Executive summary
On 1 March 2016 End Demand presented oral evidence to the Home Affairs Select Committee as part of its prostitution inquiry. At the invitation of the Committee, this written submission contains supplementary information. It provides evidence as to the following:

- Addiction can be both a cause and a consequence of involvement in prostitution.
- Legalisation (or 'full decriminalisation') of the prostitution trade is a fatalistic approach that: sanctions commercial sexual exploitation; encourages expansion of the prostitution trade; provides a conducive environment for sex trafficking; fails on its own terms of ensuring rights and protections; legitimises pimping; and fails to provide a mandate for the provision of exiting services.
- Since the oral evidence session on 1 March 2016, France has become the fifth country to adopt the Sex Buyer Law in order to end demand for the prostitution trade.

The role of addiction
As highlighted in End Demand's oral evidence, drug and alcohol addiction can be both a cause and a consequence of involvement in prostitution. A study on the lifetime costs of involvement in prostitution conducted by Linda DeRiviere, published in the journal *Feminist Economics*, found that over two thirds of women in this sample did not use alcohol or drugs, or were not addicted to them, prior to their involvement in prostitution. Just 12.9% reported that their sole reason for entering the prostitution trade was to pay for drugs and alcohol. However, once in prostitution, 95% of the women reported developing a serious addiction. The study concluded this was consistent with drugs being used as a coping mechanism.

Evidence on legalisation / full decriminalisation of prostitution
As the All-Party Parliamentary Group on Prostitution and the Global Sex Trade concluded in 2014, prostitution law in England and Wales is "incoherent at best and detrimental at worst". In practice, the burden of criminality overwhelmingly falls on those who are exploited through prostitution, rather than on those who exploit - the sex buyers, pimps and brothel owners.

The two principle differing approaches being advocated as an alternative to the current legal settlement are the Sex Buyer Law and legalisation (or 'full decriminalisation'). The Sex Buyer Law is designed to discourage demand for prostitution by criminalising paying for sex, decriminalising selling sex, and providing support and exiting services for people exploited through prostitution. Legalisation/full decriminalisation entails making brothel-keeping, pimping, selling sex and paying for sex legal. End Demand's previous written submission to the Home Affairs Select Committee detailed why it is crucial that Parliament tackles demand for prostitution by adopting the Sex Buyer Law. The evidence below sets out why the alternative approach - fully decriminalising the prostitution trade - would have dire implications, failing to prevent the harms inherent or even attendant to the prostitution trade.

Definitions
A distinction is sometimes drawn between 'legalisation' and 'full decriminalisation' of the sex trade. For example, the Global Network of Sex Work Projects define legalisation as "the introduction of laws that aim to impose state regulation and control sex work." The organisation rejects these government-imposed limits on "how, when and where sex work happens". Such restrictions may include limits on the number and location of brothels, or the prohibition of street-based prostitution in some areas. The absence of specific restrictions on the prostitution trade is a legal scenario commonly referred to as full decriminalisation. New Zealand is a country frequently cited as an example of a fully decriminalised prostitution regime. However, in reality, specific restrictions are in fact placed on "how, when and where"
the prostitution trade operates in New Zealand. This includes the ability for local authorities to place restrictions on advertising and where brothels are located.

While confusion can arise from the varying use of the terms 'legalisation' and 'full decriminalisation', what is consistent to the definition of both is that profiting from someone else's prostitution - via brothel-keeping, pimping, advertising and so on - is designated a legitimate business activity. Paying to sexually access a person is also sanctioned as a legitimate consumer transaction.

Why the prostitution trade should not be fully decriminalised in the UK

Full decriminalisation of prostitution:

- is a fatalistic approach that sanctions commercial sexual exploitation

The decriminalisation of pimping and brothel-keeping is not a legislative approach designed to end - or even discourage - demand for the prostitution trade. When Germany chose to legalise the sex trade in 2002, "Prostitution itself was taken as a given", according to an official review. Similarly, when New Zealand decriminalised pimping and brothel-keeping in 2003, the country's Prostitution Law Review Committee confirm that "The reason for the law reform was to neither decrease, nor increase, the number of people involved in the sex industry".

As the Crown Prosecution Service recognises, prostitution is a form of violence against women. The UK has multiple national and international legal obligations to work to end violence against women, not to take it 'as a given'. As a signatory of international anti-trafficking conventions - including the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - the UK has also committed to discourage the demand that drives the trafficking of women and girls into prostitution. Decriminalising pimping, brothel-keeping and paying for sex, thereby sanctioning them as legitimate commercial activities, is not an approach designed to discourage demand for the prostitution trade. On the contrary, it provides a conducive context for sexual exploitation - as highlighted below.

- encourages expansion of the prostitution trade

An analysis of prostitution regimes in nine countries by the Child and Woman Abuse Studies Unit at London Metropolitan University concluded that "legalised and unregulated regimes have considerably larger sex industries". Additionally, research with men who pay for sex found that "legality contributes to normalisation, which in turn increases the likelihood of paying for sex". Designating brothel-keeping, pimping and sex-buying as legitimate commercial activities normalises the sex trade, thereby boosting demand for it.

- provides a conducive environment for sex trafficking

A study of trafficking levels across Europe found that "slacker prostitution laws make it more profitable to traffic persons to a country". The research revealed that sex trafficking was most prevalent in countries with legalised prostitution regimes, least prevalent where prostitution was completely illegal, and "in between" in countries where buying and selling sex were legal but pimping and brothel-keeping were not. Similarly, an analysis for a cross-section of up to 150 countries found that reported human trafficking inflows were larger in countries where prostitution is legal.

In 2000 the Netherlands lifted its ban on pimping, seeking to "reorganise the prostitution sector and purge it of criminal peripheral phenomena". Yet in 2008, Amsterdam’s mayor stated, "We realize that this hasn't worked, that trafficking in
women continues... You can't normalize this business." \(^{18}\) Indeed, an analysis by researchers at VU University Amsterdam concluded, "the screening of brothel owners and the monitoring of the compliance of licensing conditions do not create levels of transparency that enable sex trafficking to be exposed." \(^{19}\) On the contrary: "The regulation has hidden the legalized sector from the view of the criminal justice system, while human trafficking still thrives behind the legal façade of a legalized prostitution sector. Brothels can even function as legalized outlets for victims of sex trafficking."

- **fails on its own terms of ensuring rights and protections**

New Zealand decriminalised the prostitution trade in 2003 in order to "provide sex workers the same protections enjoyed by other workers", according to the country's Prostitution Law Review Committee\(^{20}\). It was argued this reflected a "pragmatic sentiment, recognising that, even if viewed by some as undesirable, the practice of prostitution is likely to remain given ongoing levels of demand by men seeking to purchase sex."\(^{21}\) Decriminalising brothel-keeping and pimping was meant to ensure the "welfare, occupational health and safety" of people paid to have sex.

However, the findings of New Zealand's Prostitution Law Review Committee in 2008 reveal that so-called full decriminalisation failed on multiple counts to prevent harms attendant to prostitution (in addition to the inherent harm of prostitution - as a form of violence against women - which the law did not seek to prevent). For example, the Committee found:

- "The majority of sex workers interviewed felt that the PRA [Prostitution Reform Act] could do little about violence that occurred"\(^{22}\)
- "Generally, brothels which had treated their workers fairly prior to the enactment of the PRA continued to do so, and those which had unfair management practices continued with them."\(^{23}\)
- "the sex industry remains discreet and to a large extent difficult to study."\(^{24}\)
- "The CJRC's [Crime and Justice Research Centre] key informants were not aware of any substantial change in the use of safer sex practices by sex workers as a result of the enactment of the PRA."\(^{25}\)
- "Few of the sex workers who CSOM [Christchurch School of Medicine] interviewed, regardless of the sector they worked in, said they had reported any of the incidents of violence or crimes against them to the Police."\(^{26}\)
- "Although it was hoped decriminalisation would make it easier for sex workers to access health services, the CSOM study found that there were no significant differences in access to health services between Christchurch participants in 1999 and 2006."\(^{27}\)
- "the purpose of the [Prostitution Reform Act]...cannot be fully realised in the street-based sector."\(^{28}\)

The Committee also reported that the "standard position" in the trade was that women who sold sex in brothels were not employed by brothel owners\(^{29}\). Instead, they were classified as "independent contractors". This meant women were not guaranteed basic employment protections such as sick pay or the ability to pursue a grievance through the court system. Similarly, when the German government commissioned an evaluation of its legalised prostitution regime in 2007 it found just 1% of women in prostitution had an employment contract and only 6% actually wanted one\(^{30}\).

New Zealand's Prostitution Law Review Committee also found that in the 12 months prior to questioning, 37.5% of those who sold sex in 'managed' brothels, "Felt they had to accept a client when they didn't want to"\(^{31}\). Also in the last 12 months, 5.3% of those who solicited on the street and 3.3% of those who sold sex in 'managed' brothels had been raped by a sex buyer. As the experiences of countries that have made brothel-
keeping and pimping legal highlight, harms attendant to prostitution cannot be expunged by regulating the trade. Commercial sexual exploitation can never be made 'safe'.

- **legitimises pimping**
  When Germany lifted its ban on pimping in 2001, the rationale underpinning it was that a state-regulated prostitution trade, in which brothels could issue employment contracts, would "reduce [women's] dependency on, for example, pimps" - thus negating the need for a law against 'promotion of prostitution'. Yet when the federal government came to evaluate the effect of its legalised regime in 2007, it found "no firm evidence that more light has been shed into the shady world of prostitution, which many had hoped would occur after the provisions on the promotion of prostitution were relaxed", as well as "no viable indications that the Prostitution Act has reduced crime".

Similarly, the Netherlands lifted its ban on pimping and legalised the trade in 2000 to "reorganise the prostitution sector and purge it of criminal peripheral phenomena". Yet seven years after the pimping ban was lifted, a government-commissioned evaluation revealed that pimping was "still a very common phenomenon" and "does not seem to have decreased". Pimping is a form of commercial sexual exploitation. Designating it a legitimate commercial activity does not support efforts to prevent it.

- **fails to provide a mandate for exiting services**
  Leaving prostitution can be a difficult and complex process. Barriers to exiting can be both practical and psychological, including addiction, trauma and coercion. The provision of dedicated exiting services for women in prostitution is therefore critical to establishing routes out. Yet by legalising/fully decriminalising the prostitution trade and recognising it as 'work', rather than commercial sexual exploitation, governments remove a clear mandate to provide exiting services. Indeed, the German federal government concluded in 2007, "The Prostitution Act has not recognisably improved the prostitutes' means for leaving prostitution" and that its assessment of the availability of exiting services provided a "rather sobering picture". Likewise, when New Zealand's Prostitution Law Review Committee surveyed local authorities to ascertain "whether they had done anything to assist sex workers to exit the industry", just two out of 84 local authorities said yes.

**Growing international support for the Sex Buyer Law**

On 6 April 2016 France adopted a law decriminalising selling sex, criminalising paying for sex, and providing exiting support for people involved in prostitution. This is a legal framework known as the Sex Buyer Law or 'Nordic Model'. As highlighted in the written evidence submitted to the Home Affairs Select Committee by End Demand on 17 February 2016, there is substantial evidence of the effectiveness of this approach in discouraging demand, changing public attitudes and making the country in question a more hostile destination for traffickers. France now joins Sweden, Norway, Iceland and Northern Ireland in operating a Sex Buyer Law. End Demand urges the Home Affairs Select Committee to recommend that Parliament adopts the Sex Buyer Law.

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3 Written evidence submitted by End Demand, February 2016, Home Affairs Select Committee Prostitution Inquiry.
4 Written evidence submitted by End Demand, February 2016, Home Affairs Select Committee Prostitution Inquiry.
17 'Prostitution in the Netherlands since the lifting of the brothel ban', A.L. Daalder, Research and Documentation Centre, 2007, p.41.
34 'Prostitution in the Netherlands since the lifting of the brothel ban', A.L. Daalder, Research and Documentation Centre, 2007, p.41.
35 'Prostitution in the Netherlands since the lifting of the brothel ban', A.L. Daalder, Research and Documentation Centre, 2007, p.13.