Women Analysing Policy on Women is an unaffiliated network of professionals, activists and writers from diverse backgrounds collaborating to provide robust analysis on existing and proposed policy decisions that affect the lives of women in the UK.

1. Executive Summary

1.1 WAPOW supports the call for a sex buyer law, sometimes called ‘The Nordic Model’, which unequivocally decriminalises those, overwhelmingly women, selling sex. An adequate sex buyer law would place the onus of criminal responsibility on the buyers and those who profit from the exploitation of women in the sex trade (overwhelmingly men) themselves. It is the buyers who pose the greatest risk to the physical and psychological wellbeing of women involved in the industry.

1.2 We also call for adequately provisioned services to be offered to women currently working in the industry should they require support to leave the industry, and for the expunging of all criminal records that could hinder such a move to exit.

1.3 This position is based on the belief that the sex trade is a global organised industry that both relies on and reinforces a dehumanising commoditisation of all women’s bodies. It functions as an institution of violence and exploitation against women and is incompatible with the attainment of full human rights for women.

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

2.1 WAPOW supports the removal of all criminal sanctions on individuals who sell their own sexual services

2.2 Criminal responsibility should instead lie with those who operate businesses that profit from the sexual exploitation of women, and sex buyers who create the economic rationale for such businesses.

2.3 The APPG Prostitution and the Global Sex Trade’s report from 2014 stated that “those who sell sexual services carry the burden of criminality despite being those who are most vulnerable coercion and violence. This serves to normalise the purchase and stigmatise the sale of sexual services […]. Moreover, legislation does not adequately address the gendered imbalance of harm within prostitution, and as such is detrimental to wider strategies which pursue gender equality”. The APPG recommended that Parliament adopt the Sex Buyer Law.

2.4 The gendered asymmetry within the sex trade is often elided or minimised by industry proponents of complete decriminalisation who are, with or without good faith, also unrepresentative of the majority of those whose pathway to selling sex and for whom
the outcomes of selling sex are marked by vulnerability, disadvantage and abuse. However the reality of the global and UK sex trade is that the overwhelming majority of the sellers are women, and a complete majority of the buyers are men. This dynamic is a reflection of the global power imbalance and asymmetry of violence between the sexes, and would be an ultimately insurmountable barrier to women’s attainment of full human rights even without the efforts of a well organised and often criminal industry to increase the feeling of entitlement to sexual access to women among men.

2.5 WAPOW believes that governments are duty bound not to collude with the sex industry in fostering this sense of entitlement which is a cause and consequence of inequality. The duty of care of the state should be to the vulnerable women from whose bodies the industry profits; not the profiteers themselves or the men who will be sent the message that sexual exploitation of women is natural and inevitable. In parallel, decriminalisation of the industry will send an equally powerful message British women and girls that they are commodities rather than fully equal and valued citizens.

2.6 Prostitution is not inevitable and indelible, the product of individual women’s autonomous decisions to sell sex, but a deliberately created economic institution, sometimes even regulated and profited from by the state. If it can be created, regulated, advertised, and staffed with vulnerable ‘workers’, then like any other economic institution, it can also be dismantled.

2.7 There is no evidence that decriminalisation of the sex trade increases the safety of women working within it. There is evidence that decriminalisation serves to increase demand, resulting in an increase in trafficking of women in order to meet that demand.

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

3.1 As noted above, the sex industry functions both practically to severely violate women’s human rights through coercion and violence, and symbolically to shore up the view that women are commodities that men have a right to have unfettered access to.

3.2 Those in the front line of the Criminal Justice System are most familiar with the aetiology of men’s violence against women at the level of individually violent men. The CPS recognises the links between men’s entitlement to exploit women who sell sex and their propensity to be otherwise violent to women. Criminal justice agencies including the police are better served, and better equipped to respond appropriately to risk, when the CPS framework accurately reflects this.

3.3 WAPOW therefore supports the CPS move towards recognising prostitution as a totality as a form of violence against women.
4. Regarding: 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.

No evidence submitted.

5. Regarding: 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

5.1 WAPOW strongly supports the call for a sex buyer law which will decriminalise those involved in selling sex while criminalising those who profit from the sale of it and the buyers themselves.

5.2 However, the fact remains that a significant number of women engaged in the industry depend on selling sex for their livelihoods, or are hindered from seeking other forms of employment by the existence of criminal records in connection with prostitution or substance misuse. Attempting to impede the industry without adequate support for those currently working in it would be an irresponsible move. We therefore strongly support the creation of adequately funded ‘exit services’ and an increase in funding to many currently existing but underfunded and struggling services run by women’s charities.

5.3 Furthermore, measures such as fines and penalties for sex buyers are necessary to discourage demand; the global sex trade flourishes largely because men are eager to pay for the services of often coerced women in the industry. While limited penalties exist for paying for sex with a coerced individual, they are virtually unenforceable as long as vulnerable women fear arrest or deportation if they report the abuse. We further believe that all persons in prostitution, be they victims of trafficking or pimping or not, are harmed by virtue of having their bodies commoditised, and on that basis we call for blanket penalties against all men who seek to thus exploit them.

5.4 The existence of woman-centred services, penalties for buyers and a robust prosecution framework from the CPS would reinforce the message that any stigma resulting from prostitution should rightly lie with those resorting to the sexual exploitation of women and not with the women being exploited. This shift in the state’s relation to its female citizens is a critically necessary step in the elimination of all forms of violence against women and girls, which we believe is the single greatest barrier to women’s human rights active in the world today.