Written evidence submitted by the
Cambridge Centre for Applied Research in Human Trafficking

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

For over a century since the campaigning days of Josephine Butler and her struggle to rescind the Contagious Diseases Acts which placed on women the onus of having to prove themselves free from STVs whilst those who purchased their services went unchallenged. For Butler she saw this asymmetrical treatment as a ‘violation of the constitution’ even before a time when women received the vote. Her aim was particularly attuned to the requirement for educational and employment opportunities of women away from the physical and psychological risks of being prostituted.

In 2016, in a country which will within the next 12 years celebrate 100 years of full female suffrage alongside males – we should be actively addressing alternative models of managing the ubiquity of paid for sex with women with men as the overwhelmingly dominant purchasers. Within this exploration we need to thoroughly explore

a) The business model of how prostituted sex is supplied into the market place for men to consume

The levels of intergenerational, international and systemic exploitation of females within their domestic locations and ‘objectification’ conditioning within public spaces, needs to be acknowledged and researched to understand how there is a steady supply of females available to the sex industry to be deployed into a ‘work’ environment which carries such high levels of negative psychological and health impacts as the government’s consultation paper “paying the price” in 2004 and supporting research work from Bristol University, clearly indicated.

Any business model being developed to bring a ‘product’ to market must include the potential demand to realise its viability, This is a ‘commercial offer’ constructed over time to respond to an apparently ubiquitous ‘demand’ from predominantly male customers, and commercial opportunity for those involved in bringing females into the market space. The levels of constraint in play around the ‘supply’ of females within this trade is a subject which needs to be constantly addressed. Now that governments are aware of the trafficking of people, including women, minors and men into sexual exploitation, the constraints at work within the sex trade, need once again to be addressed.

Much good work has been undertaken already, however the research field needs to be continually updated with targeted and continuous monitoring of this sector. If it is deemed that sexual labour is a form of labour which is generated through the violation of females, minors and some males bodies, with a negative impact both on their lives, and a wider negative impact on the social networks which surround this ‘trade’ then the purchasing of sex by either a male or a female needs to face some serious deterrent. Criminalisation of the buyer is therefore a clear option for any government which looks steadily at the evidence which is replete in the documentation of public health support, psychological services, police reports, agencies
dedicated to working with those ‘exiting’ prostitution, and the testemonies of women who have finally emerged the other side of a prostituted ‘working life’. The normalisation of ‘violence’, ‘rape’, ‘dissociation’, risk of STVs, unwanted pregnancies and abortions, and coercive tactics, across a ‘working’ decade, let alone a ‘life’ – develops a narrative which any modern state committed to gender equality and the fundamental rights of us all to enjoy a flourishing life free from abusive, coercive and damaging behaviours in our places of work, public spaces and our homes, must surely put its energies into deconstructing.

b) The implications of the Crown Prosecution Service’s recognition of Prostitution as Violence against Women.

This is the point of departure for the Model of protection from the violence seen as inherent within the labour supply and business model of prostitution practiced in most parts of our contemporary world.

We are currently undertaking a comprehensive review of the research which has been undertaken monitoring the impact of the Swedish legislation on Prostitution (with exit programmes and support for those on the journey of transforming their skills, routines and knowledge into other areas of monetisation) and critically the impacts on the criminalisation of the buyer.

There has been much claimed from those supporting the ongoing freedom of the sex industry to continue in the mode which has become accustomed here in the UK that criminalising the buyer only serves to drive the harms of Prostitution even further ‘below the radar’ putting women caught in this form of labour, more comprehensively at risk. We are reviewing this claim with the evidence which has been accrued in Sweden. We are also mindful that with another ‘small state’ taking this approach in the Republic of Ireland, that there will be an increasing zone of alternative practice for countries which are not seeking to make an ideologically informed commitment away from Prostitution, but want to ‘explore the evidence’, to do just that.

However we note that if the evidence shows that prostitution is a form of ‘violence against women’ then this is not a ‘perpetrator’ or ‘victim free’ crime. In all other manifestations of violence the perpetrators are punished to send a strong indication from the State that such behaviour is not tolerated in its borders. We are internationally on a long road of transforming approaches to gender based violence, and the result of key changes by countries such as Sweden and Ireland will be the steady deconstruction of abusive and controlling behaviours which can be seen to cluster heavily around this area.

We want to reiterate here the inherent power imbalance at the heart of prostitution that requires the law to be revisited and recalibrated, as at the present time it is weighted troublingly against women being able to leave ‘the trade’ and also works to undermine attempts to appropriately address sex trafficking.

Whilst proposals to recalibrate placing the burden on the buyer of sex for the purposes of criminal law make an important step in displacing the burden off the sex worker, it is critical
that the Government be careful that in recalibrating that the buyer of sex is not dissuaded from reporting encounters with trafficked women. There is a need to balance wish to defer criminal liability on to the buyers of sex with the fact that (an unknown number) of these individuals are able to report the exploitation of sex trafficked women.

This is an issue which more research needs to be commissioned around, so that there is a clear evidence base supporting a nuanced approach to the way in which ‘clients’ are ‘managed’ through any change in approach of CPS guidelines.

C) Exiting –

One of the areas around the Swedish Model which is consistently underappreciated, are the resources and altered organisational behaviours which are set in motion by the state in supporting women who come to the notice of enforcement and protective processes who are involved in prostitution.

From the early research which members of our team have been undertaking across the Health Sector – it appears that members of public health and social services teams are not particularly well resourced in understanding the vulnerabilities of women who are at risk of or who are already involved in prostitution.

This is an area which is absolutely critical for the development of a legislative response which fully incorporates a multi-sectoral response which appropriately captures the multiple forms of constraint, abuse, and ongoing dependencies which are in play which keep women and some men within a form of coerced control in which much of prostitution is set.

c) The need for a wider integrated multi sectoral response

In part, a narrow focus on criminal provisions may actually distract from the fact that the agencies that day-to-day deal with these issues, like local authorities and the police, adjust priorities and activities by government direction, which has left prostitution a low priority. Where there has been effective policy at local level, it has tended to be through effective local leadership rather than national initiative. What is clear is that continued discourses on immigration that polarise and don’t attend to the poverty experienced by many immigrant women in fact continue to make them vulnerable to sexual exploitation, driving the sex trade. There is a clear need for a wholistic multiagency response, both the prostitution and trafficking.

On the issue of trafficking for sex, NHS staff have identified to our researchers, that they feel undertrained and feel unqualified to distinguish between human trafficking and other forms of violence and exploitation. This not only has direct implications for adequacy of care, but also for effective consent to refer to competent authorities under the NRM. Funding to roll out effective programmes and training from one PCT or NHS FT often does not translate across the service. This is true generally, with a lack of coordination, funding to roll out
effective programmes being sparse. Complimentary training for staff to aid referrals to exit the sex trade would be helpful also