Written evidence submitted by End Demand

Executive Summary

1. End Demand welcomes the Home Affairs Select Committee prostitution inquiry. This submission provides evidence as to the following:
   - Prostitution is commercial sexual exploitation and a form of violence against women.
   - Prostitution law reform is urgently needed in order to tackle the demand that drives prostitution and sex trafficking.
   - Parliament should adopt the ‘Sex Buyer Law’. This entails criminalising paying for sex, decriminalising selling sex and providing support and exiting services for people exploited through prostitution. There is significant evidence that this legal framework reduces demand, changes public attitudes, and makes the country in question a more hostile destination for traffickers.

About End Demand

2. This evidence has been submitted on behalf of End Demand. End Demand is a campaign to end the demand that fuels sex trafficking and prostitution. It is calling for parliament to adopt the Sex Buyer Law – which involves criminalising paying for sex, decriminalising selling sex and providing support and exiting services for people exploited through prostitution.

3. End Demand was launched in 2014 by UK Feminista and its supporters include: Ashiana; AVA - Against Violence and Abuse; Black Association of Women Step Out; CAADA - Coordinated Action Against Domestic Abuse; Child and Woman Abuse Studies Unit, London Metropolitan University; Community Safety Glasgow; Connect Centre for International Research on Gender and Harm, University of Central Lancashire; Dovetail Initiative; End Violence Against Women coalition; Equality Now; European Women’s Lobby; National Alliance of Women’s Organisations; Nia; Northern Ireland Committee of the Irish Congress of Trade Unions; Northern Ireland Women’s European Platform; Rape Crisis Centre Glasgow; RASAC: Rape and Sexual Abuse Centre (Perth & Kinross); Respect: Men & women working together to end domestic violence; Rights of Women; Ruhama; SAY Women; Scottish Soroptimists; Scottish Trades Union Congress; Scottish Women’s Convention; SPACE International; St Mungo’s Broadway; The Beth Centre; The Fawcett Society; TUC Women’s Committee; Unison; Welsh Women’s Aid; White Ribbon Campaign; women@thewell; Women’s Aid Federation of England; Women’s Aid Federation of Northern Ireland; Women’s Resource Centre; and Zero Tolerance. For more information about End Demand please visit www.enddemand.uk.

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 more charges for loitering and soliciting (‘selling sex’) than for the crimes of pimping, brothel-keeping, kerb-crawling and advertising prostitution combined1. Similarly, in 2014/15 there were 456 prosecutions for loitering and soliciting, yet only 227 prosecutions for kerb-crawling2. Prostitution is commercial
sexual exploitation and a form of violence against women. As such, criminal sanction should not fall on those who are exploited, but should fall on those who exploit: the sex buyers.

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

5. The Crown Prosecution Service (CPS) is right to recognise prostitution as violence against women. This is consistent with the policy of the Mayor’s Office for Policing and Crime and the Scottish Government.3

6. It is estimated that 80,000 people are involved in prostitution in the UK. The majority of people exploited through prostitution are women and girls, and the majority of those who pay for sex are men. Approximately 50% of women in prostitution in the UK started being paid for sex acts before they were eighteen years old, and up to 95% of women in street prostitution are problematic drug users.6 The physical and psychological consequences for women in prostitution can be severe:
   - A nine country study found that 68% of people in prostitution have post-traumatic stress disorder.
   - 50% of women in street prostitution in the UK have been raped and/or seriously sexually assaulted, mostly by sex buyers.
   - Once in prostitution, 9 out of 10 women report wanting to exit but feel unable to do so.

7. Current prostitution laws in England, Wales and Scotland do not adequately recognise prostitution as violence against women. Those experiencing commercial sexual exploitation can be criminalised for 'loitering' and 'soliciting', while paying for sex – thereby sexually exploiting a person – is legal. The implications of the CPS violence against women policy is that prostitution law reform is necessary. Indeed, in 2014 the All-Party Parliamentary Group (APPG) on Prostitution and the Global Sex Trade concluded from its review of prostitution laws that reform was needed. It stated, "The failure of legislation to reflect the gender imbalance within prostitution encourages assumptions that men have a 'right' to purchase sexual services from women. The law is detrimental to other strategies that promote gender equality."

8. In order to recognise prostitution as violence against women, ‘selling sex’ should be decriminalised, while paying for sex should be criminalised.

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.

9. The Modern Slavery Act fails to tackle the demand from sex buyers that drives the trafficking of women into the prostitution trade. Yet the legality of paying for sex has been found to influence rates of sex trafficking. An empirical analysis for a cross-section of up to 150 countries found reported human trafficking inflows were larger in countries where prostitution is legal.10 A study of European countries similarly found that sex trafficking was most prevalent in countries with legalised prostitution regimes, least prevalent where prostitution was completely illegal, and “in between” in countries where buying and selling sex were legal but pimping and brothel-keeping were not. The researchers suggested, "slacker prostitution laws make it more profitable to traffic persons to a country.”11
10. As the Lord McColl of Dulwich CBE has said, the failure of the Modern Slavery Act to address demand for sex trafficking was “a very serious oversight given that, according to the NRM [National Referral Mechanism] figures, sexual exploitation is consistently the most prevalent form of human trafficking in England and Wales.”

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

11. In order to assist those involved in prostitution to exit and discourage the demand driving commercial sexual exploitation, parliament should adopt the Sex Buyer Law. This legal framework involves criminalising paying for sex, decriminalising selling sex, and providing support and exiting services for people exploited through prostitution. It is designed to tackle demand and support women to exit - in recognition of prostitution as a form of violence against women. The Sex Buyer Law has been adopted by three of the four countries with the highest ratings for gender equality worldwide: Norway, Sweden and Iceland. The most recent nation to adopt this law was Northern Ireland, where the Sex Buyer Law came into force in June 2015.

12. There is significant evidence of the effectiveness of the Sex Buyer Law in tackling demand. It was first introduced in Sweden in 1999 as part of a violence against women bill. Street prostitution halved between 1999 and 2008 and there is no evidence women were simply displaced to indoor prostitution or prostitution advertised online. In 2011 it was noted that despite Sweden having 3.8 million more inhabitants than neighbouring Denmark, its ‘prostitution population’ (the number of people involved in prostitution in Sweden) was approximately a tenth of Denmark’s, where paying for sex is legal. Public attitudes towards prostitution have also changed. In 1996, 45% of women and 20% of men in Sweden supported criminalising paying for sex. By 2008, 79% of women and 60% of men supported this legal principle. There is also evidence that the Sex Buyer Law has had a deterrent effect on trafficking. In 2010, the Swedish Government’s evaluation of the law noted, “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.”

13. Norway adopted the Sex Buyer Law in 2009. In 2014 a government- commissioned evaluation of its implementation found that the street prostitution market in Oslo had shrunk by 40%-65% since the law was introduced. The evaluation also concluded, “A reduced market and increased law enforcement posit larger risks for human traffickers. The profit from human trafficking is also reduced due to these factors. 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.”

14. There is also significant evidence from the UK that ‘end demand’ approaches to the prostitution trade work. After the murders of five women in Ipswich by a sex buyer in 2006, Suffolk transformed its approach to prostitution and set an objective “to remove street prostitution from Ipswich”. Police operated a zero-tolerance approach to kerb-crawling, women were diverted away from the criminal justice system and a multi-agency approach was taken to supporting them to exit. This approach embodies the key principles of the Sex Buyer Law. An independent evaluation of Suffolk’s prostitution strategy by the University of East Anglia concluded that there had been
“clear and sustained success in terms of: Eliminating kerb-crawlers from the streets (Tackling Demand)” and “Removing women who are sex working from the streets... (Developing Routes Out)”. However, police were prevented from fully applying this ‘end demand’ approach to off-street prostitution because the act of paying for sex is currently legal.

15. Research on potential deterrents to paying for sex suggests that criminal sanctions are a key method. Interviews with men in Scotland who paid for sex found 79% of respondents said having to spend time in jail would deter them from paying for sex, while 72% reported that a greater criminal penalty would do so. Interviews with sex buyers in Chicago (US) found 83% said a potential consequence of jail time would deter them. Furthermore, research on sex buyers by the Child and Woman Abuse Studies Unit at London Metropolitan University found, "the accounts of men who had paid for sex overseas confirm that legality contributes to normalisation, which in turn increases the likelihood of paying for sex."  

16. An argument advanced against the adoption of the Sex Buyer Law is that it would drive prostitution ‘underground’. This is generally meant to infer that prostitution would not be reduced, it would just be displaced to less visible locations – for example, from on-street to off-street locations. This is not supported by evidence from jurisdictions that have adopted an ‘end demand’ approach to prostitution. A review of the operation of the Sex Buyer Law in Sweden concluded: “Despite many unfounded rumours [of] a stronger move from the street to the internet or to other indoor prostitution venues after the Swedish law’s enactment compared to, e.g., Denmark or Norway, no information, empirical evidence, or other research suggests that this has actually happened.”

17. Detective Superintendent Kajsa Wahlberg, Sweden’s National Rapporteur on Trafficking in Human Beings, has stated: “I want to underline that prostitution activities are not and cannot be pushed underground. The profit of traffickers, procurers and other prostitution operators is obviously dependent on that men easily can access women who they wish to purchase for prostitution purposes. …It is more a matter of priorities and attitudes towards these issues. If the buyers can find the women in prostitution- the police can too. The Swedish police regularly search the Internet for, and find, information about where prostitution activities take place. We also regularly process and analyze information from the public, public authorities and organisations.”

18. Legal advice provided to UK Feminista by a team at Cornerstone Barristers on the legal implications of adopting a Sex Buyer Law states, “We do not find the argument that the activity is pushed underground to be particularly compelling, rather the opposite”. The advice concludes: “in our society there are certain things (namely, our bodies) which are properly considered to be ‘not for sale’. The existing law in relation to these topics therefore recognise that there are certain things (i.e. body parts, surrogacy, slavery) which ought not to simply be a matter of contract in the ordinary way. They fall into a different category where the law must impose restrictions, and it is for this reason that prostitution cannot be seen to be simply another type of work. In our view this demonstrates that current law in the most comparable areas is consistent with the concept of the sex-buyer law.”

Declaration of interests

End Demand has no conflicting interests to declare.

1 Crown Prosecution Service statistics provided to End Demand, 2015. See also: ‘Why is the government
charging more women for selling sex but turning a blind eye to buyers?’, New Statesman, 13 October 2015.

2 Why is the government charging more women for selling sex but turning a blind eye to buyers?’, New Statesman, 13 October 2015.


18 ‘Evaluering av forbudet mot kjøp av seksuelle tjenester’, Rapport nummer 2014/30, VISTA ANALYSE.


20 Private presentation by Alan Caton OBE, former Detective Superintendent of Suffolk Constabulary, 2014.


27 Legal advice provided by a team at Cornerstone Barristers to UK Feminista in 2016 makes the following conclusion in relation to claims that criminalising paying for sex, while decriminalising selling sex, would drive prostitution ‘underground’:

“We do not find the argument that the activity is pushed underground to be particularly compelling, rather the opposite, for a number of reasons.

- First, it is a well-worn response to any increased regulation of any product or service. The point about the prohibition of an activity is that the State has decided that, in the public interest, it should be prohibited. If the consequence of that is that it happens illicitly then this should be addressed through enforcement measures including policing. It is akin to arguing against laws punishing burglars by saying that if they are punished the activity will only be conducted in secret.

- Second, there is no clear empirical evidence that a sex buyer law pushes what is to a large extent an underground activity further underground (see further below).

- Third, the argument simply ignores the benefits of criminalising the activity in promoting exit
from the industry...

- Fourth, if prostitution is moved underground, the prostitute still has to be found by the customer, and if this is possible then so is detection by law enforcement agencies.
- Fifth, banning prostitution is likely to have a particular effect on the high end of the trade, where prostitution may be conducted quite openly through hotels and agencies. If that part of the market is attacked, that would seem to us to strike a blow at the commerciality of the industrial exploitation of women.
- Sixth, it is legitimate for the State to prohibit conduct even if it is difficult to enforce. The prohibition of purchase would send a very clear message that this is not laudable activity, and so can be expected to have a salutary educational purchase in its own right."