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.**

1.1

It is unclear why two consenting adults who are neither coerced nor trafficked should face criminal sanctions. In addition, what is the rationale for focusing on those who buy sex? Often the arguments put forward to support the focus of criminal sanctions more on clients, is that prostitution is implicitly ‘violence against women’ and that there is a need for gender equality. This reflects an assumption that clients are male and that sellers are female. Yet this rationale neglects a body of research that identifies that both men and women sell sexual services and both men and women buy sexual services. For example, Whowell’s (2010) research has explored the experiences of men who sell sex to other men; research that Smith and Kingston (2015) have conducted on one internet based advertising site has shown that a large proportion of people advertising as escorts advertise to women. In addition, research by Kingston and Hammond (2015) has documented women’s experiences as purchasers of sexual services from men, women and trans men/women. Thus, the suggestion that prostitution is violence against women does not fit with female clients’ experiences (see womenwhobuysex.org).

1.2

Evidence put forward to support a move towards a focus on ‘demand’ is also questionable. Support for a so-called ‘Swedish’ or ‘Nordic’ model to respond to prostitution has often been identified as an example to follow because of the claims that the approach has reduced trafficking, exploitation and effected a general reduction in prostitution levels. For example, Mary Honeyball MEP has argued that following the ‘Nordic model’ is ‘the most effective way of combating the trafficking of women and under-age females for sexual exploitation and of improving gender equality’. Yet this overlooks the level of displacement temporally, functionally or spatially. Indeed, it is well documented that displacement can occur in many ways. For example, research conducted by Hubbard (1998), Kinnell (2008) Sanders (2005) has demonstrated that sex workers have been known to move to less familiar locations to avoid prosecution by the police, which can ultimately place them in increased danger. Indeed, in Norway the Pro Sentret (2012) report indicated that the law to criminalise clients made sex workers much more susceptible to violence because it pushes the sex industry further underground to avoid criminal prosecution.

1.3

Claims that targeting demand leads to a reduction in trafficking is also questionable. Critics of the Swedish model have argued that the criminalisation of the purchase of sex in Sweden has not led to a reduction in the extent of trafficking. As the Global Alliance against Traffic
in Women (2014:1) have argued ‘There is no evidence that criminalising or otherwise penalising sex workers’ clients has reduced either trafficking in persons or sex work’. Instead, it has been claimed that the penalisation of clients has made sex workers more vulnerable to exploitation (Fouche 2007) and trafficked victims more reluctant to report their exploitation to the police for fear of reprisals from traffickers, and because of their inherent distrust of the authorities (Goodey 2004, p.28).

1.4

In addition, the argument that if demand is reduced supply will also fall ignores the reasons why some sex workers sell sexual services. Structural inequalities, poverty, cuts in welfare payments and the bedroom tax have all been found to influence some men and women’s decision to sell sexual services. Placing a criminal sanction on the purchasers of sex does not tackle the reasons why some men and women choose this line of work.

1.5

Furthermore, the suggested legislative change does not reflect public attitudes towards prostitution. For example, my own research has documented that the majority of participants in my study supported a move towards legalisation and regulation; these persons included police officers, councillors and members of the public (Kingston, 2013). Research conducted by Pitcher et al (2006) has also demonstrated that residents and sex workers do coexist without significant problems. It has been previously noted in a Home Office document that despite Ministerial support to follow the Swedish model ‘it would be a step too far at this time, given the relative size of the UK sex industry compared to that in Sweden and current public attitudes in the UK’ (Home Office 2008, p.13). Given that previous research indicates there may be a lack of public support for this change in law, this raises questions about electoral representation/support. Often, only the most vocal and often frustrated members of the public voice their concerns regarding prostitution. Changing the law based on the concerns of a few should therefore be approached with caution.

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

2.1

In assuming that prostitution is violence against women a number of very important points are ignored:

a) Female clients do not identify prostitution as a form of violence against them, quite the opposite. They have identified the purchase of sexual services as ‘empowering’, liberating, satisfying emotionally and physically. Finding of the womenwhobuysex project has identified that these experiences are common amongst female clients. Suggesting that ‘prostitution is violence’ is a biased assertion and this standpoint neglects to appreciate that women pay for sexual services and are not only providers.
b) Men also buy sex from other men, so how this would constitute violence against women is unclear.

c) This argument reflects bias, it is based on mainstream prejudices that prostitution accounts only for men buying sex from women. This has been shown to be something of a myth. Data from the WWBS project suggests that such myths reinforce gender inequality and assumptions that women are not rationale sexual beings.

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.

3.1

Research conducted by the authors of this submission on the use of the Policing and Crime Act 2009, Section 14, which amended the Sexual Offences Act 2003 by adding a new Section 53A illustrated the difficulties of implementing the law in this area. The new section made it an offence in England and Wales to pay for the services of a prostitute who had been coerced (trafficked) into providing sexual services; the section was implemented from 1 April 2010.

The research in 2013 showed the difficulties the police have in implementing this law and it was apparent that since its introduction s. 14 had not been used by the majority (81%) of police forces across England and Wales, which in itself questions the need for the new offence. Whether this suggests that this law is not needed because the police had not found instances where a person had been subject to force, coercion or abuse because this rarely occurs, or whether they were unable or unwilling to detect such cases and utilise their discretion to apply the law, is open to debate.

Furthermore, the suggestion that the law was needed to protect vulnerable individuals has been questioned, given that the extent of trafficking for sexual exploitation has not been found to be as endemic as originally thought. Some may argue that this is because the police are unable to detect such instances, which would suggest gross incompetence in the majority of police forces across England and Wales. Others may suggest that this is an accurate reflection of its extent in the UK. What we do know is that the law is not being used.

4) Whether further measures are necessary, including legal reforms, to:

Assist those involved in prostitution to exit from it

4.1

Yes, those who choose to exit should be supported. There are a number of excellent charities and organisations that seek to support sex workers’ exit. However this should be a choice and not a sanction or condition. Forcing or coercing sex workers to exist does not recognise the agency and choice of many sex workers.

Increase the extent to which exploiters are held to account

4.2
Exploitation should be dealt with but our understanding of what exploitation is should be paramount. The proposals put forward seem to suggest that clients are exploiting sex workers and they highlight the position that prostitution may be a form of ‘violence against women’ – this is a sweeping generalisation and undermines the agency and choice that men and women make when they choose to sell sexual services. Indeed, some people’s choices may be more constrained more than others by poverty, drugs, bills etc. but so too are many other working men and women in this country. Greater recognition needs to be given to people who say that they choose to sell sexual services, without assuming that they are exploited or coerced. Trafficking should be dealt with as a form of exploitation but not at the detriment of people who make rationale informed decisions to sell sex.

*Discourage demand which drives commercial sexual exploitation*

4.3

How does demand drive sexual exploitation? If structural inequalities and cuts in welfare are some of the reasons some why people choose to sell sex, should these not be tackled? This suggestion is very simplistic and does not look beyond the simple equation that ‘supply = demand’.

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&

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