstrated by research time and time again. Intersectionality must also be considered, in NI we know that migrant women have been disproportionately impacted by the law and women experiencing poverty and homelessness are more vulnerable (The Body Politic 2025)

The proposed amendment also does nothing to address the circumstances of sex workers and why they need to work. Financial need is the motivation for people to do sex work. Instead of taking measures to reduce overall poverty, and specifically women's poverty, introducing a model like this just penalises sex workers in a new way leaving people even more desperate. This is particularly cruel during a cost of living crisis and housing crisis. We have experienced the impacts of these laws in Ireland, North and South, and do not wish to see it replicated for sex workers in England and Wales.

Supporting NC3:

We urge members to support repealing the offence of “Loitering or soliciting for purposes of prostitution” and relevant related parts of the Street Offences Act 1959. It is completely unjust that mainly women are criminalised for trying to earn a living and support their families by doing sex work, and it is often the sex workers who face the most urgent economic need that end up working on the street. Convictions for soliciting have life long impacts and function to exclude marginalised women from other areas of public life, and are also detrimental for their families.

We are in favour of decriminalising sex work and enacting NC3 would be a welcome step towards prioritising the safety of sex workers, especially the most vulnerable, and ending the harsh and damaging policing of sex workers on the street. We reserve concerns about the broader Crime and Policing Bill.

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