Written evidence submitted by Nia

Terms:

- This submission uses “women involved in prostitution” in recognition of the fact that the majority of those selling sex are women and buying it are men and that we do not see prostitution as “work”.
- Decriminalisation is meant by some to include decriminalisation of the entire industry including buyers, managers, pimps etc. and by others, including ourselves, to refer purely to the women selling sex.
- Legalisation refers to establishing a regulatory regime but is usually understood to mean complete decriminalisation and regulation of the entire industry.
- Sex worker is understood by some to mean anyone connected to the sex industry – including dominatrixes, pole/lap dancers, telephone sex chat, maids, drivers, managers, pimps. By others, including ourselves, it is understood to mean the person directly involved.

1 About Nia and our position on prostitution

1.1. **Nia** is a charity working on all forms of violence against women and girls from a women’s human rights stance. We share the interpretation of Article 6 of the Convention on the Elimination of all forms of Discrimination Against Women\(^1\) which positions prostitution as symbolic of women’s continued discrimination and inequality. As such, **Nia** is a supporter of the so-called “Nordic model”.

1.2. Despite extremely polarised views, there is some shared ground:

- Individuals directly involved in selling sex should not be criminalised.
- Recognition of high levels of violence and stigma in prostitution.
- All women, including those in prostitution, must have equal access to safety and justice.

Women working in/exited from prostitution themselves may have different views and there are some 50-90 academics who could be cited on both sides of the argument.

2. Expertise and track record

**Nia** pioneered a refuge to provide specialist support and accommodation for women with problematic substance use and related multiple disadvantages including mental health issues and involvement in prostitution. **Nia** also runs the London Exiting Advocacy project (formerly Eaves) providing specialist support to women involved but seeking to exit and the research function, relevant work includes:

- Men Who Buy Sex: Who they buy and what they know 2009
- Breaking down the barriers: a study of how women exit prostitution 2012, which now forms the basis of the academic text book “Exiting prostitution: A study in female desistance”
- Breaking the cycle: problematic alcohol use amongst women involved in prostitution, 2013
- Capital Exploits: prostitution and trafficking in London, 2012
- Currently we are finalising a report on the impact of criminal records for prostitution related offences on women involved and exiting prostitution

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\(^1\) “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”. 
3 Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.

About women involved in prostitution

We advocate a shift in policy such that buyers and exploiters are targeted by enforcement. Many women involved enter, often under age 18; (Matthews & Benson 1995), following neglect, physical or sexual abuse, destitution, homelessness, leaving care, coercion and addiction. 71% of our sample had suffered violence from punters. In her study, Stolen Smiles, Zimmerman found that 56% of the trafficked women had symptoms that qualified for PTSD. Our study also found 76% of women identified serious physical and mental health issues either pre-existing or developed/exacerbated in prostitution.

Buyers’ own attitudes

Buyers, on the contrary, are always making a full and free choice. Indeed this is one of their attractions “you’re in complete control.” (Farley et al 2009)

Research suggests that men using prostitution and pornography tend to have a higher tolerance of rape myths and misogynistic attitudes (Farley 2011). In addition, police have found that men using prostitution may engage in other criminal behaviour including domestic violence and that the prostitution industry overlaps with organised crime.

Research into the buying behaviours and attitudes of men who use prostitution has found:

a) That many men feel ambiguous about buying women in prostitution

“I feel sorry for these women but this is what I want.”

“Men think if they can buy a prostitute and treat her as an object, they can do the same with other women.”

b) That legalised/normalised regimes are an attraction

Farley et al (2009) found that some men mentioned travelling to the Netherlands or New Zealand specifically because prostitution was legal in those countries. The fact that it was legal and/or normal was an enabler for them reducing inhibitions. “… But in that different setting, the context where there are different views, it rubs off on you very quickly…”

Research has highlighted that, “A migration of demand toward the more relaxed policing area can be expected” whether that “more relaxed area is a particular neighbourhood in London or a

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2 These figures relate to a study (Bindel et al (2012) ) Breaking down the barriers: a study of how women exit prostitution (Eaves, London)which interviewed a majority of on-street women but in fact this and subsequent studies found the distinction between on and off street is more blurred than sometimes portrayed.


6 Farley, M. et al (2011) Comparing Sex Buyers with Men Who Don’t Buy Sex “You can have a good time with the servitude” vs. “You’re supporting a system of degradation”

7 Op.cit. 5

8 Op. cit. 5

particular country in the EU.” Similarly, Cho et. al.\textsuperscript{10} found that trafficking increases in regimes where prostitution is legalised.

Legislation can have transformative impacts on society’s attitudes and behaviours\textsuperscript{11}. Sweden has seen a complete reversal of opinion from opposing the Nordic model prior to its introduction to support now.

c) That men are often aware of the harms involved but this is no deterrent.

“Part of my regret is my lack of certainty that the woman wants to do it.”\textsuperscript{12} However, this contrasts with the fact that 16% of the men interviewed in the Men who Buy Sex study said they would rape if they could get away with it and indeed buyers sometimes request the “rape experience”.

In the same study\textsuperscript{13}, 35% of men when asked, estimated that 50-90% of women in prostitution had probably been sexually abused as a child, several assumed that at least a third had entered under 18. Forty eight per cent believed that women in prostitution were controlled by pimps and 50% thought they had used a woman controlled by a pimp. Whatever the actual figures, men, even with these assumptions about the degree of harm, are still choosing to use women.

In ten years of running the Poppy project for victims of trafficking, less than 1% of referrals came from buyers.

d) That they realise that demand is key to prostitution

“Prostitution is there because men are looking for it.”

e) That only criminalisation and punitive/shaming responses will deter men

Among the 14 options for deterrents that were raised by men – only 47% thought that education programmes were helpful. All other suggestions came in at 72-85% and included being added to the sex offender register, ASBO, prison, community order, heavy fines, billboard or newspaper naming, letters to family.

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

CPS was the first department to have a violence against women strategy and to include prostitution within it. This is relevant as it is therefore unlikely to be in the public interest that women, so often victims in prostitution, should be criminalised whereas it suggests that buyers, pimps etc. who are contributing to abuse should be the focus of criminal measures. The introduction of S14 of the Police and Crime Act (PCA), which made buying from a coerced person a strict liability offence, has enabled more of a focus on the buyer. However, it is still the case that the main driver for addressing prosecution is local pressure usually with residents complaining about nuisance. This usually relates to visible on-street prostitution or noise and disturbance at brothels. Measures which ASBO and


\textsuperscript{12} Farley et al (2008 ) Challenging men’s demand for prostitution in Scotland (Glasgow Women’s support project).

\textsuperscript{13} Op. Cit. 5
disperse women are viewed by the police and local authority as quick, easy and cheap whereas measures addressing buyers are viewed as more onerous and harder to prove. Consequently, to date, there has been little implementation of powers that enable police to challenge buyers\textsuperscript{14}. It is notable however that both police and local residents realise that ASBO and dispersal mechanisms are not effective as they are only temporary. Should the government finally adopt a clear vision and strategy for prostitution, and one which challenges demand, this would provide much more of an impetus for action against buyers.

Women criminalised for prostitution-specific records face disproportionately negative and damaging impacts. All ex-offenders suffer with the impact of criminal records\textsuperscript{15} but women in prostitution are essentially victims and yet treated like sex offenders. The work most available to them and which they would choose, if exited, disproportionately includes care/social work and work with vulnerable people\textsuperscript{16} – all requiring an enhanced DBS check. In many cases, women will not even apply for jobs, internships, roles to support their children’s school or local public office etc. for fear of disclosure.

5. 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.

Firstly we welcome the fact that this consultation is considering the links between prostitution and trafficking. My former colleague, Ruth Breslin, highlighted how these two different areas are very closely linked in her evidence to the NI select committee for Lord Morrow’s bill\textsuperscript{17}. In summary, she highlights that prostitution and trafficking share many similar facets: routes in, experiences within it, the context or location, the attitudes of the buyers and the long term effects on the woman.

In our view existing mechanisms – (Palermo Protocol, the Council of Europe Convention on Action Against trafficking in Human Beings) are effective if implemented. They prioritise key areas: support for women not being conditional on police cooperation, victims not usually being prosecuted for offences, gender specific provision, compensation and not being held in detention. It is unclear what added value the Modern Slavery Act offers, however, we welcome measures that keep a focus on the issue.

Whilst it is right and proper that action on trafficking should focus on all forms of trafficking and support all victims, we fear commissioning does not favour quality services and that the gendered analysis of trafficking and gender specific support has been lost somewhat.

6 Whether further measures are necessary

A priority is for central government to articulate a clear vision, strategy and aspiration to address prostitution. The current lack thereof is sorely felt:

\textsuperscript{14} Op. Cit. 3
\textsuperscript{16} ONS (2013) Full report: women in the labour market
\textsuperscript{17} \url{http://www.niassembly.gov.uk/globalassets/documents/official-reports/justice/2013-2014/140213_humantraffickingetcbilloralevidenceevent.pdf} pp20-22
a) That there is no government position means it is never prioritised at any level of government. In a
time when local authorities and services are stretched, it’s just one less thing to worry about.

b) Turning a blind eye is not a neutral position; it enables prostitution, and all the harms and abuses
involved, to flourish and be normalised and is never going to invest in exiting support.

c) Leaving it to local authorities’ discretion, results in entirely contradictory, and often therefore also
financially wasteful, approaches. So one borough may be investing in exiting and challenging
demand, another may be arresting and asboing women. This results in displacement rather than any
sustainable response and in a breach of the natural rule of law as individuals do not know, from one
side of the street to the other, if their conduct will be ruled lawful or not.

**a) To assist those involved in prostitution to exit from it**

Between 85% and 95% of women involved would leave prostitution if they could. Research has
identified, women involved in prostitution face a range of barriers – money, housing, legacy of
childhood violence, coercion, mental and physical health issues, problematic substance use, having
entered at an early age, lack of qualifications and experience multiple criminal records.

Yet, there is extremely poor understanding of exiting. One woman described being told to throw
away her sim card and just stop. As she said, there are multiple reasons why it isn’t so simple! Some
have even said that to offer exiting is an affront to human dignity. There can be no recognition for
the need for such women only, specialist exiting support unless there is an analysis that
problematises prostitution and understands the complexity of exit.

An additional factor for successful exit and building alternative lifestyles is wiping or sealing
prostitution specific records and ensuring that women in court for prostitution offences are
anonymous.

**b) Increase the extent to which exploiters are held to account**

It is disappointing and, in our view, a false economy, that in a rush to save money the first thing to
be cut is a specialist unit. Some of the specialist police teams were better able to understand the
issues, identify women, build relationships with referral agencies and to invest time and effort in
following the money so more effectively building a case against exploiters.

**c) Address demand**

See 3) above

**Women’s own voices**

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18 Farley, M. (2004), Prostitution is sexual violence. Psychiatric Times
20 Cusick, L., Brooks-Gordon B., Campbell, R. Edgar, F. “Exiting’ Drug Use and Sexwork: Career Paths,
145–156.
At nia, we try, where possible, to obtain women's own views. Two women are happy for us to share their entire correspondence (anonymously) if required, but here we highlight some extracts.

"I don't think women should ever be charged for soliciting if someone should be charged it should be the buyer there would not be a market for prostitution if there were not buyers. Women could be told of places to receive help exiting or drug agencies etc. given a list of agencies..."

"Needs more public awareness or from other agencies or posters in court, waiting rooms, drug agency, doctors. Even maybe public awareness about what difficulty we have around choices we are given. This can happen to any woman who doesn't have choices - it wasn't my childhood dream to become a prostitute"

"I do believe those who pay for sex and those who exploit women and make a profit from selling sex should be the ones who are criminalised. I understand that there are a variety of reasons why women become involved in prostitution, but I don't think it's ever a lifestyle choice, although for some women it may feel so at the time, these reasons, although varied, come from, I think, a place of any, or a combination of the following: trauma, desperation, stress; therefore women should never be the ones who are criminalised."

"Yes, absolutely, men's demand for prostitution should be challenged. The right for men to buy and have access to paid-for-sex needs to be challenged, and I wonder, if alongside questioning this right, it would be helpful to highlight the women who end up in prostitution, and the long lasting effects this can have. From the little I have read, and my own experience, I understand that many women who enter prostitution have already suffered violence and abuse, and although many women may be agreeing to this sexual activity, and for some it feels like a lifestyle choice - some women believe it is their right to make these decisions and live their lives how they choose - the fact that many, if not all of these women, will have come from a place of trauma, desperation, stress et., means that prostitution is always harmful and damaging.

"More services need to be made available and they need to be advertised in easily accessible and day to day places. My experience of exiting services has been wholly positive: I found a supportive, non-judgemental, confidential place, which allowed me to move at my own pace; I hope that this is the standard, however I did have to search actively online for this support."

"Supporting women in providing evidence against those who have exploited them, whilst ensuring that these women won't be criminalised in anyway, providing anonymity (if this is not already the case) would be helpful in building cases against the exploiters and profit makers."

**Conclusion**

In short we commend an enhanced Nordic model:

- Decriminalising the women selling sex – including sealing/wiping records;
- Preventing women going into prostitution by providing women and girls with real support and choices;
- Investing in supporting women in prostitution and in particular in supporting specialist work for women wishing to exit;
- Investing in research to track the impact of policies on women and rectify any unintended negative consequences should they arise;
- Challenging men’s demand for prostitution by prosecuting buyers.