Written evidence submitted by Diane Martin CBE

**Executive Summary**

1. In this submission I:

   • Describe prostitution from personal experience as well as draw on my professional experience providing exiting services

   • Call for prostitution to be addressed within a violence against women and girls framework

   • Highlight my believe that the UK should adopt the Sex Buyer Law, decriminalising those paid for sex, criminalising those paying for sex and providing support for exiting pathways for those exploited through prostitution

   • Call for a National Strategy to to deliver prevention, exiting provision and training for front line staff across the statutory and voluntary sector

   • Argue for new legislation to wipe criminal records for soliciting/loitering offences

   • Highlight the need to address ‘prostitution’ and trafficking for sexual exploitation’ together

**About**

2. Thank you for the opportunity to submit evidence to this inquiry. My reason for making a submission is two fold. First of all I am a Survivor of both prostitution and trafficking. I was exploited through prostitution in London in my late teens as well as being sent to another country as part of a prostitution ring. Secondly, I also founded and ran an exiting service for women exploited though prostitution in London for 15 years. My current work has been delivering a 3 year project called STRATEtude (2013-2016) with the aim of promoting a more joined up and consistent approach across London in terms of prostitution policy and service development. This past year has also included being a member of the Commission on the Sex Buyer Law commissioned by the APPG on Prostitution and the Global Sex Trade.

**Personal Experience**

3. I arrived in London in my late teens to find myself misled about the circumstances I was coming to. Soon the money ran out and the pressure began; my new ‘friends’ were now less friendly. I ended up way out of my depth and surrounded by older people who realised they could make a lot of money out of me; not just Madam’s taking a cut, but people pretending to be my friends who recognised my vulnerability and chose instead to cultivate controlling relationships with me.

4. I went from being a happy trusting girl to finding myself standing in a penthouse being looked over by a Madam. It was like watching it happen in slow motion to someone
else. It was difficult, both then and after, to understand how I could be confident, with a strong sense of self, and yet be so passive in this situation. I believe being sexually abused in hospital by a doctor when I was 12 years old was relevant. In that hospital, despite feeling furious, I didn’t have the physical strength to move or the ability to get out the screaming ‘NO’ inside my head. Those same emotions - feeling confused, overwhelmed and out of my depth - were present again and I responded in the same passive, silenced way. I believe that earlier experience primed me; an added vulnerability to the circumstances of age and coercion that I didn’t have the ability to manage.

5. Then I’m in the middle of Mayfair asking a policeman for directions to the address I’d been given, willing him to see my predicament. It was like being out of my body, watching someone else. Unfortunately what was to come was not an out of body experience.

6. I remember the constant stress, anxiety and feelings of dread whilst being in prostitution; walking through a door and wondering what state I’d be coming out in. Waiting to be picked, like something off a shelf. The observing, the dissecting, being the commodity everyone in the room knew you to be. For the men, prostitution is like renting a film with the power to write the entire script. They’re the director, they’re the star, you are the prop.

7. The pretending and feeling constantly on guard was exhausting. Everyone wanted something from me and I was isolated so that if I did manage to make a friend outside of this and they phoned, they were told I didn’t live there anymore, so I gave up trying.

8. When the people paying for you for sex are famous, in government, civil servants, members of other countries’ governments or have diplomatic immunity, you don’t have any confidence that you would be believed or protected if you reported violence or rape. Unfortunately, the best education and opportunities didn’t preclude them from degrading and violent behaviour. The sense of entitlement they believe paying affords them crosses every section of society. The better wallpaper and a mini-bar doesn’t dilute what it feels like when someone has a gun and asks if you want to see your mum again. Being in a penthouse suite doesn’t soften the blow of rape or of having someone leave bite marks all over your face.

9. If prostitution is so empowering and a job like any other why does everybody have a fake name. I initially thought it was about hiding from the police, but I believe it’s the beginning of protecting your real identity, a way to try and separate yourself from the abuse of prostitution, psychological safe guarding.

10. It’s no coincidence that everyone seems to knows to do this. You need to find a way to cope by mentally switching off from what you are experiencing in the moment. The narrative in your head Is worlds apart from the fantasy the man has constructed for his own benefit. I’m a qualified counsellor but I knew what dissociation and splitting was before I ever read about them in a book. This says to me that prostitution is inherently harmful.
11. However, this coping strategy has limited success because the evidence of what is happening to you is overwhelming. It’s a sticking plaster on an open wound and damaging in the long term. It is not psychologically helpful to split off from parts of yourself; to be whole is to have an integrated self, an authentic self, prostitution provides the opposite experience.

12. By the end of it I lost the ability to talk and had to write notes to communicate and I was having daily panic attacks. For over a year after exiting I’d still jump out of my skin when the phone rang. That one sound setting off a trajectory of events; being given an address, a time, a black cab, going to a stranger’s house or a hotel and not knowing what was going to happen.

13. In 2015 I visited Sweden, as part of a group, to meet with those responsible for developing and implementing the Sex Buyer Law. This approach decriminalises the selling of sex and makes paying for sex a criminal offence. It is designed to end the demand that drives the prostitution and the trafficking of women and promotes specialist exiting support services. It is a model I support and my visit strengthened those views.

14. What I was unprepared for however was the personal impact of being in a country where access to my, or anybody else's body, could not be legally purchased. Another woman on the trip was also a survivor of prostitution and we shared how wonderful it felt to be somewhere where we could not legally be for sale.

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

15. Resoundingly YES, the burden of criminality should be weighted on Sex Buyers. For far too long the criminal burden has weighed heavily on those exploited through prostitution while those buying sex, who are not only in a position to stop paying for sex but who have an unfair power advantage and rarely face any criminal sanction’ It would not be equality to decriminalise both. This would turn pimps into ‘managers’, and who could tell the difference between a trafficker and a ‘manager’ or a ‘facilitator’? The lived reality would be that it would be no different from legalisation for the demand side. Not decriminalising the women would leave them punished for being used and exploited.

16. A number of areas local policing strategy in the UK have been operating a type of ‘Nordic Model’ in that there is a focus on not arresting women (as this keeps already vulnerable women with often complex needs entrenched in a revolving door of the criminal justice system, further impacting mental health and creating more barriers to exit and future employment) but diverting them into services and instead arresting kerb crawlers. However current legislation limits the police and limits arrests to kerb crawling (where a much higher burden of proof and operational resources are needed than is required to arrest a woman) with no criminal sanctions for Sex Buyers (off street etc) and where vulnerable women (the vast majority of those selling sex) are still penalised.

17. 
A consistent UK wide approach that decriminalises selling sex but criminalises the purchase is needed and the UK should adopt the Sex Buyer Law with provision for services to support women to exit.

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

18. Our Crown Prosecution Service correctly states that prostitution is Violence Against Women (VAWG), as does Scotland’s Government. The Mayors Office for Policing and Crime strategy, ‘The Way Forward’ unequivocally and correctly categorises prostitution as ‘Violence Against Women and Girls’ and this is where a prostitution strategy should be firmly placed. A VAWG framework deals with the realities of the harm that prostitution brings to those exploited through the often controlling behaviour of others, including the controlled systems of organised crime which impact on the lives of local communities and wider society.

19. In 2013 I served as part of a small task force reviewing policy and operational procedure for the Metropolitan Police Service. I drafted new Guidance and Toolkits for all MPS territorial staff on the approach to addressing both on and off street prostitution. This approach frames prostitution within a VAWG framework, encouraging women to be diverted into services and promoting a focus on tackling demand.

20. However, our legislation is not in line with the Crown Prosecution Service correct understanding of prostitution as violence against women and this needs to change. Individuals experiencing violence and abuse, many of whom have histories of childhood neglect and/or abuse need support not further punishment and those exploiting and paying for what is, for the majority, unwanted sex and survival behaviour are currently supported through current law by facing no criminal sanctions or accountability.

21. As a society we should have a duty of care to provide prevention as well as support for those wanting to exit in line with each area’s demographic and need; it should not be a postcode lottery or at the changing interests of local commissioners or Government departments. Addressing prostitution as VAWG places it where it should be and demands an appropriate response.

**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.**

22. I am very aware of the unwavering commitment of the Independent Anti-Slavery Commissioner regarding the prosecution of traffickers, the identification of victims and the improvement of care for victims of human trafficking (as outlined in the Strategic Plan 2015-2017) and have enjoyed supporting this agenda through speaking at events on behalf of the Commissioners office on the realities of prostitution and trafficking from personal and professional experience to raise awareness of the issues and highlight a holistic and multi-agency response to policy and exiting provision.
23. However, a key element missing from The Modern Slavery Act is that it does not address the demand that fuels trafficking and there is overwhelming evidence that tackling the demand for prostitution is essential to addressing and reducing trafficking for the purposes of sexual exploitation; the most common form of trafficking.

24. I am also concerned at the separation of ‘prostitution’ and ‘human trafficking for sexual exploitation’. These are not separate issues and should not be seen as separate. It can create the illusion that ‘prostitution’ is somehow less harmful and the reality is that there is inherent and regular violence in both. It is the same men buying both, on and off street and unwanted sex, being raped, bitten or choked feels the same whether you are standing on a street corner or trafficked into a brothel. How you come to it does not alter the experience or the men involved.

25. I was very impressed to see how Sweden’s Police and CPS see both prostitution and trafficking as part of the same picture (and experience for those exploited) and therefore prosecute sex buyers, pimps and traffickers as part of the same case. The Sex Buyer Law should be adopted to reduce trafficking by making the UK a hostile environment for traffickers, pimps and sex buyers.

26. We have seen all too clearly the Dutch approach which is widely regarded as a failed experiment (at a personal cost to many) the increase of prostitution in countries that have decriminalised the whole industry and the horrific state of Germany’s legalised prostitution; where the ‘Mega Brothels’ provide prostitution on an industrial scale resulting in widespread sexual exploitation and trafficking with the majority of women from impoverished Eastern European or African countries; and where the German Government gains financially from this degradation.

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

- **Assist those involved in prostitution to exit from it**

27. We need the adoption of the Sex Buyer Law, to decriminalise those being paid for sex. We also need prostitution recognised as exploitative and addressed by National and Local Government within a VAWG framework with a duty of care to provide exit services with resourced support from first contact through to an adequate level of aftercare. It is a false economy to only support part of the process because if it breaks down people are just recycled through the same services. External and practical issues need to be addressed but so do internal psychological issues.

28. In the UK, we have an evidenced knowledge and understanding as to the kinds of support services needed to support women currently involved in prostitution, those in the process of exiting and those who have exited. Through many projects and agencies past and present across the UK we know what works and what good practice looks like. Unfortunately provision can be patchy, financial cuts seeing good projects close and changing local agendas meaning an ever changing landscape where vulnerable individuals can slip through ever widening gaps.
29. We need to harness this knowledge and expertise and implement it through a clear and cohesive National Strategy to deliver prevention, exiting provision and training for front line staff across statutory and voluntary sectors.

30. We also need new legislation where offences for soliciting/loitering can be wiped after a set period of time. Having these offences causes very real barriers in exiting, gaining employment as well as causing great psychological distress.

- Increase the extent to which exploiters are held to account

31. The adoption of the Sex Buyer Law would criminalise and hold sex buyers to account through the criminal justice system. It also, as evidenced in Sweden, changes society’s understanding of the exploitative nature and unequal power dynamics inherent in prostitution and there is compelling statistics relating to how society’s attitudes towards buying sex have changed. There has been a marked reduction in men paying for sex and increased support for The Sex Buyer Law since implementation.

32. Evidence from Sweden (Sex Buyer Law - 1999):

- Street prostitution in Sweden halved between 1999 and 2008 with no evidence of displacement to indoor or online prostitution. 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.2
- The number of men paying for sex in Sweden has declined. Between 1996 and 2008 the proportion of men reporting paying for sex declined from 12.7% to 7.6%.3
- Public attitudes have changed. In 1996, 45% of women and 20% of men supported criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men4
- 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."5

- Discourage demand which drives commercial sexual exploitation

33. The Sex Buyer Law provides the legislative structure to deter and reduce commercial sexual exploitation by criminalising the demand; the key driver for prostitution and trafficking. With Northern Ireland recently adopting The Sex Buyers Law, and other countries moving their own legislation through, this may leave the rest of the UK in a vulnerable position. It is essential we are not seen as a hospitable destination for traffickers. It is bad enough that we are currently hospitable to sex buyers through our current laws.

34. Currently it is estimated that trafficking for sexual exploitation is thought to bring in £130 million6 annually for exploiters. The human cost has no price tag; but those
exploited pay a high price in terms of violence, physical health, mental health and increased mortality. When will we put up the ‘Not for Sale’ sign and put the exploitative and damaging sex trade out of business?

Declaration of interests
Dovetail Initiative is a non profit organisation in partnership with High Trees Community Development Trust (Charity No. 1079581 | Company No. 3573630)
I have no conflicting interests to declare.

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1. Personal Testimony of Diane Martin (I talk publicly about my experience, fine to be included publicly by Home Office Select Committee if wished)


http://www.government.se/content/1/c6/15/14/88/6dfbbdbd.pdf

6 ‘Trafficking of women for sex in UK worth £130m’, the Telegraph, 7 October 2013. Accessed at:

• I refer to women involved in prostitution, as this is the vast majority; as are men overwhelmingly the sex buyers. But of course the Sex Buyer Law is gender neutral and all individuals involved in prostitution need the appropriate support services and all individuals buying sex would be criminalised.