Written evidence submitted by The Judith Trust

Executive Summary

1. The Judith Trust works to improve the lives of those with both learning disabilities and mental illness. It is well known that rates of mental illness are higher in populations with learning disabilities. It is also the case that children and women with learning disabilities experience more violence and abuse than children and women without such disabilities.

2. In summary, those with learning disabilities are more vulnerable and open to serious risk than others. This includes the chances of being trafficked, of becoming involved in prostitution, of experiencing prison, of having their babies removed into care at birth or later.

3. This, together with the general arguments about the nature of prostitution that is a form of violence against women leads us to:
   - assert the need to decriminalise all who sell sex (mainly women and girls) and
   - provide them with services to enable exit and with skills to be able to earn from alternative employment
   - train the police and all other social services with understanding of the new law and to implement it effectively and with acceptance of prostitution as violence against women
   - assert the need to criminalise the buyers of sex (overwhelmingly male) in order to reduce the demand for sex and hence demonstrate the lack of a market for traffickers, pimps, brothel owners to exploit women and those who sell sex mainly in an effort to survive

About the Judith Trust

The Judith Trust seeks to fill the gaps for those who have both a learning disability and mental illness needs. It focuses on women and Jewish people. The Trust is a small family foundation and supports research while carrying out a range of training and awareness raising projects especially geared to further real inclusion of this population in their communities and institutions. It advocates for changes in law and policy based on its work and knowledge of the group with which it is mainly concerned.

Evidence relating to the inquiry’s terms of reference

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

- In 2013-14 over double the number of people were charged with soliciting/loitering than kerb crawling. This is wholly wrong. There is a fundamental issue of inequality that needs to be recognised since the overwhelming majority of those selling sex and involved in prostitution are women and girls while the overwhelming majority of those buying sex, whether from women and girls or from boys and men, are males.
Prostitution is violence against women. No woman should face criminal sanction for soliciting. But those who sexually exploit others - the sex buyers - should face criminal sanctions.

Parliament should adopt legislation that:
1. Decriminalises all those who sell sex
2. Provides for investment in exiting programmes, social welfare support and education/training AND ensures the police, welfare and social services are trained to implement policies supporting the legislation
3. The proposed Sex Buyer Law provides an example of such legislation, which has been termed the Nordic model since it was first, brought in in Nordic countries.

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

- It is right that the Crown Prosecution Service recognise prostitution as violence against women. This is consistent with the policy of the Mayor’s Office for Policing and Crime and the Scottish Government. This also follows the line taken in the UN Beijing Platform for Action (1995) and CEDAW – the Convention to Eliminate All Forms of Violence Against Women
- It is also the case that the women involved in prostitution are among the most vulnerable – many are drug users, have learning disabilities and/or mental health issues and are poor – they seek to survive.
- Our laws do not currently reflect Crown Prosecution Service recognition of prostitution as violence against women. Women can face criminal sanction for their sexual exploitation, while those who exploit - the sex buyers - are permitted to do so by the law, because paying for sex is legal.
- The Nordic Model (Sex Buyer Law) needs to be adopted in order for prostitution-related offences to reflect the fact that, as the Crown Prosecution Service states, prostitution is 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.

- Tackling demand for prostitution is critical to ending the trafficking of women and girls into the sex trade. The sex trade exists – it is global, legal in most parts of the world, linked to pornography everywhere - especially given the exponential growth of porn on the Internet - and connected to other criminal activities such as drug trafficking, and illegal small arms trading. If prostitution did not exist, there would be no demand for the women, girls and boys who are trafficked for the very purpose of sexual exploitation in prostitution.
- The Modern Slavery Act fails to address the demand from sex buyers that drives the trafficking of women and girls into prostitution. As Lord McColl
of Dulwich said, the failure of the Modern Slavery Act to address the demand for sex trafficking was "a very serious oversight given that, according to the NRM figures, sexual exploitation is consistently the most prevalent form of human trafficking in England and Wales." 

- The Nordic Model (Sex Buyer Law) must be adopted to discourage demand in order to end trafficking for purposes of prostitution.

Whether further measures are necessary, including legal reforms, to assist those involved in prostitution to exit from it

- Those who are exploited through prostitution by being paid for sex should be decriminalized. Having a criminal record for soliciting can be a significant barrier to exiting. The most vulnerable women such as those with either or both of learning or other disabilities and/or mental ill-health are particularly exploited by the power differential they face and by their own possible lack of understanding, and of alternatives.
- Having such a record ends as being noted against the person (usually a woman) as a sexual offence. This prevents her from ever being trained and employed in such areas as child care, social welfare and with young people who may be being sexually exploited or at risk of abuse with whom she may in fact be especially qualified to work by drawing on her own experience.
- Adopting the Nordic Model (Sex Buyer Law) would send a clear message to local authorities and agencies that prostitution is a form of violence against women and they have a duty to support women to exit commercial sexual exploitation.
- Without legislating for exiting programmes and all the services required for this to be a success, requires the government should produce a national strategy for the delivery of comprehensive exiting services for people exploited through prostitution, including training for police, and all social services involved.

Increase the extent to which exploiters are held to account

- The Nordic Model (Sex Buyer Law) should be adopted to send a clear message to police and enforcement agencies that prostitution is commercial sexual exploitation. As the All-Party Parliamentary Group on Prostitution has noted, at present "the law is incoherent at best and detrimental at worst. The legal settlement around prostitution sends no clear signals to women who sell sex, men who purchase it, courts and the criminal justice system, the police or local authorities." 
- Adopting the Nordic Model (Sex Buyer Law) would give police the powers to hold sex buyers to account for exploiting women in prostitution. At present, police are unable to do this because paying for sex is legal.

Discourage demand which drives commercial sexual exploitation
- The Nordic Model (Sex Buyer Law) should be adopted because it is a legal framework designed to discourage the demand that drives commercial sexual exploitation.
- There is significant evidence showing that criminal sanctions are a key method of deterring demand.
- Northern Ireland is the first country of the UK to adopt the Nordic Model. Paying for sex is illegal but soliciting (i.e. 'selling sex') is not. The Republic of Ireland has followed suit.

**Facts and statistics**

**Commercial sexual exploitation in the UK**

- Approximately 80,000 people are involved in prostitution in the UK\(^{iii}\) - the overwhelming majority of them women.
- The trafficking of women into England and Wales to be exploited in prostitution is worth at least £130 million annually\(^{iv}\).
- It is estimated that 50% of women in prostitution in the UK started being paid for sex acts before they were 18 years old\(^{v}\).
- Up to 95% of women in street prostitution are problematic drug users\(^{vi}\) and over 50% have been raped and/or sexually assaulted - the vast majority of these assaults committed by sex buyers\(^{vii}\).
- The Crown Prosecution Service, the Mayor's Office for Policing and Crime and the Scottish Government all recognise prostitution as a form of violence against women\(^{viii}\).

**Demand**

- Prostitution is underpinned by the demand from sex buyers: without their demand there would be no 'supply' of women into the trade.
- During the 1990’s the proportion of men who pay for sex almost doubled in the UK - from one in 20 to almost one in 10\(^{ix}\).
- The European Union Commissioner for Home Affairs has stated, “only by addressing demand for all forms of exploitation can we can begin <to> address trafficking in human beings... we cannot address the sexual exploitation of victims (the overwhelming majority being girls) without addressing the users.”\(^{x}\)
- An inquiry into human trafficking in Scotland in 2011 by the Equality and Human Rights Commission concluded, “Demand is a key driver for human trafficking. This fact underlines the need for ‘destination’ states, such as the UK and Scotland, to take responsibility to act to tackle trafficking through targeting demand.”\(^{xi}\)

**International obligations to tackle the demand driving sex trafficking:**

- Article 9.5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children states that, “States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral
cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”

- The EU Directive on trafficking in human beings requires member states to take action to reduce demand in order to prevent trafficking.
- Article 6 of the Council of Europe Convention on Action against Trafficking in Human Beings requires member states to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”

Research supporting criminal sanctions as a key method for deterring demand:
- Research conducted with 110 men in Scotland who paid women for sex found 79% of the respondents said having to spend time in jail would deter them from paying for sex, while 72% reported that a greater criminal penalty would do so.
- Interviews with 113 men in Chicago (US) who paid for sex found 83% of the men said a potential consequence of jail time would deter them from buying sex. 75% of the men said greater criminal penalties in general would deter them from paying for sex.
- Research undertaken by the Child and Woman Abuse Studies Unit at London Metropolitan University with 137 men who paid women for sex concluded, “the accounts of men who had paid for sex overseas confirm that legality contributes to normalisation, which in turn increases the likelihood of paying for sex.”
- The legality of paying for sex has also been shown to significantly influence rates of sex trafficking into the country in question. An empirical analysis for a cross-section of up to 150 countries found reported human trafficking inflows were larger in countries where prostitution is legal.

Current prostitution laws in the UK
- In England, Wales and Scotland it is currently legal to pay for sex and to be paid for sex. Particular aspects around prostitution - including brothel keeping, pimping, kerb crawling and soliciting - are illegal.
- Northern Ireland has adopted the Sex Buyer Law. Paying for sex is illegal but soliciting (i.e. ‘selling sex’) is not.
- In 2013-14 over double the number of people were charged with soliciting/loitering than kerb crawling. In fact, in 2013-14 more people were arrested for the crime of loitering/soliciting than for the crimes of pimping, brothel keeping, kerb crawling and advertising prostitution combined.
- Statistics released by the Crown Prosecution Service reveal that between 2008/9 and 2013/14 there was a nearly 50% drop in prosecutions for pimping, a 75% drop in prosecutions for brothel-keeping, a 35% drop in prosecutions for kerb-crawling, and a 74% drop in prosecutions for advertising prostitution.

The Sex Buyer Law
The Sex Buyer Law recognises prostitution as a form of violence against women. It is designed to discourage the demand that drives the sex trade and support those exploited through prostitution to exit.

The Sex Buyer Law has 3 key components:
1. Paying for sex is criminalised
2. Selling sex is decriminalised
3. Exiting services are provided to support people to exit prostitution

BUT each part is essential to its success. The primary need is to decriminalize every aspect of selling sex, criminalise the buying of sex and provide for a full range of services to enable women to take alternative income-providing/producing activities, as well as preparing and training and re-training the services (police/social workers/welfare systems etc) to recognise the sellers as the victims and the buyers as the perpetrators of violence against them.

This legal framework was first adopted by Sweden in 1999. It has since been adopted by Norway, Iceland and Northern Ireland.

Evidence of effectiveness from Sweden (adopted the Sex Buyer Law in 1999):

- Street prostitution in Sweden halved between 1999 and 2008 and there is no evidence women were simply displaced to indoor prostitution or prostitution advertised online. In 2011 it was reported that despite Sweden having 3.8 million more inhabitants than neighbouring Denmark, the number of people involved in prostitution in Sweden – its ‘prostitution population’ – is approximately a tenth of Denmark’s - where buying sex is legal.

- The number of men paying for sex in Sweden has declined. Between 1996 and 2008 the proportion of men who reported paying for sex declined from 12.7% to 7.6%.

- Public attitudes have changed. In 1996, 45% of women and 20% of men in Sweden supported criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men.

- There is evidence Sweden has become a more hostile destination for traffickers. An investigation of the law by the Swedish Government reported, "According to the National Criminal Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden."

Evidence of effectiveness from Norway (adopted the Sex Buyer Law in 2009):

- The prostitution market has reduced. Systematic field observations of the street prostitution market in Oslo reveal it has shrunk by 40%-65% since the law was adopted.

- An evaluation of the law’s impact reported: “A reduced market and increased law enforcement posit larger risks for human traffickers...The law has thus affected important pull factors and reduced the extent of human trafficking in Norway in comparison to a situation without a law.”

Support for the Sex Buyer Law
The All-Party Parliamentary Group on Prostitution and the Global Sex Trade recommended in April 2014 that the Government adopt the Sex Buyer Law in England and Wales.

In Ireland, the Houses of the Oireachtas Joint Committee on Justice, Defence and Equality recommended in 2013 that the Sex Buyer Law be introduced there.

In 2014 the Council of Europe Parliamentary Assembly, representing 47 countries, passed a resolution citing the Sex Buyer Law as "the most effective tool for preventing and combating trafficking in human beings." José Mendes Bota, the Council of Europe’s Rapporteur on violence against women, stated, “I have come to the conclusion that prostitution policies are the most effective tool in the prevention and countering of trafficking for the purpose of sexual exploitation” and “I personally consider the Swedish model as the most successful in the context of tackling human trafficking.”

In February 2014 the European Parliament passed a motion which highlighted evidence showing the Sex Buyer Law has had a “deterrent effect on trafficking into Sweden.”

The following organisations are calling for the adoption of the Sex Buyer Law in the UK: Ashiana; AVA: Against Violence and Abuse; Black Association of Women Step Out; CAADA: Coordinated Action Against Domestic Abuse; Centre for Gender & Violence Research, University of Bristol; Child and Woman Abuse Studies Unit, London Metropolitan University; Community Safety Glasgow; Connect Centre for International Research on Gender and Harm, University of Central Lancashire; Dovetail Initiative; Durham University Centre for Research into Violence and Abuse; End Violence Against Women coalition; Equality Now; European Women’s Lobby; Fawcett Society; LIFT; National Alliance of Women’s Organisations; Nia; NorMAs; Northern Ireland Committee of the Irish Congress of Trade Unions; Object; Rape Crisis Centre Glasgow; RASAC: Rape and Sexual Abuse Centre (Perth & Kinross); Resist Porn Culture; Rights of Women; Respect: Men & women working together to end domestic violence; SAY Women; Scottish Soroptimists; Scottish Trades Union Congress; Scottish Women’s Convention; SPACE International; St Mungo’s Broadway; The Beth Centre; TUC Women’s Committee; UK Feminists; Unison; Welsh Women’s Aid; White Ribbon Campaign; Why Refugee Women; women@thewell; Women's Resource Centre; Women's Aid Federation of England; Women’s Aid Federation of Northern Ireland; Zero Tolerance.

**Declaration of interests**
The Judith Trust is both a charity and a not for profit company limited by guarantee and has no conflicting interests to declare.

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References

vi Ibid (Home Office, Paying the Price, 2004)


xx End Demand, 2015: www.enddemand.uk

xxi English summary of the Evaluation of the ban on purchase of sexual services (1999-2008),


'Evaluering av forbudet mot kjøp av seksuelle tjenester’, Rapport nummer 2014/30, VISTA ANALYSE

Ibid (VISTA ANALYSE, 2014, p.14)


See: http://enddemand.uk/supporters/