

Annex A

The Legal Framework

Sexual Freedom Coalition Proposals for Law Reform

The SFC recommends the decriminalisation of activities connected with prostitution, except underage sex, coercion and abusive behaviour, which should remain criminalised.

All existing laws relating to prostitution should be repealed and replaced by three new laws:

- i) making it illegal to employ underage people for sex work
- ii) dealing with the humane management of sex street work, providing designated areas and preventing people selling sex if they are addicted to drugs and/or pose a health risk
- iii) specifically criminalising the abusive control of sex workers and criminalising coercion of individuals into sex work

1) The following statutes should therefore be repealed

- (a) **Disorderly Houses Act 1751 (25 Geo 2 c. 36)** because it criminalises brothels
- (b) **Town Police Clause Act 1847 c.89** because it prohibits prostitutes from congregating
- (c) **Secs 34, 35, 36, 37 and 41 Sexual Offences Act 1956** as amended, because they restrict prostitution and its organization
- (d) **Street Offences Act 1959** because it criminalises street prostitution
- (e) **Sec 55 Sexual Offences Act 2003** because it criminalises brothels
- (f) **Sexual Offences Act 1985 (1985c44)** because it

criminalises kerb crawling. This activity would virtually disappear in residential areas if street work were limited to other designated areas

2) The following Common Laws should be abolished

- (a) **Conduct calculated or intended to corrupt Public Morals** because it criminalises prostitutes' advertisements
- (b) **Conspiracy to corrupt Public Morals** because it criminalises prostitutes' advertisements
- (c) **Conspiracy to outrage Public Morals** because it criminalises some prostitutes
- (d) **Keeping a Disorderly House** because it criminalises brothels
- (e) **Outraging public decency** because it criminalises some prostitutes

NB The Law Commission Paper No 154 recommends the abolition of all these common law offences

3) **ASBOs (Anti Social Behaviour Orders)** should not be used on sex workers. They are being used increasingly to control street workers and brothels because the Home Office refers to prostitution as a social problem. The Government recently announced that it is going to make ASBOs even easier to obtain. ASBOs use hearsay evidence, so they are virtually impossible to challenge in court. The purpose of ASBS is to deal with criminal behaviour which causes nuisance. Sex workers should not be criminalized because they do not nuisance.

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and everywhere you go it's a rip-off,
never nice or beautifully done.
We have to deal with horrid men.***

***The trade needs to be decriminalised
so that we can set up in business legitimately.***

***Once the laws against brothel keeping
and living off immoral earnings are repealed,
the girls can work together and develop our skills,
reach out and improve on social inclusion,***

***Then we can begin to
offer a higher level of service
including sexual teaching,
sexual healing
and sexual rejuvenation."***

Jahnet deLight, Tantric Sex Worker, London

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