Written evidence submitted by CARE (Christian Action Research and Education)

1. About CARE

1.1 CARE (Christian Action Research and Education) is a well-established mainstream Christian charity providing resources and helping to bring Christian insight and experience to matters of public policy and practical caring initiatives across the UK.

2. Executive summary

- CARE recommends that the burden of the criminal law should weigh more heavily on the buyers of sexual services who create demand for prostitution and thereby facilitate exploitation, rather than the sellers.
- CARE recommends that further legislative steps are needed to address demand and recommends that the law should be changed to make it an offence to pay for sexual services.
- There is clear evidence that prostitution is profoundly harmful and exploitative for the vast majority of people involved in selling sex.
- Given the harmful nature of prostitution it is entirely appropriate for legislation to seek to reduce levels of prostitution and to target those who create demand for commercial sexual services.
- The current law in England and Wales is inadequate to address demand.
- Evidence from Sweden and Norway suggests that targeting buyers of sex can be effective in reducing levels of prostitution and human trafficking.
- CARE also identifies a need for greater access to specialist services to help people exit prostitution, which will require additional resources and new guidance for statutory agencies.

3. Why the burden of criminality should weigh more heavily on buyers of sexual services

The harmful nature of prostitution

3.1 There is strong evidence of the exploitative and harmful effects of prostitution on the majority of people involved. For example:

3.1.1 Evidence suggests that many individuals enter the sex industry at a young age. A 2012 study which involved interviews with 114 women in both on and off street prostitution in England, found that 32% of those interviewed had entered the sex industry before the age of 18.\(^1\) Other studies have found higher figures.\(^2\)

3.1.2 Research studies reveal that childhood sexual abuse or violence in the home, homelessness, living in care, debt and substance abuse, are all common experiences prior to entering prostitution.\(^3\)

3.1.3 Drugs are used by many in prostitution. Some use drugs to numb the reality of what providing paid sex involves. Others enter prostitution to fund an existing drug habit and pimps often use drug dependency as a form of control. One author writes: “Street prostitutes frequently report that they

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\(^1\) Bindel, J. Brown, L. Easton, H. Matthews, R. & Reynolds, L. Breaking down the Barriers: a study of how women exit prostitution Eaves/London South Bank University 2012

\(^2\) Home Office Paying the Price: A Consultation paper on prostitution July 2004 Annex C page 95

work to support not only their own habit but also that of their boyfriend, pimp or partner. In some cases male drug users/dealers will seek out female prostitutes as ‘partners’ since they make good customers and providers. Drug and alcohol use can affect women in both indoor and street prostitution. A 2012 study found that “Ninety five (83%) interviewees disclosed current or former problematic drug or alcohol use.” For many this had begun or increased following their entry into prostitution.

3.1.4 **Prostitution is one of the most dangerous occupations in the world.** 61% of the women surveyed in the 2012 study, had experienced violence from buyers of sexual services. A 2001 survey with 240 women in prostitution in Glasgow and Leeds found “Half of prostitutes working outdoors and over a quarter of those working indoors reported some form of violence by clients in the past six months.”

3.1.5 **People in prostitution are at increased risk of sexually transmitted infections and other health complications.** A 2007 women’s health project in Ireland showed that the majority of women reporting involvement in prostitution recorded symptoms of sexually transmitted infections, reproductive tract infections or other health complications. Similarly, analysis of data recorded by Public Health England in 2011 found that “Female Sex Workers appear to be at higher risk of certain sexually transmitted infections and reinfections compared with other female genitourinary medicine (GUM) clinic attendees, even adjusting for demographic factors.”

3.1.6 **Prostitution often has seriously detrimental effects on a person’s mental health.** A comparative study of female drug users in Glasgow found that the women who were engaged in prostitution were more likely to show symptoms of anxiety and depression than those drug users not in prostitution. The report concludes “Higher rates of adulthood abuse among prostitutes may explain the greater proportion of prostitutes than non-prostitutes meeting criteria for current depressive ideas and lifetime suicide attempts.” An international study found 68% of people in prostitution surveyed met criteria for Post-Traumatic Stress Disorder. Research conducted with women in prostitution in Zurich (where prostitution is legal) found that “there are higher rates of mental disorders in adult female sex workers compared with the general population” and that “These mental disorders were related to violence and the subjectively perceived burden of sex work.”

3.2 Given this evidence, CARE agrees with the All Party Parliamentary Group on Prostitution and the Global Sex Trade which concluded in its 2014 *Shifting the Burden* report “Given the harm experienced by women involved in prostitution, it is entirely legitimate to seek to reduce instances of the sale of sexual services.” Likewise, in the light of the harm caused to those

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6 Ibid.
selling sexual services it is entirely appropriate that the weight of the criminal law should focus on those who create the demand or who profit from it. Although there are many factors which might cause an individual to enter prostitution, without buyers, there would be no prostitution. The most effective way to reduce the harm of prostitution and trafficking for sexual exploitation is to reduce demand for paid sex.

Decriminalisation / legalisation does not reduce harms of prostitution

3.3 Although some suggest decriminalising or legalising prostitution as the solution to reducing harm, academics who have analysed the prostitution regimes of several countries have stated: “Not only can none of the legalisation or decriminalisation regimes examined here provide strong evidence that the law and policy has delivered the promised rights and material benefits to women who sell sex, several admit failure in this respect.” For example:

3.3.1 **New Zealand** decriminalised all laws relating to prostitution (involving adults) in 2003.

- An official review of the law published in 2008 reported that those in prostitution continued to report experiences of violence and most victims were still reluctant to report these incidents to the police.
- Police in Christchurch, have stated that they deal with reports of violence and abuse against people in prostitution on at least a monthly basis.
- The Prime Minister of New Zealand has acknowledged that the New Zealand Prostitution Reform Act has failed to meet its aims in respect of reducing underage prostitution.

3.3.2 **Germany** legalised adult prostitution in 2001.

- According to a Police Chief Superintendent from Augsburg, the normalization of prostitution following the law change has made people in prostitution more vulnerable. He reported a dramatic increase in the number of women in prostitution (30% in his area), mainly in bars and private brothels, where they are isolated.
- An official review of the law has said “As regards improving prostitutes’ working conditions, hardly any measurable, positive impact has been observed in practice.”
- Dr Ingeborg Kraus, a German psychologist has said “Since the law [legalising prostitution] destroyed any questioning of the harm in men buying women for sex, the acts are becoming increasingly dangerous, violent and degrading. Buyers pick from a long list of sexual acts, most of which could easily be defined as torture [...] These acts cause extremely deep, enduring and traumatizing harm to the women.”

3.3.3 **The Netherlands** repealed prohibitions on brothels and procuring prostitution in 2000.

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17 http://www.3news.co.nz/politics/debate-begins-over-auckland-superbrothel-2012111208#axzz3r3B7KV8j
• Surveys with people in prostitution have reported that between 45-50% of respondents cite violence as their main concern and 22% reported being assaulted in the course of their prostitution activities.\textsuperscript{21}

• A 2007 review of the impact of the Dutch law highlights the worsening mental health of those in prostitution following the change in the law saying “The extent of the emotional well-being has declined between 2001 and 2006 with regard to all measured aspects. This matches the finding that the extent of distress has become higher, and the use of sedatives has increased.”\textsuperscript{22}

3.4 Some cities in the UK have sought to address prostitution by establishing “tolerance zones” for street-based prostitution—normally away from residential areas—where the police will not enforce the current offences of soliciting (both for sale and purchase of sexual services, more commonly referred to as “kerb crawling”). However, such zones do little to address the harms of prostitution. The recently established zone in Leeds was unable to protect a young woman selling sex from being murdered in December 2015.\textsuperscript{23} While the official evaluation of the scheme claims it to be a success, press reports highlight the continued risks of harm to those engaged in prostitution.\textsuperscript{24}

4. Why further measures are needed to address demand

International imperative to address demand for human trafficking

4.1 International treaties on human trafficking place an obligation on states to discourage the demand which fosters exploitation. Although criminalising the purchase of sexual services is not explicitly required by these obligations it is within their scope:

• Article 18 of the EU Directive requires member states to take “appropriate measures…to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.”\textsuperscript{25}

• Article 6 of the Council of Europe Convention states “to discourage demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures.”\textsuperscript{26}

• Article 9 of the UN “Palermo” Trafficking Protocol states “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{27}

Buyers say that legislative measures would be the most effective deterrent

4.2 Evidence from research with buyers of sex indicates that criminal sanctions would be the most effective deterrent. 77% of buyers of sex surveyed in London said they would be deterred by a

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\textsuperscript{21} Surveys reported in 2009 and 2007 respectively and cited in European Parliament Directorate General for Internal Policies Policy Department, Sexual exploitation and prostitution and its impact on gender equality, 2014 page 37

\textsuperscript{22} Daalder, A.L. Prostitution in the Netherlands Since the Lifting of the Brothel Ban, WODC (Research and Documentation Centre, Dutch Ministry of Security and Justice), 2007 p 71

\textsuperscript{23} http://www.bbc.co.uk/news/uk-england-leeds-35174279


\textsuperscript{25} Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

\textsuperscript{26} Council of Europe Convention on Action against Trafficking in Human Beings 2005

\textsuperscript{27} UN Protocol to prevent, suppress and punish Trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime 2000
“greater criminal penalty” compared with 47% who said they would be deterred by being required to attend an educational programme.\textsuperscript{28}

\textbf{Current law is not effective to address demand}

4.3 The current law attempts to reduce demand for on-street prostitution through the offence of soliciting to purchase sexual services found in section 51A Sexual Offences Act 2003. However, this offence only addresses soliciting in a public place, and does little to address demand for prostitution in brothels, or through private house/hotel calls where the majority of sex-buying takes place.\textsuperscript{29} Moreover, prosecution rates for this offence has steadily declined since 2009 which suggests it has limited deterrent effect.\textsuperscript{30}

4.4 Section 53A of the Sexual Offences Act 2003 is the only measure (in England and Wales) targeted at buyers of sex in any location, but is framed narrowly around the purchase of sex from individuals who have been coerced. However, this offence has not proven to be effective and there have been few prosecutions. Figure 1 below indicates the extremely low number of prosecutions since the introduction of this provision. It is noteworthy that there were no prosecutions at all in 2013 or 2014 despite a significant number of potential victims of sexual exploitation being identified in those years\textsuperscript{31} (moreover, according to estimates those identified are a small percentage of the true number of victims).\textsuperscript{32} With few prosecutions the offence acts as little deterrent to prospective buyers of sexual services.

4.4.1 The Crown Prosecution Service has indicated that low prosecution numbers arise from difficulties in enforcing this offence,\textsuperscript{33} which requires proof of coercion as well as proof of an attempt to buy sex and must be prosecuted within a short time frame. Enforcement difficulties were also highlighted by police officers who gave evidence to the All Party Parliamentary Group on Prostitution and the Global Sex Trade.\textsuperscript{34} The Group concluded that this offence is “an insufficient measure for protecting victims because coercion is too difficult to prove”.\textsuperscript{35}

\begin{thebibliography}{99}
\bibitem{28} Farley, M. Bindel, J. & Golding, J. Men who buy sex – Who they buy and what they know Eaves, London, Prostitution Research & Education San Francisco 2009
\bibitem{29} Coy, M. Horvath, M.A.H. & Kelly, L. Troubling notions of male entitlement: Men consuming, boasting and confessing about paying for sex in Coy, M [Ed.] Prostitution, Harm and Gender Inequality Theory, Research and Policy Ashgate 2012
\bibitem{31} In 2013 there were 533 adults referred to the National Referral Mechanism in England and Wales as potential victims of trafficking for sexual exploitation, in 2014 there were 638.
\bibitem{32} A scientific estimate for the Home Office estimated there were 10,000-13,000 victims of modern slavery in the UK in 2013, available in HM Government Modern Slavery Strategy November 2014 para 1.3
\bibitem{34} All Party Parliamentary Group on Prostitution and the Global Sex Trade, Shifting the Burden, March 2014 pages 24-25
\bibitem{35} All Party Parliamentary Group on Prostitution and the Global Sex Trade, Shifting the Burden, March 2014 page 6
\end{thebibliography}
Defendants proceeded against at magistrates’ court, found guilty and sentenced at all courts, with sentencing outcomes, for offences relating to paying or promising to pay a person to provide sexual services, where that person is subject to exploitative conduct to induce or encourage them to provide those services, England & Wales, 2010-2014.

<table>
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</table>

Modern Slavery Act 2015 is not able to address demand

4.5 The only provisions of the Modern Slavery Act 2015 (MSA) that address trafficking in prostitution are the offence of human trafficking and the civil Slavery and Trafficking Prevention and Risk Orders. However, these measures require that the defendant be involved in or present a risk of human trafficking. Whilst it is hoped that higher sentences and more effective enforcement will deter those engaged in human trafficking it will not have a direct impact on buyers’ demand for commercial sexual services. In contrast the MSA does contain measures to address the “market” that facilitates trafficking for labour exploitation by encouraging transparency in business practices and supply chains.

5. Further legislative measures needed to address demand

Making it a criminal offence to purchase sexual services in all circumstances

5.1 CARE believes that new legislative measures are needed to make the law effective in reducing demand for paid sexual services and recommends introduction of a new offence to criminalise the purchase of sexual services. Such laws have been used successfully in other countries. Sweden first introduced such a law in 1999. Norway and Iceland both adopted similar laws in 2009. Canada\(^\text{37}\) and Northern Ireland\(^\text{38}\) passed laws to criminalise the purchaser in 2014/15. Similar laws have been proposed in the Republic of Ireland\(^\text{39}\) and the Lithuanian Parliament.\(^\text{40}\)

5.2 Evidence from Sweden and Norway indicates:

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\(^{36}\) Written Answer to Parliamentary Question HL5330 answered on 4 February 2016
\(^{37}\) Bill C-36 Protection of Communities and Exploited Persons Act 2014
\(^{38}\) Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015 section 15,
\(^{39}\) Criminal Law (Sexual Offences) Bill 2015
\(^{40}\) Resolution on criminal liability for the purchase of sexual services (16.12.2014) No XII-1464
5.2.1 Street prostitution has decreased

- An official evaluation of the law in Sweden concluded that the number of persons in street prostitution in Sweden has been halved since 1999.\(^{41}\)
- In 2008, the estimated number of people in street prostitution was three times higher in the neighbouring countries of Denmark and Norway than in Sweden.\(^{42}\)
- Following the change of law in Norway, there was an “immediate, dramatic reduction of street prostitution” in Bergen, one of Norway’s larger cities according to the Bergen Municipality.\(^{43}\)

5.2.2 Overall prostitution levels are significantly lower than they would be otherwise

- The Swedish official evaluation concluded that since prostitution had increased in neighbouring Nordic countries but not in Sweden “it is reasonable to assume that prostitution would also have increased in Sweden if we had not had a ban on the purchase of sexual services. Criminalisation has therefore helped to combat prostitution.”\(^{44}\)
- In Norway there appears to have been a reduction in both on street and off street prostitution following introduction of the law criminalising the purchase of sex introduced in 2009.\(^{45}\)
- In 2014, the independent evaluation of Norway’s law found “The ban on purchasing sexual services has reduced demand for sex and thus contribute[d] to reduce the extent of prostitution in Norway.”\(^{46}\)

5.2.3 Changing the law has had a transformative effect on public attitudes towards paying for sex.

- The number of Swedish men who reported purchasing sex in the national population surveys fell from 13.6% in 1996 to 8% in 2008.\(^{47}\)
- Before the law to criminalize payment for sexual services was passed, a Swedish survey found that only 45% of women and 20% of men were in favour of such a change.\(^{48}\) In a survey conducted after the law had been operating for a number of years 79% of women and 60% of men said they were in favour of the law.\(^{49}\)
- The 2014 review of the Norwegian law also indicated that there has been change in attitudes towards buying sex.\(^{50}\)

5.3 In the light of the positive evidence from the Nordic countries, criminalising the purchase of sexual services has been endorsed by both the Council of Europe and the European Union as a key way to address sexual exploitation and to improve gender equality:

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\(^{42}\) Ibid.

\(^{43}\) Ibid.

\(^{44}\) Swedish government report SOU 2010:49 English Summary, Op Cit, page 36


\(^{46}\) Norwegian Evaluation, August 2014, pages 11-14

\(^{47}\) Holmström & Skilbrei eds. Prostitution in the Nordic Countries Conference Report, 2009, page 29


\(^{50}\) Norwegian Evaluation, August 2014, page 13
Resolution 1983 of the Council of Europe Parliamentary Assembly passed on 8 April 2014 states that “trafficking in human beings and prostitution are closely linked,” that “legislation and policies on prostitution are indispensable anti-trafficking tools” and recommends “criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings”.

Resolution P7_TA(2014)0162 passed by the European Parliament on 26 February 2014 also “Recognises that prostitution, forced prostitution and sexual exploitation are highly gendered issues and violations of human dignity, contrary to human rights principles, among which gender equality”, “Stresses that prostituted persons are particularly vulnerable socially, economically, physically, psychologically, emotionally and in family terms, and are more at risk of violence and harm than persons engaged in any other activity;” and affirms criminalisation of the purchase of sexual services as a way of “combating the trafficking of women and under-age females for sexual exploitation and improving gender equality”.

Addressing criticisms of the Nordic approach: Will it make prostitution more dangerous?

5.4 Some critics of the Nordic approach suggest that prostitution will be driven underground. Prostitution already takes place in private, many of the surrounding activities are illegal and the suggestion that prostitution will go underground is not supported by the evidence from Sweden. Kajsa Wahlberg, Swedish National Rapporteur on Human Trafficking speaking at the European Conference on Human Trafficking in December 2009, said: “The perception that … prostitution has gone underground is not true. Prostitution cannot go underground because the buyers need to be able to find the women. Prior to the law prohibiting the purchase of sexual services the pimps could easily send the women out looking for buyers. Nowadays they have to advertise and make arrangements which means that the risk of getting caught increases.”

5.5 Criticisms that the Nordic approach has made prostitution more dangerous for individuals working in the industry have also been consistently shown to be unfounded. The National Board of Health and Welfare in Sweden stated in 2003 that “Police who have conducted a special investigation into the amount of violence have not found any evidence of an increase. Other research and the responses of our informants indicate a close connection between prostitution and violence, regardless of what laws may be in effect.” The 2008 Swedish prostitution inquiry also established that the claims made by opponents about a worsening situation were baseless. Similarly, Norway’s 2014 evaluation reported that “this analysis finds no clear evidence of more violence against women in the street market after the introduction of the law....The police have no indications on more violence following the ban on purchasing sexual services.”

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6. **Further measures to support people to exit prostitution**

*Why further measures to support exit are needed*

6.1 In light of the harms of prostitution, CARE recommends a new offence (see above) **combined with assistance for people to exit prostitution.** Academic evidence has shown that a large percentage of women in prostitution would like to exit if they could but they face significant barriers and there are few specialist programmes to help them.  

6.1.1 Although some people will face greater challenges than others, research has identified the following common barriers to leaving prostitution:

- Problematic drug/alcohol use
- Housing issues
- Physical and mental health problems
- Experience of violence as children
- Having a criminal record
- Money – debt and importance of a disposable income
- Coercion from partners/family members/pimps/traffickers
- Lack of qualifications and training

6.1.2 Both the European Parliament and Council of Europe resolutions on prostitution recognise the importance of specialist services to help people leave prostitution and recommend that such services should be developed and adequately funded.

6.2 It is vital that individuals have access not only to services which can deal with specific needs but can support them through the overall process of leaving prostitution. The majority of agencies offering support to people in prostitution in the UK operate a “harm minimisation” approach. Whilst this can assist people to access specific services and meet their immediate needs, these needs are often addressed in isolation from the bigger issue of the person’s involvement in prostitution with the result that “rather than offering exiting as an option and empowering women to make an informed ‘choice’, [harm minimisation projects] may have the effect of maintaining women in prostitution when in fact they want to leave.” The All Party Parliamentary Group on Prostitution and the Global Sex Trade remarked that “it is deeply disturbing that women involved in prostitution can access frontline services for many years without ever once being asked whether they have a desire to exit the sex trade.” As an expert writes: “it is becoming evident that assisting [people] to leave prostitution requires a more committed and proactive response which is able to provide active encouragement, rather than waiting for women to request help to leave prostitution.”

*What measures are needed*

6.3 There needs to be a greater focus on promoting exiting in Government policies on prostitution.

6.3.1 CARE recommends that strategies to promote exit from prostitution and provision of exiting services should be mandated by legislation as has been done in Northern Ireland.

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64 Matthews, R. 2008 Op.Cit
6.3.2 Vital to the effectiveness of such services is the provision of adequate funding. Whilst this may require initial expenditure, research suggests “a basic calculation indicates that the potential savings associated with women exiting are significant” for example in sectors such as health care services, children’s social care, addiction treatment services, and law enforcement.

6.3.3 Publicly funded projects providing services to people in prostitution should be required to offer their clients assistance to exit prostitution or provide information about specialist exit support programmes. CARE also agrees with the All Party Parliamentary Group on Prostitution and the Global Sex Trade that funding should be prioritised to services which demonstrably meet this criteria.

6.3.4 Staff in local government services and NHS facilities, should be provided with guidance to ensure that people in prostitution are aware of services available to help them exit prostitution, without waiting for the individual to make a specific request. Such information can be provided without passing judgement on an individual’s circumstances or compelling them to take up services. CARE firmly believes that every individual should receive assistance without condition, and should not in any way be compelled or manipulated into exit programmes.

6.4 Exit services should be provided in a manner which has been shown, by research, to be most effective, that is the “case management approach” which “has a specific focus on the needs of women involved in prostitution” and “provides women with a single point of contact where both the emotional and practical issues related to exiting can be addressed in an individualised, targeted, and coordinated manner...The keyworker also helps the service user navigate support services and identify and overcome gaps in provision.” CARE recommends that the Government should promote use of the ‘case management’ approach in all government funded services for exiting.

7. Conclusion and recommendations

7.1 Evidence highlights the inherently harmful nature of prostitution for the majority of people involved and the positive impact that addressing demand through the so-called “Nordic model” could have in reducing levels of prostitution and therefore levels of harm. CARE recommends that the law should be changed to criminalise the buyer of sexual services and to provide greater access to assistance with exiting prostitution.

February 2016

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65 Section 19 Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
66 European Parliament Resolution P7_TA(2014)0162 paragraph 47