Executive summary: Prostitution is male violence against women\(^1\). Evidence overwhelmingly demonstrates that in those jurisdictions where prostitution is legalised or decriminalised, demand increases and more women are harmed, even murdered. The only solution is to tackle the problem at its root is through addressing demand by criminalising those who seek to exploit, profit from or use women in prostitution – pimps and purchasers - and to decriminalise the women abused and exploited in prostitution. Such a legal framework needs to be accompanied by support services, welfare provision and training programmes to enable women to exit prostitution.

I am a lecturer in Sociology at Anglia Ruskin University with research interests in the sex industry and male violence against women. As a lecturer, it is extremely concerning to see a growing national trend of the participation in prostitution and the sex industry by female students struggling to fund themselves through higher education. I am a long-time feminist activist with many years of experience of campaigns against sexual objectification and all forms of male violence, in groups such as Object, the London Feminist Network and Reclaim the Night. I have written on the mobilisation of a new generation of feminists in relation to these issues (Anti-Porn: The Resurgence of Anti-Pornography Feminism, 2012, Zed Books). I have worked as a senior manager in the women’s sector and have witnessed first-hand the very serious harm that prostitution does to women and girls. I have organised numerous events to enable the voice of prostitution survivors to be heard, and have given platforms to exited women and organisations such as Survivors of Prostitution-Abuse Campaigning for Enlightenment (SPACE) International. My professional background is in equalities (local and central government), teaching and the voluntary sector.

Evidence relating to the inquiry’s terms of reference

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

- In 2013-14 over double the number of people were charged with soliciting/loitering than kerb-crawling. This is wholly wrong.
- Prostitution is violence against women. No woman should face criminal sanction for soliciting. But those who sexually exploit - the sex buyers - should face criminal sanctions.
- Parliament should adopt the Sex Buyer Law in order shift the burden of criminality from those who are exploited through prostitution to those who exploit them. This entails decriminalising being paid for sex (removing laws against soliciting/loitering), making it a criminal offence to pay for sex, and providing support services to enable those exploited through prostitution to exit.

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

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\(^1\) The overwhelming majority of those abused and exploited in prostitution are women. However, the statement and submission is intended to apply to all those abused and exploited through prostitution, including children and men, as well as women.
• It is right that the Crown Prosecution Service recognises prostitution as violence against women. This is consistent with the policy of the Mayor's Office for Policing and Crime and the Scottish Government.
• Our laws do not currently reflect Crown Prosecution Service recognition of prostitution as violence against women. Women can face criminal sanction for their sexual exploitation, while those who exploit - the sex buyers - are permitted to do so by the law, because paying for sex is legal.
• The Sex Buyer Law needs to be adopted in order for prostitution-related offences to reflect the fact that, as the Crown Prosecution Service states, prostitution is violence against women.

3. 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.
• Tackling demand for prostitution is critical to ending the trafficking of women and girls into the sex trade.
• The Modern Slavery Act fails to address the demand from sex buyers which drives the trafficking of women and girls into prostitution. As Lord McColl of Dulwich 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 figures, sexual exploitation is consistently the most prevalent form of human trafficking in England and Wales." iii
• The Sex Buyer Law must be adopted to discourage demand in order to end trafficking for purposes of prostitution.

4. Whether further measures are necessary, including legal reforms, to:
• Assist those involved in prostitution to exit from it
  • Those who are exploited through prostitution by being paid for sex should be decriminalised. Having a criminal record for soliciting can be a significant barrier to exiting.
  • Adopting the Sex Buyer Law would send a clear message to local authorities and agencies that prostitution is a form of violence against women and they have a duty to support women to exit commercial sexual exploitation. The government should also produce a national strategy for the delivery of comprehensive exiting services for people exploited through prostitution.
• Increase the extent to which exploiters are held to account
  • The Sex Buyer Law should be adopted to send a clear message to police and enforcement agencies that prostitution is commercial sexual exploitation. As the All-Party Parliamentary Group on Prostitution has noted, at present "the law is incoherent at best and detrimental at worst. The legal settlement around prostitution sends no clear signals to women who sell sex, men who purchase it, courts and the criminal justice system, the police or local authorities." iv
  • Adopting the Sex Buyer Law would give police the powers to hold sex buyers to account for exploiting women in prostitution. At present, police are unable to do this because paying for sex is legal.
• Discourage demand which drives commercial sexual exploitation
  • The Sex Buyer Law should be adopted because it is a legal framework designed to discourage the demand that drives commercial sexual exploitation.
• There is significant evidence showing that criminal sanctions are a key method of deterring demand.

Facts and statistics

Commercial sexual exploitation in the UK
• Approximately 80,000 people are involved in prostitution in the UK - the overwhelming majority of them women.
• The trafficking of women in to England and Wales to be exploited in prostitution is worth at least £130 million annually.
• It is estimated that 50% of women in prostitution in the UK started being paid for sex acts before they were 18 years old.
• Up to 95% of women in street prostitution are problematic drug users and over 50% have been raped and/or sexually assaulted - the vast majority of these assaults committed by sex buyers.
• The Crown Prosecution Service, the Mayor’s Office for Policing and Crime and the Scottish Government all recognise prostitution as a form of violence against women.

Demand
• Prostitution is underpinned by the demand from sex buyers: without their demand there would be no 'supply' of women into the trade.
• During the 1990's the proportion of men who pay for sex almost doubled in the UK - from one in 20 to almost one in 10.
• The European Union Commissioner for Home Affairs has stated, “only by addressing demand for all forms of exploitation can we begin to address trafficking in human beings… we cannot address the sexual exploitation of victims (the overwhelming majority being girls) without addressing the users.”
• An inquiry into human trafficking in Scotland in 2011 by the Equality and Human Rights Commission concluded, “Demand is a key driver for human trafficking. This fact underlines the need for ‘destination’ states, such as the UK and Scotland, to take responsibility to act to tackle trafficking through targeting demand.”

International obligations to tackle the demand driving sex trafficking:
• Article 9.5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children states that, “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.”
• The EU Directive on trafficking in human beings requires member states to take action to reduce demand in order to prevent trafficking.
• Article 6 of the Council of Europe Convention on Action against Trafficking in Human Beings requires member states to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”

Research supporting criminal sanctions as a key method for deterring demand:
• Research conducted with 110 men in Scotland who paid women for sex found 79% of the 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 113 men in Chicago (US) who paid for sex found 83% of the men said a potential consequence of jail time would deter them from buying sex. 75% of the men said greater criminal penalties in general would deter them from paying for sex\textsuperscript{xvii}.

Research undertaken by the Child and Woman Abuse Studies Unit at London Metropolitan University with 137 men who paid women for sex concluded, “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.”\textsuperscript{xviii}

The legality of paying for sex has also been shown to significantly influence rates of sex trafficking into the country in question. 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\textsuperscript{xxix}.

**Current prostitution laws in the UK**

- In England, Wales and Scotland it is currently legal to pay for sex and to be paid for sex. Particular aspects around prostitution - including brothel keeping, pimping, kerb-crawling and soliciting - are illegal.
- Northern Ireland has adopted the Sex Buyer Law. Paying for sex is illegal but soliciting (i.e. ‘selling sex’) is not.
- In 2013-14 over double the number of people were charged with soliciting/loitering than kerb crawling\textsuperscript{xx}. In fact, in 2013-14 more people were arrested for the crime of lottering/soliciting than for the crimes of pimping, brothel-keeping, kerb-crawling and advertising prostitution combined.
- Statistics released by the Crown Prosecution Service reveal that between 2008/9 and 2013/14 there was a nearly 50% drop in prosecutions for pimping, a 75% drop in prosecutions for brothel-keeping, a 35% drop in prosecutions for kerb-crawling, and a 74% drop in prosecutions for advertising prostitution\textsuperscript{xxi}.

**The Sex Buyer Law**

- The Sex Buyer Law recognises prostitution as a form of violence against women. It is designed to discourage the demand that drives the sex trade and support those exploited through prostitution to exit.
- The Sex Buyer Law has 3 key components:
  1. Paying for sex is criminalised
  2. Selling sex is decriminalised
  3. Exiting services are provided to support people to exit prostitution
- This legal framework was first adopted by Sweden in 1999. It has since been adopted by Norway, Iceland and Northern Ireland.

**Evidence of effectiveness from Sweden (adopted the Sex Buyer Law in 1999):**

- Street prostitution in Sweden halved between 1999 and 2008 and there is no evidence women were simply displaced to indoor prostitution or prostitution advertised online\textsuperscript{xxii}. In 2011 it was reported that despite Sweden having 3.8 million more inhabitants than neighbouring Denmark, the number of people involved in prostitution in Sweden – its ‘prostitution population’ – is approximately a tenth of Denmark’s - where buying sex is legal\textsuperscript{xxiii}.
- The number of men paying for sex in Sweden has declined. Between 1996 and 2008 the proportion of men who reported paying for sex declined from 12.7% to 7.6%\textsuperscript{xxiv}.
- Public attitudes 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{xxv}.
- There is evidence Sweden has become a more hostile destination for traffickers. An investigation of the law by the Swedish Government reported, “[a]ccording 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{xxvi}

Evidence of effectiveness from Norway (adopted the Sex Buyer Law in 2009):

- The prostitution market has reduced. Systematic field observations of the street prostitution market in Oslo reveal it has shrunk by 40%-65% since the law was adopted\textsuperscript{xxvii}.
- An evaluation of the law’s impact reported: “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{xxviii}

Support for the Sex Buyer Law

- The All-Party Parliamentary Group on Prostitution and the Global Sex Trade recommended in April 2014 that the Government adopt the Sex Buyer Law in England and Wales\textsuperscript{xxix}.
- In Ireland, the Houses of the Oireachtas Joint Committee on Justice, Defence and Equality recommended in 2013 that the Sex Buyer Law be introduced there\textsuperscript{xxx}.
- In 2014 the Council of Europe Parliamentary Assembly, representing 47 countries, passed a resolution citing the Sex Buyer Law as “the most effective tool for preventing and combating trafficking in human beings”\textsuperscript{xxxi}. José Mendes Bota, the Council of Europe’s Rapporteur on violence against women, stated, “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”\textsuperscript{xxxii} and “I personally consider the Swedish model as the most successful in the context of tackling human trafficking.”\textsuperscript{xxxiii}
- In February 2014 the European Parliament passed a motion which highlighted evidence showing the Sex Buyer Law has had a “deterrent effect on trafficking into Sweden”\textsuperscript{xxxiv}
- The following organisations are calling for the adoption of the Sex Buyer Law in the UK: Ashiana; AVA: Against Violence and Abuse; Black Association of Women Step Out; CAADA: Coordinated Action Against Domestic Abuse; Centre for Gender & Violence Research, University of Bristol; 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; Durham University Centre for Research into Violence and Abuse; End Violence Against Women coalition; Equality Now; European Women’s Lobby; Fawcett Society; LIFT; National Alliance of Women’s Organisations; Nia; NorMAs; Northern Ireland Committee of the Irish Congress of Trade Unions; Object; Rape Crisis Centre Glasgow; RASAC: Rape and Sexual Abuse Centre (Perth & Kinross); Resist Porn Culture; Rights of Women; Respect: Men & women working together to end domestic violence; SAY Women; Scottish Soroptimists; Scottish Trades Union Congress; Scottish Women’s Convention; SPACE International; St Mungo’s Broadway; The Beth Centre; TUC Women’s Committee; UK Feminista; Unison; Welsh Women’s Aid; White Ribbon Campaign; Why Refugee Women; women@thewell; Women’s Resource Centre; Women’s Aid Federation of England; Women’s Aid Federation of Northern Ireland; Zero Tolerance\textsuperscript{xxxv}.

\textsuperscript{1} The overwhelming majority of those abused and exploited in prostitution are women. However, the statement and submission is intended to apply to all those abused and exploited through prostitution, including children and...
men, as well as women.

References


vii Ibid (Home Office, Paying the Price, 2004)


xx End Demand, 2015: www.enddemand.uk


'Evaluering av forbudet mot kjøp av seksuelle tjenester', Rapport nummer 2014/30, VISTA ANALYSE

Ibid (VISTA ANALYSE, 2014, p.14)


Council of Europe Parliamentary Assembly, Resolution 1983 (2014) 'Prostitution, trafficking and modern slavery in Europe'. 12.1.1


See: http://enddemand.uk/supporters/