Written evidence submitted by Charlotte Cane

1. The laws around prostitution should certainly be reviewed and changed.

2. We have examples from the UK and around the world of various attempts to drive out sexual exploitation through laws against activities associated with prostitution or through licencing prostitution. The evidence is that these attempts have at best failed, and at worst increased the risks to prostitutes.

3. New Zealand decriminalised prostitution in 2003. The New Zealand Prostitution Reform Act (PRA) is a good basis for any serious change in prostitution law and policy. It removes sex work from the criminal law, allows people to work together collectively, and distinguishes between consenting sex and violence and exploitation. Early indications are that this reform has reduced sexual exploitation and violence against prostitutes. I urge the Committee to look closely at how de-criminalisation is working in New Zealand.

   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. Criminal sanctions should not fall on those who sell sex or those who buy sex. Activities related to prostitution, such as running a brothel, should be de-criminalised so that women and men who work as prostitutes are not treated as criminals. But people who purchase sex should not be criminalised as long as they have sex with a consenting adult. If they have sex with a minor or someone who has been forced into prostitution through trafficking, violence, threats, coercion or grooming then they are not having sex with a consenting adult. We already have a law to deal with that - it is rape, we do not need new laws we just need the rape law to be enforced.

5. In the early 1990s I lived on the edge of a red light district and wanted to put an end to something which seemed exploitative and against everything which I stood for as a feminist. I was attracted by the idea of criminalising the people who buy sex; it seemed the obvious answer. But I worked with colleagues and we talked with police, prostitutes (male and female), health workers, local residents, indeed anyone with a point of view. It became clear that criminalising the purchaser would make matters worse. If the purchaser is at risk of criminal sanctions, they are more wary of being seen. This means they are less willing to meet in busy open places or to allow time for the prostitute to discuss terms with them and form a view on safety.

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

6. Prostitution is not in itself violence against women. However, there is much in the CPS report which is excellent, for example recognising that crime against prostitutes should be taken seriously and prosecutions for rape, violence etc should be pursued regardless of whether or not the victim is a prostitute. There continues to be evidence that criminals feel able to attack prostitutes because they do not expect to be prosecuted. And there are still some police officers who discourage prostitutes from pursuing complaints about crimes against them. This is despite some excellent processes within police forces to ensure that crimes against prostitutes are properly pursued.

   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.
7. Sometimes this has been misused – for example televised police raids on brothels headlined as being to prevent trafficking when none of the prostitutes considered themselves to have been trafficked. Much careful research has been done to quantify the incidence of people being trafficked for prostitution and the numbers seem to be very small (possibly around 6% of sex workers - Mai 2011, https://metranet.londonmet.ac.uk/research-units/iset/projects/esrc-migrant-workers.cfm). Clearly, anyone trafficked deserves the protection of the law. But the law should not be abused to raid brothels and parade prostitutes on national television.

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

8. De-criminalising prostitution and the activities related to it (soliciting, keeping brothels etc) would allow the authorities to address exploitation much better than under the current laws.
- Without the criminal records many prostitutes now inevitably have, it will be easier for prostitutes to exit prostitution.
- If we de-criminalise activities related to prostitution those who work as prostitutes will more readily be able to report cases where they think there is abuse and help the police to take action to protect those people who have been forced into prostitution.
- Demand for commercial sex has been with us for centuries. It’s difficult to see how legal reforms could discourage this demand. But by decriminalising commercial sex we can put the prostitutes in a stronger position to resist exploitation and report any exploitation to the police.