Written evidence submitted by Max Gentle

Written submissions are invited on the following issues:

- Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.
- What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.
- 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.
- 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
  - Discourage demand which drives commercial sexual exploitation

In respect of criminal sanction in relation to prostitution, I believe there should be no criminal sanction of either party in relation to prostitution where the activity is undertaken by freely consenting adult participants. If any of the parties are not freely consenting adults, then there is a wealth of other legislation that can and should be employed.

If I and a partner choose to spend an evening dressed head-to-foot in shiny black leather, ravishing each other's bodies while swinging from the chandelier, the law takes no interest. No interest that is until and unless money is involved! At that point, prurient, proscriptive lawyers, legislators and feminists crawl out of the woodwork to try to limit and deny mutually-agreed pleasures between two freely consenting adults that harm no-one.

The Crown Prosecution Service's “…recognition of prostitution as violence against women” seems entirely anomalous to me. I understand that there are cases of prostitutes being subjected to physical violence and/or coercion and I would advocate such cases being dealt with by existing legal structures. However, the assertion that prostitution per se is a form of violence is nonsense. There are many women who engage in prostitution willingly and in full knowledge of what it entails: they are not helpless victims.

The CPS seems to regard such women (and I have to ask: what about male prostitutes?) as the victims of predatory men who set out to abuse and degrade them. I've enjoyed the company of many prostitutes and pretty much the first interaction that takes place is me handing over a sum of money to the woman. It's a simple financial transaction: she agrees to perform certain sexual acts with me in return for an agreed sum of money. This is consensual activity in which the legislative machinery of the state has no place.

I may visit a restaurant and order a meal; the food arrives, I eat, I pay and I leave – the law has no interest in that transaction. I go to a hairdresser, I get my hair cut, I pay and I leave – there is no place for the law to get involved in that transaction between freely consenting participants. However, if the transaction involves sexual activity, then suddenly it seems to become a matter of intense interest to the legal mind.
It’s clear to me that this phrase “prostitution as violence against women” is a bizarre distortion of the English language perpetrated by an extreme feminist caucus who want to be able to regulate how women and men are permitted to relate to each other. A woman may take a job stacking shelves in a supermarket or cleaning toilets or mopping vomit off a hospital floor for a pittance of a wage, yet woe betide her if she dares to step outside societal norms and earn far more money, working on her own terms and making her own way in the world.

I have no information about any impact the Modern Slavery Act 2015 may have had, whether or not any further action is planned and the effectiveness or otherwise of any action that may have been taken.

I believe that there should be help available for anyone who wishes to exit prostitution, although judging by the current government’s record, anyone who isn’t a multi-national, a millionaire and/or a major donor to the Conservative party will have to wait until hell freezes over for help of any sort. I do not believe that anyone should be coerced into leaving prostitution if they don’t want to.

The question of holding exploiters to account raises the question: who are the exploiters? Presumably, the wording is supposed to mean the customers of prostitutes, thereby implying that such customers are by their actions exploiting the prostitutes in an unjust, repressive manner. I reject any such implication. My experience is that prostitutes and clients engage in mutually advantageous interactions: it’s a transaction: neither party is exploiter or exploited.

I’m against commercial sexual exploitation in general.