Written evidence submitted by the
Child and Woman Abuse Studies Unit, London Metropolitan University

1. The Child and Woman Abuse Studies Unit is recognised as a world leading research centre. Our research has comprised a varying combination of large and smaller scale projects (over 100 to date). Our studies range from basic research on the prevalence of sexual abuse and the scale of trafficking into the UK, through more applied studies on the impacts of all forms of violence against women, to evaluations of responses and interventions.

2. CWASU is the only research unit in Europe that looks at all forms of gender violence and child abuse and the connections between them. We have also been at the forefront of developing innovative methodologies. In 2006, CWASU established an M.A. in Woman and Child Abuse, the first of its kind in Europe: one of the modules focuses on sexual exploitation.

3. We have always had an interest in the issue of prostitution. Dr Maddy Coy has edited a key text on the harms of prostitution and is co-founder of the Nordic Model Information Network of researchers. In 2007 we conducted the UK’s largest survey of men who pay for sex. We have published two reports on the evidence of legal and policy reforms on prostitution markets in multiple global contexts. We were commissioned in 2013 to research prostitution regimes (a combination of law, policy and implementation) within the EU and we have a 15 year track record of examining trafficking for sexual exploitation.

4. This body of work is drawn on to address the questions raised in this consultation.

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

5. Our response to this question is two-fold; firstly whether the burden should be on those who sell or those who buy and secondly to note that there are other groups where a criminal sanction is relevant.

6. Our starting point is we support the approach pioneered in Sweden, that the institution of prostitution is incompatible with an ambition to achieve gender equality. That women are disproportionately those who are bought and men disproportionately those who buy is the outcome of centuries, and still existing, gender inequality. Prostitution is thus located within and reproduces relations of power and control between women and men, and as such should be neither supported nor legitimated. Recognising those unequal positions should also inform where the burden of criminal sanctions should lie.

7. We, therefore, support the full decriminalisation of those who sell sex, who are disproportionately women: many enter as minors, others are coerced into
prostitution and most are selling sex as a survival strategy. As a matter of principle, therefore, it is entirely inappropriate that criminal sanctions are applied to this group. In practical terms having a criminal record deters many from exiting, since they are effectively barred from many potential sources of sustainable livelihoods. In the event that selling sex is entirely decriminalised this should include extinguishing previous convictions for prostitution related offences.

8. We further support the proposal that the criminal sanction should be on those who buy, both to challenge the sense of entitlement that too many men think they have to sex and specifically that they should be able to purchase sex. This move would fulfil legal obligations under which the Westminster government is required to reduce demand as part of anti-trafficking strategies. The Un Palermo Protocol, the EU Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, the EU Strategy (COM (2012/286) Towards the Eradication of Trafficking in Human Beings and Resolution 1983 adopted by the Council of Europe Parliamentary Assembly in April 2014 all require demand reduction. Since there is no separate commercial sex market for trafficked women, this has to mean demand for prostitution per se. Mr Mendes Bota, chair of the Council of Europe working group on violence against women concluded in a 2014 report:

> While each system presents advantages and disadvantages, policies prohibiting the purchase of sexual services are those that are more likely to have a positive impact on reducing trafficking in human beings. Irrespective of the legal approach adopted, prostitution regulations should include harm-reduction measures aimed at countering the negative effects of prostitution on the people involved and supporting those who wish to leave the sex industry.²

9. We note that there is limited reference to other parties in prostitution in this consultation. It is a further principle in the anti-trafficking international instruments that no one should profit from the prostitution of others. This should be a matter about which a clear policy position is taken, since it too offers a clear route for reducing demand. The criminal law should be updated to recognise the many ways in which those selling sex may be controlled and exploited by others.

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

10. Whilst there is debate as to whether prostitution constitutes violence against women there is absolutely no doubt that it is a conducive context for it: research tells us that women who sell sex are exposed to far higher rates of physical and sexual assaults as well as suffering higher levels of lethal violence.

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¹ We use this term to refer to those who sell access to their bodies. We do not support the decriminalisation of those who facilitate access to their bodies or are involved in the selling of others.

11. To begin at a policy level, one implication is that the Crown Prosecution Service (CPS) could take a decision not to prosecute anyone selling sex for prostitution related offences. They could also work with the police to more effectively prosecute crimes of violence against those who sell sex and to target those who profit from the prostitution of others. Neither of these steps would require legal reform, but would be a way of implementing the current CPS policy position.

12. We endorse the submission from the Nordic Model Information Network that prostitution should be included in violence against women and girls (VAWG) strategies at a national and local level.

**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.**

13. We are not in a position to offer evidence or view on this matter.

**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; and discourage demand which drives commercial sexual exploitation**

14. Clearly specialist services which enable those who sell sex to access support and explore exiting should be supported\(^3\). There are local policy models which combine decisions not to criminalise those who sell sex, to offer holistic support whilst simultaneously discouraging demand: such efforts have been tried in Ipswich\(^4\), Lambeth\(^5\) and currently in Hounslow. These should be commended throughout the police and to Police and Crime Commissioners. However, they also require a national steer from government.

15. We would argue further that focus also be placed on those who profit from the prostitution of others, beginning with a mapping of the multiple ways in which this happens in the UK contemporary sex industry.

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