Written evidence submitted by UNISON

Executive Summary

1. UNISON is the UK’s largest public sector trade union, and almost 80% of our members are women. UNISON welcomes the Home Affairs Select Committee prostitution inquiry.

This submission of evidence to the inquiry:

a. Recognises prostitution as violence against women, in line with Crown Prosecution Service policy;
b. Urges parliament to reform prostitution laws to reflect that prostitution is violence against women – by criminalising paying for sex, decriminalising selling sex, and providing support and exiting services to people exploited through prostitution.

About UNISON

2. UNISON is one of the UK’s largest trade unions and Europe’s largest public service union - serving more than 1.3 million members. Our members work in the public services, for private contractors providing public services and for utility companies. We represent full-time and part-time staff who provide public services, although they may be employed in both the public and private sectors. Almost 80% of our members are women.

3. UNISON is totally committed to the achievement of gender equality both in the workplace and in society. In 2010 the union’s policy forming body, national delegate conference, agreed a policy which recognised prostitution as a form of violence against women, and supported the introduction of a sex-buyers law. In mid-February 2016 this policy was re-affirmed at UNISON’s national women’s conference, an event attended by over 800 women from across the UK. This evidence is submitted in accordance with that policy.

Evidence relating to the inquiry’s terms of reference

Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.

4. In 2013-14 there were over double the number of prosecutions for soliciting and loitering than for kerb crawling. It was the same picture in 2014-15, when there were 227 prosecutions for kerb crawling but 456 prosecutions for loitering and soliciting. As these statistics highlight, in practice the burden of criminality for prostitution-related offences falls more heavily on those who sell sex, rather than those who pay for sex.

5. Prostitution is a form of commercial sexual exploitation, not ‘work’. It is characterised by violence and abuse that has profound physical and psychological consequences for those selling sex acts - the vast majority of whom are women and girls. Studies indicate that 50% of women become involved in prostitution under the age of 18 and that childhood
abuse, poverty, drug dependency and homelessness are key triggers for entry into prostitution.

6. UNISON members work across the public sector - in the NHS, local government, police and justice sectors. As such, they witness at first hand the environments which lead to prostitution, the impact on those involved, and the consequences for their families and children when those selling sex are prosecuted.

7. Once in prostitution, further studies reveal that sexual and physical assault is common\(^5\), and 9 out of 10 women involved in prostitution say they would exit the sex industry if they could\(^4\). It is therefore wholly wrong that women should be punished for their sexual exploitation, much less face a higher rate of sanctions than the men who exploit them by paying for sex.

What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.

8. UNISON fully supports the Crown Prosecution Service’s (CPS) recognition of prostitution as a form of violence against women. Prostitution is an overwhelmingly gendered phenomenon: the vast majority of those who pay for sex are men, while the majority of those who are paid for sex are women. Women can suffer acute harm as a result of their involvement. For instance, a nine country study found that 68% of people in prostitution have post-traumatic stress disorder\(^5\), and women in prostitution are nearly 18 times more likely to be murdered than women not in prostitution\(^6\). As a form of commercial sexual exploitation, prostitution cannot be made ‘safe’.

9. Most men do not pay for sex. A minority currently do, however. It is estimated that nearly one in ten men in the UK has paid for sex\(^7\). It is their demand that drives the ‘supply’ of mostly vulnerable women and girls into prostitution. That demand is not inevitable. Indeed, the legality of paying for sex influences sex buyers’ decision making. Researchers at the Child and Woman Abuse Studies Unit at London Metropolitan University interviewed 137 men who paid women for sex. They found, "legality contributes to normalisation, which in turn increases the likelihood of paying for sex."\(^8\) In keeping with this finding, interviews with 110 men in Scotland who paid for sex found 79% said having to spend time in jail would deter them from paying for sex, while 72% reported a greater criminal penalty would deter them\(^9\).

10. Paying for sex is sexual exploitation – yet it is currently legal. It is UNISON’s view that the legality of paying for sex fuels a sense of entitlement among some men to sexually exploit vulnerable women and girls. This is directly contradictory to a society based on gender equality. Current legislation largely treats prostitution as a public order offence. But as the CPS highlight, it is violence against women. Prostitution laws must be reformed to reflect this.

What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.
11. Because the act of paying for sex remains legal, the Modern Slavery Act 2015 fails to tackle the demand from sex buyers that underpins the trafficking of women and girls into prostitution. Yet research reveals the legality of paying for sex significantly influences rates of sex trafficking: an empirical analysis for a cross-section of up to 150 countries found reported human trafficking inflows were greater in countries where prostitution is legal\textsuperscript{10}.

12. As the European Union Commissioner for Home Affairs has stated, “\textit{only by addressing demand for all forms of exploitation can we can begin \textless{}to\textgreater{} address trafficking in human beings… we cannot address the sexual exploitation of victims (the overwhelming majority being girls) without addressing the users.}”\textsuperscript{11} Furthermore, Article 9.5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children states that, “\textit{States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking}”\textsuperscript{12}. It is clear that legal reform is needed in England, Wales and Scotland to discourage the demand that drives prostitution and sex trafficking.

\textbf{Whether further measures are necessary, including legal reforms, to:}
- Assist those involved in prostitution to exit from it
- Increase the extent to which exploiters are held to account
- Discourage demand which drives commercial sexual exploitation

13. It is essential that those selling sex acts are completely decriminalised, and provided with support services to help them exit prostitution. In order to tackle the demand for prostitution which expands the industry and fuels trafficking for sexual exploitation it is also necessary to criminalise paying for sex. This three-pronged approach of criminalising paying for sex, decriminalising selling sex and supporting women to exit prostitution is known as the ‘Sex Buyer Law’. It has been successfully adopted by Sweden, Norway and Iceland - countries that top the global charts in terms of gender equality - as part of their end violence against women policies\textsuperscript{13}. The most recent country to adopt the Sex Buyer Law was Northern Ireland.

14. Since adopting the Sex Buyer Law in 1999, public attitudes in Sweden towards paying for sex have changed. In 1996, 45% of women and 20% of men in Sweden supported criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men\textsuperscript{14}. The proportion of men reporting paying for sex in Sweden has declined since the law was adopted. Between 1996 and 2008 the proportion of men who reported paying for sex fell from 12.7% to 7.6\textsuperscript{\%}\textsuperscript{15}. An evaluation of the Sex Buyer Law commissioned by the Swedish Government also found, “\textit{According to the National Criminal Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden.}”\textsuperscript{16} Similarly, an evaluation of the Sex Buyer Law in Norway reported in 2014, “A reduced market and increased law enforcement posit larger risks for human traffickers…The law has thus affected important pull factors and reduced the extent of human trafficking in Norway in comparison to a situation without a law.”\textsuperscript{17}
15. Due to the success of the Sex Buyer Law in tackling demand, in 2014 the Council of Europe Parliamentary Assembly passed a resolution citing it as "the most effective tool for preventing and combating trafficking in human beings"^{18}. José Mendes Bota, the Council of Europe’s Rapporteur on violence against women, said, “I have come to the conclusion that prostitution policies are the most effective tool in the prevention and countering of trafficking for the purpose of sexual exploitation”^{19} and “I personally consider the Swedish model [Sex Buyer Law] as the most successful in the context of tackling human trafficking.”^{20}

16. It is only through adopting the Sex Buyer Law, and thereby tackling demand, that it will be possible to end the sexual exploitation, violence and abuse inherent to prostitution.

## Declaration of interests
UNISON has no conflicting interests to declare.

## Contact
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7 'Twice as many men' pay for sex', BBC News, 1 December 2005.


13 Iceland is 1, Norway is 3 and Sweden is 4. World Economic Forum, The Global Gender Gap Report 2012.


