



All-Party Parliamentary Group on  
Prostitution and the Global Sex Trade

# Shifting the Burden

Inquiry to assess the operation of the  
current legal settlement on prostitution  
in England and Wales

March 2014



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# Foreword



Views on prostitution are deeply polarised. For some, it is simply a matter of private choices. For others, the harm it inflicts on individuals and communities requires the state to take action.

It is in light of the growing evidence of such harm that the All-Party Group decided to review the present legal settlement, to see whether the law was effective in tackling demand and protecting the most vulnerable from exploitation.

In doing so we took evidence from the women who sell sex, and the men who buy it; from the agencies we ask to police it, and the services that pick up the pieces.

Our conclusion is stark: because our lawmakers send no clear signals about the nature of prostitution, the most visible – women who sell sex – are targeted, while men who create the demand often walk away, without taking responsibility for the damage they do.

Alarming submissions highlighted the number of women who were survivors of child sexual exploitation; care leavers; or who entered the trade at an age where they could not consent. For most women in on-street work, drug and alcohol abuse are a fact of life. All this is a world away from the myth of the 'happy hooker' promoted on television and in film.

We report that legislation is complicated and confusing, and loopholes allow men to escape prosecution for abusing girls as young as 13, and women trafficked into the country to be repeatedly raped.

We show that policing and enforcement is unevenly prioritised and resourced across the country, with a few exceptions only made possible through extraordinary political leadership at a local level. At its worst this can trap women in cycles of abuse and prevent them from exiting prostitution.

We examine why girls at risk of entry are not effectively diverted and women who wish to exit are unable to, often as a direct result of the law's stigmatising effect; and look at how notions of 'choice' are deeply problematic with regard to the sex trade.

And we demonstrate the effect prostitution has on wider cultural attitudes with regard to gender equality and how demand might be tackled by making it less acceptable to choose to buy sex.

In short, we recommend a shift in the burden of criminality from those who are the most marginalised and vulnerable – to those that create the demand in the first place.

Prostitution is a complex issue, but that does not make it intractable. We hope that this report contributes toward making the case for stronger political leadership that will begin to address the deep harm it can cause.

A handwritten signature in black ink that reads "Gavin Shuker".

**Gavin Shuker**  
Chair APPG on Prostitution and the Global Sex Trade

# Acknowledgements

The All-Party Group on Prostitution and the Global Sex Trade would like to thank all those who submitted written evidence to the Inquiry. Special thanks are extended to the witnesses who attended the six evidence sessions, whose details are listed. The group would particularly like to thank those witnesses who shared difficult personal experiences of sexual exploitation through prostitution and trafficking.

The group would additionally like to thank Gavin Shuker MP for chairing the evidence sessions, as well as the members of the APPG who participated in evidence sessions: Caroline Lucas MP, Fiona Mactaggart MP, Ann Coffey MP, Lord McColl, Steve Brine MP, Michael Connarty MP and Amber Rudd MP.

Many thanks go to all those who have helped to produce this report, including Professor Roger Matthews for advising the APPG, Deirdra Jordan for her help with transcription, and CARE for their help with printing.

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# Executive Summary

The All-Party Parliamentary Group on Prostitution and the Global Sex Trade was formed in 2008. The group's purpose is twofold:

1. to raise awareness around the impact of the sale of sexual services on those involved
2. to develop proposals for government action with a focus on tackling demand for the sex trade.

The last major government consideration of prostitution law was the Home Office Review on *Tackling Demand for Prostitution* in 2008, which was followed by the changes brought in by the Policing and Crime Act 2009. Since then, the focus of government has been on practical approaches rather than on the law.<sup>1</sup> Whilst identifying and sharing good practice is a valuable exercise, the APPG felt that more must be done at a legislative level to address the gendered imbalance of harm that exists within prostitution.<sup>2</sup>

Therefore the APPG felt it necessary to commission a parliamentary Inquiry to assess the operation of the current legal settlement, and to identify whether legislation to tackle demand might safeguard those in danger of exploitation and abuse.

## Key Findings

The Inquiry received 413 submissions of evidence from individuals including those with personal experience of prostitution, those who are working to provide support through agencies and organisations, and members of Police forces and local councils. **When asked about the current legal settlement, only 7% of respondents to the question considered the current laws on prostitution to be effective and consistent in safeguarding those involved in prostitution.**<sup>3</sup>

When assessing the written and oral evidence, the Inquiry focused on how the law operates at four critical levels: legislation, policing and enforcement, entry into and exit from prostitution, and cultural attitudes.

The Inquiry found that at each of these four levels 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. In practice, those who sell sexual services carry the burden of criminality despite being those who are most vulnerable to

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<sup>1</sup> The Home Office, *Review of Effective Practice in Responding to Prostitution* (UK Government: London, 2011) centred on best practice in policing strategies, outreach organisations and multi-agency working in order to reduce harm and develop effective responses to prostitution in a localised manner.

<sup>2</sup> There is an imbalance of harm inherent within the prostitution transaction, whereby despite being paid, the cost is much greater to the seller than the purchaser in terms of violence and poor mental and physical health. Due to the gender imbalance within prostitution, this harm disproportionately affects women. (Although there are very few exact figures or statistics available, the English Collective of Prostitutes estimates that around 95% of individuals in prostitution are female and 5% are male).

<sup>3</sup> 23 of 348. 65 respondents did not answer the question.



coercion and violence. This serves to normalise the purchase and stigmatise the sale of sexual services - and undermines efforts to minimise entry into and promote exit from prostitution. 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.

## Legislation

*"[The law is] completely wrong. What it sends out is it's absolutely fine to pay for sex and it's absolutely fine to have sex with children, as long as you pay them, and it's absolutely fine to rape anybody in prostitution....They deserve to be raped, and they're there to be raped, and they're there to be tortured....I think that's the message that's being sent out."*

Ruth Jacobs, Oral Evidence

*"The law in the UK, as I see it, is massively confusing, complicated, contradictory... It's just sort of grown and grown and changed and changed, and it's changed according to whims and wills that are often entirely contradictory...The government needs to actually say, 'what is our vision around prostitution for this country, for the future?'"*

Heather Harvey, Eaves for Women, Oral Evidence

**From the evidence submitted, the Inquiry found that current legislation:**

### *Is complicated and confusing*

- Legislation can be confusing: prostitution is legal but many associated activities are criminalised.
- There is no clear political strategy. The law simultaneously condones and condemns prostitution.

### *Fails to protect the vulnerable*

- Individuals who solicit for the sale of sexual services tend to be the most visible, and therefore bear the burden of criminality.
- The law does not go far enough in protecting those under the age of 18. Although there is a strict liability offence for purchasing sexual services from a child under the age of 13, when the child is aged 14-17 the law allows perpetrators to use the defence of reasonable belief that the child was over 18.
- Despite near pandemic levels of violence experienced by women in prostitution, the criminalisation of activities related to the sale of sex makes women reluctant to report incidences of violence.

### *Fails to target perpetrators*

- In practice, Section 14 of the Policing and Crime Act 2009 is ineffective in reflecting the complexity of coercion, meaning the level of prosecutions is low.

- There are inadequate deterrents for individuals controlling others in prostitution for gain, and for those driving the demand for the sex trade. This promotes the UK as a lucrative destination for trafficking with the purpose of sexual exploitation both domestically and internationally.

## Policing and Enforcement

*"I'm afraid [the police] do the easy part, which is target the women involved, rather than the more difficult, which is the men behind it, or the kerb crawlers."*

Mark Benbow, Redbridge Council, Oral Evidence

*"We have had too many cases where women have been attacked; they have tried to report and, instead of the attack being investigated, the women themselves came under investigation....in some of the recent cases that we've dealt with, violent men have actually said to sex workers, when they attack them, 'we know you will not be able to do anything about this.'"*

Niki Adams, English Collective of Prostitutes, Oral Evidence

**The inconsistent and confusing nature of the law is demonstrated most clearly in its enforcement. The Inquiry found that enforcement of the law:**

### *Is inhibited by strict evidentiary requirements to prove exploitation*

- Section 14 of the Policing and Crime Act 2009 is an insufficient measure for protecting victims because coercion is too difficult to prove.
- The offence of purchasing sexual services from a child is ineffective because the defence to reasonable belief frequently makes it difficult for prosecutions to take place.

### *Is unevenly prioritised and resourced*

- The lack of a centralised political strategy has resulted in disparate local enforcement. Within London alone one borough may be diverting women into exiting services whilst another is focused on clean ups and crack downs.
- Policing of prostitution is inconsistent because enforcement of legislation is resource intensive. It rarely becomes a policing priority unless an extremely serious case is reported.

### *Further marginalises the vulnerable*

- Target-driven police forces focus on those involved in selling sexual services. Under current legislation, targeting those purchasing sex or controlling others for gain is far too difficult and therefore far too resource intensive.
- Despite significant violence experienced by those who provide sexual services, the fear of prosecution causes reporting rates to remain worryingly low.





## Entry and Exit

*"The best available evidence absolutely bears out that, you know, by and large, women do not choose to be in prostitution. Those few exceptions should not be forming the policy goals here."*

Laura Timms, East London Rape Crisis Centre, Oral Evidence

*"The impact of a cycle of arrest, charging and conviction on women involved in street-based prostitution has a harmful impact on exiting, interfering with the ability of services to provide consistent support, based on trust, and their ability to support women towards exiting when they are ready and able."*

Shannon Harvey, AVA, Written Evidence Submission 265

**Efforts to prevent entry and promote exit are hindered because the law:**

*Assumes that coercion is the exception to the rule*

- Section 14 of the Policing and Crime Act 2009 fails to account for the complex nature of coercion. Coercion is often a subtle and manipulative process.
- The language of 'choice' assumes a range of options. More often the decision to enter prostitution is led by poverty, drug or alcohol dependency, or patterns of abusive behaviour.

*Is inconsistent with efforts to promote exit schemes*

- The law hinders efforts to support women seeking to exit prostitution by criminalising the women, creating practical barriers to exiting and remaining out.
- Legislation is incoherent with exiting strategies. By failing to address demand, the law inadvertently sanctions sexual exploitation of women by men.

## Culture

*"The tolerance of the EU and its member states for the system of prostitution allow for men's use of and control over women's body and sexuality, and fuels trafficking in women for sexual exploitation....The question is about having the political courage to recognise that prostitution is intrinsically a form of violence, an obstacle to equality between women and men, and a violation of human dignity."*

European Women's Lobby, Written Evidence Submission 402

*"There needs to be, as there has been in Sweden, a real strategic targeted effort to actually shift the ideas that people have about the acceptability of the purchase of sex."*

Helen Easton, London Southbank University, Oral Evidence

Submissions to the Inquiry called for a political strategy that recognises the law's influence on cultural attitudes. At present the law:

*Normalises the acceptability of purchasing sexual services whilst stigmatising and penalising those providing sexual services*

- The imbalance of the law and its enforcement serves to communicate that it is acceptable to demand but unacceptable to provide sexual services.
- Criminalisation of those involved in prostitution perpetuates experiences of social stigma and marginalisation.

*Fails to recognise prostitution as a form of violence against women and girls*

- Women in prostitution can expect to experience a high level of harm – often being subjected to physical violence, sexual abuse and emotional control, and suffering poor physical and mental health.
- By failing to account for the imbalance of harm within the prostitution transaction, the law facilitates the acceptability of violence against women and girls.

*Fails to acknowledge the impact of prostitution upon gender equality*

- The law condones a power imbalance in prostitution that does not exist in non-commercial sexual transactions: despite receiving payment, the cost to the seller is much greater than to the buyer in terms of violence, and poor mental and physical health.
- The failure of legislation to reflect the gender imbalance within prostitution encourages assumptions that men have a 'right' to purchase sexual services from women. The law is detrimental to other strategies that promote gender equality.



## Recommendations

The legal settlement should be reviewed with a view to reducing the demand for sexual services, by transferring the burden of criminality from those selling sexual services onto those who facilitate or create the demand for its sale.

We call on all political parties, ahead of the 2015 elections, to commit to a review of the legal settlement surrounding prostitution.

### We recommend:

1. Consolidating legislation in a single Act with clear principles underpinning it:
  - i. The burden of criminality should weigh heaviest on those who purchase sex – who create demand – and not on those who provide sexual services.
  - ii. Given the harm experienced by women involved in prostitution, it is entirely legitimate to seek to reduce instances of the sale of sexual services.
  - iii. The law should help, not hinder, the efforts of those who wish to exit prostitution.
  - iv. Prostitution is incompatible with attempts to tackle gender inequality, and inconsistent with measures to tackle human trafficking.

### We recommend a number of practical measures:

2. Removing soliciting offences that target women involved in prostitution from statute and instead dealing with persistent anti-social behaviour under ASB legislation. Wherever possible women should be diverted from the criminal justice system.
3. Increasing penalties for those controlling individuals in prostitution, at the same time as reviewing the law to prevent the prosecution of individuals independently selling sexual services on the same premises for the purpose of their safety.
4. Amending the strict liability offence for purchasing sexual services from a child by raising the age at which strict liability is established from 13 to 16.
5. Requiring government to conduct a financial assessment of the social cost of prostitution, and to enable reporting of government spending on programmes to reduce entry into and promote exit from prostitution.
6. Requiring government funded service providers to make available, or provide information about, programmes which facilitate exit from prostitution, with funding allocated to those services which meet this criteria most effectively.
7. Requiring child safeguarding boards to identify children, including those aged 16-18, at a heightened risk of commercial sexual exploitation in order to provide targeted intervention.
8. Adopting all measures and language that demonstrate prostitution to be a form of violence against women and girls, both within government and the police, with a statutory duty for local authorities to have a reduction-focused violence against women and girls strategy.
9. Introducing a general offence for the purchase of sexual services.

# Part 1: Background to the Inquiry

## Terms of Reference

The All-Party Parliamentary Group on Prostitution and the Global Sex Trade was formed in 2008. The group's purpose is twofold:

1. to raise awareness around the impact of the sale of sexual services on those involved
2. to develop proposals for government action with a focus on tackling demand for the sex trade.

The principal focus of the Inquiry was to assess the operation of the current legal settlement surrounding prostitution, and to identify whether legislation to tackle demand might safeguard those in danger of sexual exploitation and abuse.

The Inquiry received evidence about the personal and societal impact of prostitution and overlapping issues such as human trafficking, child sexual exploitation and poverty. Although these are all important matters and there are many wider policy and social changes that could be recommended, the prime issue for the Inquiry was the law and whether changes in legislation are necessary.

Criminal Justice is a devolved matter in Scotland and Northern Ireland so the Inquiry was focussed on the law in England and Wales only.

## Areas of Interest

In considering the evidence received, the Inquiry focused on:

1. legislation surrounding prostitution
2. the enforcement of legislation including the policing of prostitution
3. the impact of legislation on efforts to prevent individuals from entering and support individuals in exiting prostitution
4. the role of the law in shaping cultural attitudes.

## Methodology

The APPG launched the Inquiry in January 2013. The Inquiry ran from 8 January until 14 March 2013 and consisted of a written pro-forma call for evidence and six oral evidence sessions.

The call for evidence was open to the general public between 8 January and 4 February and responses were gathered through a website, by email and by post. Some academic and research papers were also submitted to the Inquiry. The full text of the call for evidence can be found in the appendix to the report.<sup>4</sup>

There were 413 responses submitted including responses from individuals, local councils, health care services, police and law enforcement, outreach projects and those involved in prostitution. 57 responses were received from organisations providing frontline services to people in or exiting prostitution. Although not a question in the

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<sup>4</sup> See Appendix 2



survey, 27 individuals identified themselves in their response as being currently or formerly in prostitution.

Six oral evidence sessions were held between 28 February and 14 March in which individuals and organisations with specific experience and expertise were invited to give evidence before the Inquiry at the House of Commons.

## Oral Evidence Sessions

Evidence Session	Date	Witnesses
Session 1	28.02.13	Helena Evans <i>Individual with personal experience of prostitution</i>  Sophie Hayes <i>Founder, Sophie Hayes Foundation and Trafficking Survivor</i>
Session 1a		Ruth Jacobs <i>Individual with personal experience of prostitution</i>
Session 2	28.02.13	Janet Humphrey <i>Suffolk Constabulary</i>  Neil Radford <i>Nottinghamshire Police</i>  Jade Holvey <i>Lambeth Council</i>
Session 3	07.03.13	Mark Benbow <i>Redbridge Council</i>  Shannon Harvey <i>Against Violence and Abuse</i>  Sali Harwood <i>Sheffield Working Women's Opportunities Project</i>
Session 4	07.03.13	Laura Timms <i>East London Rape Crisis Centre</i>  Rebecca Perry <i>Safe Exit, Toynbee Hall</i>  Helen Easton <i>London South Bank University</i>
Session 5	14.03.13	Gunilla Ekberg <i>Former Special Advisor to the Swedish Government on Trafficking in Human Beings</i>  Heather Harvey <i>Eaves for Women</i>
Session 6	14.03.13	Niki Adams <i>English Collective of Prostitutes</i>  Georgina Perry <i>UK Network of Sex Work Projects</i>  Phil Hubbard <i>University of Kent</i>

This report outlines the findings of the Inquiry and, based on the evidence received, makes a number of recommendations. However this report is not intended to be an exhaustive account of all the evidence received nor of all the issues and opinions raised.

## Language and Limitations

The Inquiry recognises that in the UK involvement in prostitution is not exclusive to women and that there are a number of male and transgender people also involved in selling sexual services. In the absence of evidenced figures or statistics, the group is strongly influenced by the English Collective of Prostitutes' estimate that around 95% of individuals involved in prostitution are female.<sup>5</sup> The language used in this report reflects this balance, referring to women and girls almost exclusively.

Evidence submissions to the Inquiry featured the use of a variety of terms to refer to individuals involved prostitution, including 'prostitute', 'sex worker', and 'prostituted woman'. However, aside from the cited evidence, this report will use the following terminology: individuals involved in prostitution; women in prostitution; individuals with experience in prostitution.

Throughout the evidence process, submissions made reference to a range of conflicting research and evidence – it is, in short, a highly polarised arena of debate. This report outlines the findings of the Inquiry and, based on a consideration of the evidence received, makes a number of recommendations. However this report is not intended to be an exhaustive account of all the evidence received nor of all the issues and opinions raised. It is acknowledged that more research is required in order to make a full evaluation of particular issues, including the connections between prostitution and trafficking for sexual exploitation, the impact of different legislative models, and the social cost of prostitution.

We hope that government itself may play a future role in providing a more commonly agreed evidence base from which to engage in these debates.

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<sup>5</sup> Niki Adams, English Collective for Prostitutes, Oral Evidence

# Part 2: Background To The Law On Prostitution

## The Law in the UK

The formal approach to prostitution in England and Wales is regulationist: the sale and purchase of sexual services are legal, however brothels and other activities related to prostitution are not tolerated. The central point of reference for this approach is the Wolfenden Report (1957) which addressed what it identified as a growth in the visibility of prostitution in certain urban areas, particularly London, and its perceived adverse effects on the image of developing urban centres. Wolfenden was identified as an essentially liberal approach to prostitution because it did not advocate the criminalisation of the sale of sexual services on the grounds of morality, but was instead mainly concerned with issues of 'public order and decency'.

The main recommendation of Wolfenden was the development of a more efficient and effective strategy of policing street prostitution. It focused exclusively on the women involved, and proposed the adoption of a cautioning system that had been initially developed in Scotland. This system gave police the power to caution women whom they considered to be soliciting on the first and second occasion, and on the third occasion to charge and prosecute against them. Appearing in court on this basis effectively removed any right to defence and in the vast majority of cases there was a presumption of guilt and an expectation that the woman concerned would be labelled as a 'common prostitute'. Wolfenden was, however, also concerned with limiting exploitation, procurement and pimping.

The recommendations of Wolfenden were enacted in the Street Offences Act 1959, which made it an offence 'for a common prostitute to loiter or solicit in a street or a public place for the purpose of prostitution' (Section 1.1). The Act also incorporated considerations of 'living off immoral earnings' and for keeping a brothel. It endorsed the provisions of the Sexual Offences Act 1956 which made it an offence for any tenant or occupier to knowingly permit the whole or part of the premises to be used as a brothel. Under this Act there were also provisions for causing or encouraging prostitution or intercourse with, or indecent assault on, a girl under sixteen.

Although the 1959 Act caused considerable controversy and was criticised for being discriminatory, there was little legislative change until the Criminal Justice Act 1982, which ended the use of imprisonment for the offence of soliciting.

During the 1980s, certain communities began to voice concerns about the need for the law to tackle kerb crawling, as it was found to be intimidating female residents and was understood to be contributing to a growth in public disorder. These changing attitudes towards purchasers were reflected in the deliberations of the Criminal Law Revision Committee reports in 1984 and 1985. Among the recommendations of the Committee were proposals to deal with kerb crawling, which then became the main target of the Sexual Offences Act 1985. This Act penalises men who solicit women for the purposes of prostitution, where the soliciting is persistent and likely to cause annoyance to the woman solicited, or cause nuisance to others in the neighbourhood. However the requirement to prove persistence made gaining convictions extremely difficult. Consequently a number of police forces up and down the country resorted

to other measures to deter kerb crawlers, ranging from informal warnings to forms of shaming and entrapment.

During the 1990s, British Telecom made a number of attempts to remove cards advertising sexual services from telephone boxes and, following an ongoing debate about whether telephone boxes constituted private or public space, in 2001 The Criminal Justice and Police Act made it an offence to place advertisements in the immediate vicinity of a public telephone. There is, however, no specific offence of advertising the sale of sexual services in newspapers.

The Sexual Offences Act 2003 focused on exploitation and trafficking. In Sections 52 it states that 'a person commits an offence if a) he intentionally causes or incites another person to become a prostitute in any part of the world, and b) if he does so in the expectation of gain for himself or a third party'. These offences replaced the sections of the Sexual Offences Act 1956 relating to the control of prostitution. On conviction a person is liable to imprisonment for a term not exceeding seven years. Section 55 of the Act also creates an offence of keeping or managing a brothel, whereby a premises becomes a 'brothel' when it is used by more than one person for the purposes of prostitution. The Sexual Offences Act 2003 also introduced legislation which aimed to better address those who exploit or abuse children under the age of eighteen.

In 2004 the Home Office published a consultation paper entitled *Paying the Price*. Two years later the Government published a report summarizing the responses to the consultation paper setting out its proposals for *A Coordinated Prostitution Strategy*. The strategy involved disrupting sex markets by preventing individuals, particularly children and young people from being drawn into prostitution and similarly highlighted the need to tackle demand and develop exiting strategies for those involved in prostitution. It also incorporated some consideration of the growing international concerns with trafficking for sexual exploitation, and emphasised the need for local partnerships to work together in addressing challenging issues.

The Policing and Crime Act 2009 introduced a strict liability offence of paying for the sexual services of a person subject to force. It also introduced an offence for a person to persistently loiter or solicit in a street or public place for the purposes of obtaining the sexual services of a prostitute, replacing the offence of kerb crawling under Sections 1 and 2 of the Sexual Offences Act 1985.

A table outlining the offences relating to prostitution can be found in Appendix 1.

## The Law in Other Countries

The legal settlement in the UK is an example of a regulationist response to prostitution.

Crudely, there are various different models for controlling prostitution enacted in different countries, including Prohibition, Legalisation and Decriminalisation.

### Prohibition

Prohibition involves the criminalisation of the exchange of sexual services for payment, and is aimed at suppressing prostitution. Associated activities are also criminalised, including brothel keeping, kerb crawling and soliciting. With the exception of Nevada, prostitution is illegal in all US states.





Since 1999 some countries have adopted a form of prohibition which differs significantly from that enacted in countries such as the USA. This model, which has become known as the 'Nordic model' or 'Abolitionism', was first enacted in Sweden in 1999. It is based on the understanding that prostitution is incoherent with efforts to achieve a gender equal society, and therefore legislation places the burden of criminality on those purchasing sexual services.

The Swedish law developed following an inquiry in 1982, which concluded that prostitution was 'counterproductive to ideas of individual freedom and equality'.<sup>6</sup> A further inquiry was held in 1993 to investigate the prevalence of prostitution and to explore whether criminalisation would be an effective measure in seeking to combat it. The inquiry recommended the criminalisation of both the sale and purchase of sexual services, but after much opposition from politicians and women's organisations criminalisation of the sale of sexual services was dropped. In 1998, criminalisation of the purchase of sexual services was included within the Violence Against Women Act.

### **Decriminalisation**

Decriminalisation involves the removal of all or some of the laws relating to prostitution. This model claims to support occupational health and safety, and workplace issues through existing legal and workplace mechanisms.

In 2003 New Zealand became the first country to enact a model of total decriminalisation. Before this point, laws were in place which prohibited soliciting, brothel keeping, living off the earnings of a prostitute and procuring, whilst indoor commercial sex was permitted within 'massage parlours' under the Massage Parlours Act 1978. However growing public awareness about the sex industry, in addition to efforts from the New Zealand Prostitutes Collective to gain support for decriminalisation, led to an increased interest in law reform amongst various members of parliament. After a process of committees, in 2003 New Zealand introduced the Prostitution Reform Act which decriminalised prostitution and aimed to introduce provisions to protect the health and safety of those selling sex and their clients. The Act introduced workplace safety and health rules, and prostitution is now recognised as legitimate work by Work and Income, New Zealand.

### **Legalisation**

Legalisation promotes prostitution as a legitimate occupation and aims to provide the structure for safeguarding the rights of those selling sex. This model differs from decriminalisation by establishing laws within which prostitution can exist, and aims to locate prostitution in a controlled environment away from residential areas.

This is the approach which has been taken in the Netherlands, where prostitution has been legal since 2000. Before this time prostitution, though illegal, was tolerated, therefore allowing for forced prostitution and exploitation of children. In the hope of gaining more control of the industry, the Government decided to legalise prostitution, regulating it through the use of licensed brothels and zones for street based prostitution.

Other countries where prostitution is legalised include Germany, the US state of Nevada, and various states in Australia.

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<sup>6</sup> Report's commissioner, cited in Yvonne Swanstrom, 'Criminalising the John – a Swedish gender model?' in *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce* (Cambridge: Cambridge University Press, 1994) pp.225-244

### Recent Trends

There has recently been a notable shift in the approach to prostitution taken by European countries, with Norway adopting the Nordic model for prostitution in 2008, and Iceland adopting similar legislation in 2009. In France, a Bill to remove the offence of soliciting and introduce a fine for purchasing sex has passed in the lower house and is due to go to senate in 2014.

In Northern Ireland plans to introduce similar legislation have been included in the Human Trafficking and Exploitation (Further Provisions and Support) Bill that has reached committee stage. The Scottish Government have said they recognise that prostitution is a form of violence against women, though a Private Members Bill that would have criminalised the purchase of sex stalled in 2013.

The most recent report by the European Parliament Women's Rights and Gender Equalities Committee is reflective of this shift, calling upon EU member states to adopt the Nordic Model.

# Part 3: A Summary of Responses

## Legislation

When asked about the current legal settlement, only 7% of respondents to the question considered the current laws on prostitution to be effective and consistent in safeguarding those involved in prostitution.<sup>7</sup> Although there was a number of different suggestions regarding legislative change, most respondents indicated that current legislation is not doing enough to prevent exploitation and abuse because it is preventing effective policing and enforcement and hindering efforts to reduce entry into and increase exit from prostitution. Specifically, submissions drew attention to particular issues within legislation, including the lack of a clear and coherent political strategy and the failure of the law to protect the vulnerable and to prosecute perpetrators. These issues were referenced repeatedly throughout submissions to the Inquiry in relation to policing and enforcement, exit and entry, and culture, and will therefore be expanded as necessary in the relevant sections.

## Legislation: Complicated and Confusing

As the previous section demonstrates, the current legal settlement for prostitution in England and Wales is complex. Though the transaction of prostitution is legal, the law includes offences directed at those who offer sexual services, those who control or coerce prostitution, and those who purchase sexual services.<sup>8</sup>

This legal framework simultaneously condemns and condones prostitution, and as such was criticised in submissions to the Inquiry for its incoherence:

*"The current laws are confusing. Most people are unclear about what is legal and what is not, which means that they are often reluctant to report crimes committed against them."*

Written Evidence Submission 416

One submission attributed this incoherence to a lack of clear underlying principles:

*"The law in the UK, as I see it, is massively confusing, complicated, contradictory. A lot of it is very kind of organic. It's just sort of grown and grown and changed and changed, and it's changed according to whims and wills that are often entirely contradictory, coming from different principles and different bases...you don't have a coherent framework with direction of travel of what you're trying to achieve, and I think that's our problem. So you'll have an ASBO here, you'll have exiting here, you'll have court diversions here, you'll have complete turning a blind eye there. It's inconsistent and incoherent."*

Heather Harvey, Eaves for Women, Oral Evidence

Similarly, former Special Advisor to the Swedish Government, Gunilla Ekberg, told the Inquiry that the law in the UK is *"scattered ... There are no principles, really, that are leading the actions and measures."*

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<sup>7</sup> 23 of 348. 65 respondents did not answer the question.

<sup>8</sup> See Appendix 1

As is continually demonstrated throughout this report, the lack of clear political direction within the legal settlement serves to diminish its effectiveness in protecting the vulnerable and holding perpetrators to account.

In short, agencies look to government to signal priorities; and take little action to tackle demand because no political consensus has been reached.

## Legislation: Failing the Vulnerable

### Burden of Criminality

The laws surrounding prostitution in England and Wales have predominantly been developed as attempts to mitigate the negative impacts of prostitution related activities on public order under anti-social behaviour guidelines.

As such, the law does not prioritise the protection of those who are directly involved in prostitution due to vulnerability, force, desperation, poverty, addiction, past abuse, or other coercive factors. This negligence has resulted in legislation which, in practice, serves to protect perpetrators and prosecute those who are already exploited. Submissions to the Inquiry explained that because the law focuses on the visible activities associated with prostitution, it is the women visibly soliciting for the sale of sexual services who have become the targets for enforcement:

*"It is often the seller of sex acts who is prosecuted and fined ... Few convictions are pursued or secured against those exploiting people involved in prostitution, and the law as it stands is therefore not an active deterrent."*

Sharon Greene, UNISON, Written Evidence Submission 247

### Children

As evidenced further in the following section, certain aspects of the current law were found to be particularly difficult to apply. This is especially true of the laws surrounding 'child prostitution' as outlined in the Sexual Offences Act 2003. While there is a strict liability offence for purchasing sexual services for children under the age of 13, if the child is aged 14-17 perpetrators are given the defence of reasonable belief that the child was over 18.

A representative from Nottinghamshire Police told the Inquiry:

*"The offence of purchasing sex from a child is also difficult to prove as the defence is usually 'I thought she was 18' and the CPS are reluctant to prosecute on this. It should be absolute, regardless of the offenders' beliefs."*

Sgt Neil Radford, Nottinghamshire Police, Written Evidence Submission 230

Multiple submissions questioned the use of the term 'child prostitute' within legislation, claiming that it is incoherent as children cannot consent to abuse:

*"I think, when we're talking about children in prostitution, like, when they get called 'child prostitutes', there is no such thing as a child prostitute.. there is no, 'oh, she looked 18', or, 'I was told she was 18', or, 'she showed me ID that said ...' whatever. It doesn't matter if she looked 25 or 30 and she had her grey roots showing. If she's a child, she's a child. There needs to be no excuse, and that needs to be charged for child sex abuse and get rid of this 'prostitution' label and this 'child prostitute'. It is child sex abuse."*

Ruth Jacobs, Oral Evidence



## Violence

Experiences of violence are extremely common amongst women involved in prostitution. All frontline service providers who contributed to the Inquiry indicated that their service users had encountered physical and/or sexual violence.<sup>9</sup> One frontline service provider reported research from 2007 which found that 93% of clients had experienced violence.<sup>10</sup> Another service provider shared details of a Brighton and Hove research project which found that 57% had experienced some form of violence at work.<sup>11</sup> Likewise, recent PEER research conducted with women in prostitution in Tyne and Wear reported that two thirds of those questioned had had a 'bad' or 'violent' experience with a client.<sup>12</sup>

Some individuals shared their own experiences of violence with the Inquiry:

*"There's an epidemic of violence against sex workers."*

Niki Adams, English Collective of Prostitutes, Oral Evidence

*"I've met over a hundred women in prostitution, and I haven't met one that hasn't been raped by a client, and most of us have been raped more than once and the ones that have pimps are raped by them, too."*

Ruth Jacobs, Oral Evidence

*"They used to lock me in the wardrobe when they went out, and, when they came back, they'd just take me out of the wardrobe, have sex with me and everything."*

Helena Evans, Oral Evidence

Despite such experiences, legislation which criminalises activities relating to the sale of sexual services often results in recipients of violence being treated not as victims but as criminals. As a result, few incidences of violence are reported to the police.<sup>13</sup> The contribution of unbalanced policing and enforcement to this trend is explained in more detail in the following section.

## Legislation: Failing to Punish Perpetrators

In addition to placing the burden of criminality on those most visible, the Inquiry heard how various legislative measures are failing in their intention to tackle both those who purchase sexual services and those who facilitate prostitution for gain.

### Force and Coercion

The Inquiry received a number of submissions that highlight the insufficiency of the changes made by the Policing and Crime Act 2009. Under Section 14, perpetrators can only be prosecuted if there is evidence that an individual has been subject to

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<sup>9</sup> 57 written submissions

<sup>10</sup> Written Evidence Submission 253

<sup>11</sup> Written Evidence Submission 413

<sup>12</sup> Cyrenians & Northumbria University, *PEER: Exploring the lives of sex workers in Tyne and Wear*, 2013, p29; 29 % of those working as escorts also reported violence from clients, p10. This research was referred to in Written Evidence Submissions 402 and 206

<sup>13</sup> The Cyrenians, Written Evidence Submission 402

force or coercion. Yet physical coercion is difficult to evidence, creating barriers for enforcement.

One submission told the Inquiry that in Tower Hamlets there had not been a single arrest for the offence of purchasing sexual services from a prostitute subject to force.<sup>14</sup> Although Section 14 of the Policing and Crime Act was viewed as a positive step in protecting victims of coercion, the evidential requirements for prosecution are demonstrative of a failure to recognise the complexity of coercion.

Various submissions explained from personal experience that coercion is often a gradual, manipulative process, and as such is very difficult to prove:

*"I would run away to London or somewhere and I always knew a man would pick me up and would house me, feed me, just to go with a man, which to me was nothing. I didn't think I had the right to say no. I didn't have enough value for myself to say no, and I didn't want to be in the approved school. So that's how it started."*

Helena Evans, Oral Evidence

*"There's one I know, an Irish woman... her desperation increased. She was hungrier, you know. She was more desperate and she had a lot less hope and it was - eat and have sex with a strange man - or starve."*

Ruth Jacobs, Oral Evidence

The Inquiry discovered that these experiences are very common, and various submissions highlighted that the number of women who enter prostitution freely is very small. Despite this, Section 14 of the Policing and Crime Act 2009 constructs coercion as the exception to the rule. It is essential that legislation shifts to reflect experiences of the majority, not the minority:

*"Through my experience, the women we've worked with, we've never met a woman who has consciously made a decision that that is the career choice that she's obviously decided for. It's something that she's found herself within, and there's no point within her experience where she can actually pinpoint the moment that she entered, because it's such a continuum. So I think for that reason, that evidences the fact that it's not a choice; it's a coercion. It's something out of desperation."*

Rebecca Perry, Safe Exit, Tonybee Hall, Oral Evidence

### **Inadequate Deterrents**

Whilst Section 14 of the Policing and Crime Act 2009 does not go far enough in tackling the demand for prostitution, the Inquiry received evidence from members of police forces which demonstrates how the law is equally failing to tackle those who facilitate the sex trade.

Again strict evidentiary requirements can hinder enforcement in this area, and deterrents for individuals controlling or facilitating prostitution for gain are often ineffective. One submission expressed this view:

*"It's very rare for abusive partners to be held to account for forcing or coercing women into prostitution, particularly around substance use when women are basically selling sex in order to fund both theirs and their partner's habit."*

Shannon Harvey, Against Violence and Abuse, Oral Evidence

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<sup>14</sup> Individual Response, Written Evidence Submission 390



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The inadequacy of measures intended to tackle the demand for the sex trade serves to create a lucrative market for trafficking with the purpose of sexual exploitation. Statistics show that trafficking to the UK for the purpose of sexual exploitation continues to be the most prevalent form of trafficking, with predominantly female victims.<sup>15</sup>

Sophie Hayes, a survivor of trafficking and founder of the Sophie Hayes Foundation, wrote:

*"We are one of the top destination countries for trafficking within sexual exploitation. Our legislation and political stand point isn't a strong enough deterrent."*

Sophie Hayes, Sophie Hayes Foundation, Written Evidence Submission 384

Expanding on this in the oral evidence sessions, she stated:

*"I think, if there were clearer signals, we would have more of a deterrent to traffickers. We may as well just have a big sign to say traffickers are welcome here because they operate every single day in our own country. Brothels are allowed to operate and there is no deterrent whatsoever."*

Sophie Hayes, Sophie Hayes Foundation, Oral Evidence

As a number of submissions highlighted, acknowledging the links between the demand for prostitution and trafficking for sexual exploitation is crucial:

*"It's very clear now, through the anti-trafficking binding instruments, that there is an obligation to discourage the demand. It's not debatable."*

Gunilla Ekberg, Former Special Advisor to the Swedish Government,  
Oral Evidence

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<sup>15</sup> Of the 1746 victims of trafficking identified by the National Referral Mechanism in 2013, 725 were trafficked for sexual exploitation. Of these victims, 691 were female. National Crime Agency *UK Human Trafficking Centre National Referral Mechanism Statistics 2013*

## The Group's View

Prostitution is a complex and polarising subject. On one issue, however, almost all submissions to the Inquiry were united: the law, put simply, is not working.

It fails to send any clear signals about the trade. It does not reflect the fundamental power imbalance inherent in prostitution, and it often targets victims rather than perpetrators. It fails to create a deterrent to those who create demand and doesn't live up to our international commitments on trafficking.

Whilst the group recognises the primary role of legislation is not to communicate a political position, clarity about what the state considers prostitution to be, with clear principles enshrined in law, is essential to get agencies to act and protect the most vulnerable.

### Recommendations

In order for legislation to better protect the vulnerable and punish perpetrators, we recommend:

1. Consolidating legislation in a single Act with clear principles underpinning it:
  - i. The burden of criminality should weigh heaviest on those who purchase sex – who create demand – and not on those who provide sexual services.
  - ii. Given the harm experienced by women involved in prostitution, it is entirely legitimate to seek to reduce instances of the sale of sexual services.
  - iii. The law should help, not hinder, the efforts of those who wish to exit prostitution.
  - iv. Prostitution is incompatible with attempts to tackle gender inequality, and inconsistent with measures to tackle human trafficking.





## Policing and Enforcement

Without a clear political strategy undergirding the law, legislation is vulnerable to subjective interpretation and inconsistent enforcement. The failure of the law to prioritise the protection of often vulnerable women can result in short-term policing responses, that focus on anti-social behaviour instead.

### Policing and Enforcement: Unevenly Prioritised and Resourced

Evidence gathered through the Inquiry highlighted major problems surrounding the enforcement of prostitution offences. The lack of clarity within legislation was found to be resulting in confusion around the content of the laws, and uneven enforcement based on different interpretations of the law.

*"The legislation is confusing and as a result presents as a challenge to enforce. The legislation does not place safeguarding those involved in prostitution at the heart of the response."*

Jade Holvey, Lambeth Council, Written Evidence Submission 237

*"There's not a clear message being sent out and there's a lack of co-ordination between the agencies. There's a recommendation for a holistic response and a multiagency method approach. However, there needs to be a key level of co-ordination."*

Rebecca Perry, Safe Exit Toynbee Hall, Oral Evidence

*"[The] Laws seem to be quite confused and it can be difficult to determine who is being punished."*

Mark Benbow, Redbridge Council, Written Evidence Submission 408

The lack of a coherent political strategy within legislation is detrimental to effective enforcement. Without a centralised strategy, local enforcement is disparate. As one individual commented, the good practice of some localities is undermined by bad practice elsewhere:

*"Whatever the politics of all of this is, there are certain things that you cannot leave to an entirely localised and independent level of decision making, because, if you have, as is particularly evidenced in prostitution, one borough of London that has a really proactive approach that diverts women into exiting services and tackles demand and tackles some of the sort of attitudes and behaviours and does that, and you've got another borough that is doing clean ups and crack downs and sending people to ASBOs and arresting people, you end up having just totally fluid borders, with things just going round and round, a revolving door policy..."*

*Nobody knows where they stand, and the police themselves, in research which was done in London, they themselves were saying, 'we do not know what we're trying to achieve, so we just sort of sit there and wait and respond to things and react to things according to whatever pressure one day to the next is put upon us."*

Heather Harvey, Eaves for Women, Oral Evidence

*"The laws in the UK are incoherent and inconsistently enforced. Currently the enforcement approach towards prostitution is left to the discretion of local authorities, with the result that there are excellent responses like that of Lambeth (who focus on arresting buyers of sex, and try to keep women in prostitution out of the criminal justice system by diverting them into exiting / drug programs etc), and dreadful responses like those of Tower Hamlets in the lead up to the Olympics, where they arrested a large number of women in prostitution in order to 'clean up' the area."*

Nordic Model Advocates, Written Evidence Submission 393

Similarly, on a local level policing is inconsistent because enforcement of legislation is too difficult and resource intensive. It rarely becomes a policing priority unless an extremely serious case is reported:

*"It doesn't seem to be a major problem unless something happens. If someone's murdered, or something like that, then everybody starts to look at prostitution"*

Sali Harwood, Sheffield Working Women's Opportunities Project, Oral Evidence

*"The laws surrounding prostitution are very unevenly policed and enforced today. For example, in 2008, there were 349 individuals found guilty of street soliciting, but there are thought to be around 4,000 people selling sex in the streets that year. In 2010, ACPO estimated around 6,000 premises where sex was being sold in the UK; only 44 offences in the same year of running a brothel."*

Phil Hubbard, University of Kent, Oral Evidence

## **Policing and Enforcement: Evidentiary Requirements to Prove Exploitation**

As outlined in the previous section, certain aspects of the current law are particularly difficult to apply and *"evidentiary requirements to prove exploitation and abuse are stringent"*.<sup>16</sup>

In relation to paying for sexual services of a child under 18, the defence of reasonable belief that the child was over 18 makes it very difficult to prosecute. Sergeant Neil Radford of Nottinghamshire Police told the Inquiry:

*"I've interviewed a few people now that we've caught with 17 year old girls and the first thing they always say on interview is, 'I thought she was 18'. As soon as they say that, the CPS won't run it. To my mind, it should be absolute. It's just a chance you take. If you purchase sex off somebody, you run the risk that they are a child and you suffer the consequences."*

Sgt Neil Radford, Nottinghamshire Police, Oral Evidence

Section 14 of the Policing and Crime Act 2009 (paying for the sexual services of a prostitute subject to force) was also found to be creating difficulties. Submissions from the police highlighted how the requirement to provide evidence of force or coercion can create serious barriers for enforcement:

*"The offence of purchasing sex from a person being threatened [...] is too restrictive and hard to prove."*

Sgt Neil Radford, Nottinghamshire Police, Written Evidence Submission 230

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<sup>16</sup> Aravinda Kosaraju, Support after Rape and Sexual Violence Leeds, Written Evidence Submission 409



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*"The recent law for 'the Buyers of Sex' has some elements that could be looked at subjectively and therefore [...] it would be difficult to convict."*

PC Janet Humphrey, Suffolk Constabulary, Written Evidence Submission 122

One submission stated:

*"In Tower Hamlets there has not been a single arrest under Section 14 of the Policing and Crime Act and the Police openly stated at a public meeting on 27.06.12 that they do not have sufficient intelligence on pimps to target them."*

Tessa Horvath, LIFT, Written Evidence Submission 390

Similar evidentiary requirements create barriers for targeting those who control or facilitate prostitution for gain (section 53 of the Sexual Offences Act 2003):

*"They [...] have a double intent, in that we have to prove that a person is controlling or coercing prostitution. Once we establish that, we then have to prove they're doing it for gain."*

Sgt Neil Radford, Nottinghamshire Police, Oral Evidence

## **Policing and Enforcement: Further Marginalises the Vulnerable**

### **Unbalanced Enforcement**

The Inquiry found that enforcement of legislation is unbalanced. As a result of unclear legislation and sparse resources, enforcement tends to be targeted, focusing on those selling sexual services while negating the prosecution of those inciting prostitution for gain and those purchasing sexual services. Evidence given in the Inquiry suggests that, because of their visibility, it is less resource intensive to issue cautions to these individuals rather than investigate offences related to kerb crawling or coercion:

*"Too much emphasis is placed on enforcement towards the women involved in prostitution possibly because they are the easiest people to identify."*

Mark Benbow, Redbridge Council, Written Evidence Submission 408

One council official reported to the Inquiry that in one year 200 charges were brought against women in prostitution, compared with 3 charges for kerb crawling.<sup>17</sup> He told the Inquiry:

*"I'm afraid they do the easy part, which is target the women involved, rather than the more difficult, which is the men behind it, or the kerb crawlers. They're far more difficult, far more resource intensive, and they don't get any credit for it. Nobody says, 'well done, you've achieved your target'. It's not on their radar."*

Mark Benbow, Redbridge Council, Oral Evidence

Rather than deterring individuals from selling sexual services, this pattern of enforcement can cause individuals to sell more services in order to pay off fines for prostitution related offences, perpetuating cycles of prostitution:

*"The law merely serves to criminalise, stigmatise and punish women, further entrenching them in prostitution as it leads to a revolving cycle of women being targeted, criminalised and then having to remain involved in order to pay fines."*

Individual Response, Written Evidence Submission 354

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<sup>17</sup> Mark Benbow, Redbridge Council, Oral Evidence

Thus in many areas the failure of legislation to recognise that many individuals selling sex are doing so as a result of coercion, abuse, addictions, or a lack of alternative options, is resulting in poor enforcement.

Where clear political leadership is displayed, as in Lambeth, it can result a close working relationship between the council and police at the levels of funding and enforcement:

*"In Lambeth we see prostitution as an issue of Violence Against Women And Girls and a form of exploitation. So we use the legislation to tackle the demand side by arresting and targeting kerb crawlers..., when we do arrest women for onstreet prostitution, we use the court diversion scheme to divert them out of the criminal justice system."*

Jade Holvey, Lambeth Council, Oral Evidence

### Brothels

The Inquiry also heard concerns about the licensing system of activities relating to prostitution. The failure of the licensing system to facilitate policing of brothels does little to deter those facilitating prostitution for gain:

*"Many legal businesses, which are licensed up and down the country as massage parlours, are de facto brothels under the term of the Sexual Offences Act 2003."*

Professor Phil Hubbard, University of Kent, Oral Evidence

*"If I can give one recommendation, it is to do an investigation into the UK, and specifically look at the licensing system as a means of favouring the markets encouraging men to buy, and of course encouraging the movement of women and children for prostitution purposes."*

Gunilla Ekberg, Former Special Advisor to Swedish Government, Oral Evidence

Whilst controlled brothels are inadequately policed, the Inquiry heard how current legislation is compromising the safety of women who choose to work in the same premises to increase their safety. Under existing legislation, they are liable to prosecution under brothel keeping.

Various submissions called for legislation to change the definition of a brothel, allowing for women to sell sexual services independently but on the same premises<sup>18</sup>:

*"The easiest, cheapest and most sensible solution would be to produce a statutory definition of a brothel, which would exclude several prostitutes sharing premises on a co-operative basis, whether in serial or parallel."*

Individual Response, Written Evidence Submission 39

*"It is much safer to allow sex workers to work together for their own protection. Lifting these restrictions, while maintaining and enforcing laws against exploitative 'pimping', will enable cooperatives of sex workers to work safely together, decreasing the pressures towards exploitative vulnerable sex work, and thus reducing the demand for that."*

Individual Response, Written Evidence Submission 77

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<sup>18</sup> Individual Response, Written Evidence Submission 17, Individual Response, Written Evidence Submission 19; Individual Response, Written Evidence Submission 32; Individual Response, Written Evidence Submission 49; Individual Response, Written Evidence Submission 58



*"As an independent I would love to have a friend work with me from the same flat both for security and social reasons but due to current laws I cannot."*

Individual Response, Written Evidence Submission 80

This is a complicated area, and one which should be reviewed with the aim of ensuring that women are not subject to criminalisation in an attempt to better protect themselves; at the same time as ensuring any change in the law does not assist those who exploit women in prostitution.

### Reporting Violence

As referenced in relation to legislation, despite the high levels of violence experienced by women involved in prostitution, rates of reporting are very low. Evidence submitted to the Inquiry explained that this is due to legislation and enforcement which focuses on criminalising the victims of these crimes:

*"Women now feel, based on very concrete experience and information from other sex workers, that, if they approach the police, they themselves are at risk of prosecution... We have had too many cases where women have been attacked; they have tried to report and, instead of the attack being investigated, the women themselves came under investigation....in some of the recent cases that we've dealt with, violent men have actually said to sex workers, when they attack them, 'we know you will not be able to do anything about this.'"*

Niki Adams, English Collective of Prostitutes, Oral Evidence

One witness with previous experience of sexual exploitation through prostitution from a very young age relayed one such case. As a result of reporting crimes against her to the police, she herself was cautioned rather than those responsible for kidnap, rape and assault she had experienced:

*"It just reinforced that I was the bad person. It was me that had done wrong, you know?"*

Helena Evans, Oral Evidence

Practice of this kind serves to further marginalise those involved in selling sex and creates barriers between police and those involved in prostitution. Evidence suggested that the relationships between the police and those directly involved in prostitution can be unsupportive and hampered by the fear of receiving prostitution related penalties:

*"On the one hand, the police are supporting you, but, on the other hand, they're enforcing the law against you, and how women view the role of the police can be quite confused; and whether they then feel able to come forward and report as a victim is another matter."*

Jade Holvey, Lambeth Council, Oral Evidence

Other submissions highlighted that complex links between prostitution and substance abuse, as illustrated in the following section, create further deterrents for reporting violence:

*"It's not just that they're criminalised in terms of soliciting and loitering, but also usually there's drug dependency as well. So they further incriminate themselves in relation to their drug use. So strong disincentives, not only in terms of their criminalisation, but just the negative experiences of statutory services."*

Shannon Harvey, Against Violence and Abuse, Oral Evidence

A culture of low rates of reporting and the lack of consistent enforcement of laws around violence and abuse of those involved in selling sex send a message of likely impunity to those who would target vulnerable women.

In contrast, the Inquiry took evidence about the Merseyside model, where the police treat crimes against women involved in prostitution as hate crimes. In 2010 the overall conviction rate for crimes reported against those selling sexual services in Merseyside was 84%, with a 67% conviction rate for rape.<sup>19</sup>

The Merseyside model is demonstrative of the need to make prostitution a policing priority through the implementation of a centralised good practice strategy:

*“Merseyside police have implemented something which I think I am shocked that is not rolled out over the UK, and I'm shocked that there aren't other countries, in fact every other country that purports to be concerned about people in prostitution, are not looking at Merseyside and saying, ‘we have got to replicate this’”.*

Ruth Jacobs, Oral Evidence

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<sup>19</sup> Ruth Jacobs, Oral Evidence



## The Group's View

Throughout the evidence sessions it was clear that the agencies we trust to tackle the issue of prostitution day-to-day – local authorities, the police and courts – look to government to set the tempo of their activities. Prostitution isn't a priority because, by and large, government sends no signal that it is a priority.

In some rare examples of good practice, a holistic policing and enforcement strategy can help protect the most vulnerable from violence, aid exit or deter entry. But these examples are few or far between, requiring effective political leadership at a local level to succeed.

The restrictions and caveats in legislation often serve in practice to deter prosecutors, as in the case of child sexual exploitation or sex with a coerced or trafficked person – areas where we feel right minded people would be convinced of the desirability of prosecution.

Essentially, policing and enforcement would be strengthened by a legal settlement that is clear and principled; and without a change in the law it seems unlikely that shift in enforcement will improve.

## Recommendations

In order for the policing and enforcement of legislation to better safeguard those vulnerable to exploitation and abuse, we recommend:

2. Removing soliciting offences that target women involved in prostitution from statute and instead dealing with persistent anti-social behaviour under ASB legislation. Wherever possible women should be diverted from the criminal justice system.
3. Increasing penalties for those controlling individuals in prostitution, at the same time as reviewing the law to prevent the prosecution of individuals independently selling sexual services on the same premises for the purpose of their safety.
4. Amending the strict liability offence for purchasing sexual services from a child by raising the age at which strict liability is established from 13 to 16.

## Entry and Exit

Following the *Paying the Price* call for evidence and government response in 2006, the last Government outlined a 'co-ordinated prostitution strategy'.<sup>20</sup> The report highlighted the importance of preventing individuals from entering prostitution and the need to adequately support individuals in exiting prostitution.

Evidence received by the Inquiry demonstrated that legislation is hampering efforts to achieve these priorities.

### Entry and Exit: Assumption that Entry into Prostitution is a Choice

Although the scope of the APPG's Inquiry did not originally include issues surrounding entry into prostitution, in both written and oral responses the significance of entry routes was repeatedly raised as pivotal to understanding prostitution. Understanding the factors driving people into prostitution is crucial in assessing the efficacy of legislative responses.

Some submissions represented the opinion that prostitution is a matter of choice:

*"There are many women in prostitution who do it through choice, because they enjoy it and are good at it."*

Individual Response, Written Evidence Submission 19

*"There is a broad range of sex workers, including people who have been coerced, as well as significant numbers who make a positive choice to work in the industry to support their broader goals in life. Their clients help them to meet short-term goals, before leaving the industry, or to meet longer term goals over a period of time."*

Terrence Higgins Trust, Written Evidence Submission 409

*"Most of the discussion around prostitution assumes that it is a bad thing, and it must be stopped. Whereas it is a perfectly acceptable career choice that should be there to enter and exit voluntarily. Criminalising users and providers just makes matters worse for sex workers. If anything, a more open transparent industry should be fostered to make the working environment safe for providers."*

Individual Response, Written Evidence Submission 40

Other responses suggested that the only coercive factor involved in entry into prostitution is financial:

*"I think that our experience is that the decision to go into prostitution and to continue and not leave is really a financial one, and that's the primary motivation, and so other factors are incidental, really."*

Niki Adams, English Collective of Prostitutes, Oral Evidence

However, as already outlined in relation to legislation, and policing and enforcement, many submissions from individuals working to provide frontline services explained that, for those directly involved, entry into prostitution is gradual - and typically in response to wider pressures that we would recognise to be harmful.

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<sup>20</sup> Home Office, *A coordinated prostitution strategy and a summary of responses to 'Paying the Price'* (London: UK Government, 2006)





As such it is important to understand the prevalence of particular vulnerabilities amongst many of those who enter prostitution.

### Poverty

A number of submissions highlighted that prostitution is frequently entered as a result of poverty:

*"a lot of these women... want to feed their kids, put shoes on their kids. They want to have a roof over their head. Although I hate the term, 'sex worker' it's not a way to earn a living we must remember that a lot of these women are in poverty."*

Ruth Jacobs, Oral Evidence

One individual noted that this is a trend which is becoming more prevalent as the number of UK immigrants involved in prostitution:

*"They are here because their families are living in absolute poverty in their home country and they are earning money and they are sending money home."*

Niki Adams, English Collective of Prostitutes, Oral Evidence

This trend has been found to be particularly prevalent amongst indoor workers, with one study reporting that 74% of indoor workers questioned identified the need to pay household expenses and support their children as a primary motivator for entering prostitution.<sup>21</sup>

### Experience of Sexual Abuse as a Child

A prevalent trend reported to the Inquiry was experience of sexual abuse as a child.<sup>22</sup>

One service worker explained:

*"In the context of Tower Hamlets, the women that we work with report to us experiences, extreme experiences, of child sexual abuse from an incredibly young age, from literally the day they were born. They have extremely problematic lifestyles. Again, it's a continuum. There's no point at which they can say, 'that event occurred and caused this and triggered this behaviour.'"*

Rebecca Perry, Safe Exit Toynbee Hall, Oral Evidence

One individual with previous involvement in prostitution explained how the abuse she experienced as a child contributed to her entry into prostitution:

*"for me, sexually abused as a child, saw herself as a sex object and carried on doing it – did I have agency? Was it a choice? You know, I think I'd say no, it wasn't actually, it was a choice made from a really damaged mind, but for someone currently in that you can't tell them that because it's too painful."*

Ruth Jacobs, Oral Evidence

<sup>21</sup> Compared with 28% of women involved in street based prostitution. S. Church, M. Henderson, M. Barnard & G. Hart, *Violence by Clients Towards Female Prostitutes in Different Work Settings: Questionnaire Survey*, British Medical Journal 332: 524–5 (2001).

<sup>22</sup> A 2004 Home Office study estimates that 45% of those involved in prostitution have experienced familial sexual abuse. Home Office, *Paying the Price: A consultation paper on prostitution* (UK Government, 2004)

Many women in prostitution, not only experience childhood abuse but also enter prostitution at a young age. In the Call to Evidence, 37 of 39 respondents to the question encountered individuals in prostitution who entered under the age of 18. One study referred to the Inquiry found evidence that around 32% had entered underage. Several other written submissions from frontline service providers put the figure higher, some even as high as 75% to 100% of their clients.<sup>23</sup>

*“Our experience is that women begin to have the experiences that lead them into prostitution at a very, very young age, and well below the age of 18 in many cases, even though they may present to services at a much later age.”*

Laura Timms, East London Rape Crisis Service, Oral Evidence

### Looked after Children and Children in Care

Another group found to be particularly vulnerable to entering prostitution are young people within the care system.<sup>24</sup> One witness entered prostitution after running away from care at age 13, and then spent 27 years trapped in prostitution and addiction.

She told the Inquiry:

*“I would run away to London or somewhere and I always knew a man would pick me up and would house me, feed me, just to go with a man, which to me was nothing. I didn’t think I had the right to say no.... I was uneducated, I just thought I could earn lots of money very quickly, and I didn’t realise the emotional destruction and the horror that that kind of lifestyle brought.”*

Helena Evans, Oral Evidence

In the London Borough of Lambeth this was mirrored:

*“One of the striking features of women involved in street prostitution in Lambeth is the failure that they’ve experienced within the care system at a young age, and the degree and sort of context of the abuse, and the failures of the systems there to support them.”*

Helen Easton, London Southbank University, Oral Evidence

### Drugs and Alcohol

Many submissions stated that problematic substance use was common amongst those involved in prostitution.<sup>25</sup> Reflecting on the links between drug and alcohol misuse and entry into prostitution, one submission stated:

*“The biggest issue that forces the women out onto the street in our street UK based population are drug and alcohol issues. So it’s that dependency, that need to pay for drugs.”*

Niki Adams, English Collective of Prostitutes, Oral Evidence

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<sup>23</sup> Peter Middleton, New Horizon Youth Centre, Written Evidence Submission 10; Jackie Hird, Joanna, Written Evidence Submission 127; Suzi Heybourne, The Magdalene Group, Written Evidence Submission 154; Community Outreach Project, Written Evidence Submission 158; Written Evidence Submission 234; Lynda Dearlove, Women at the Well, Written Evidence Submission 254

<sup>24</sup> A 2004 Home Office report estimates that as many as 70% of women in prostitution have spent time in care. Home Office, *Paying the Price: A consultation paper on prostitution* (UK Government, 2004)

<sup>25</sup> See pp.49-50



Some suggested that the influence of substance abuse was a more common cause of entry into “on-street” prostitution than “off-street”. However, Heather Harvey from Eaves told the Inquiry that this is for many people an “*increasingly artificial*” distinction.<sup>26</sup> In their study, those in off-street prostitution also had drug and alcohol issues, but often “*used a different set of drugs and a different set of alcohol as a coping mechanism in a different way.*”<sup>27</sup>

## On Choice

The prevalence of these factors amongst those who enter prostitution ought to challenge the language of ‘choice’. More often than not, prostitution is entered out of desperation arising from a number of situation-specific factors. A large number of submissions communicated this to the Inquiry:

*“The best available evidence absolutely bears out that, you know, by and large, women do not choose to be in prostitution. Those few exceptions should not be forming the policy goals here.”*

Laura Timms, East London Rape Crisis Centre, Oral Evidence

*“The Recovery services works with the principle that involvement in prostitution is a survival strategy. We promote that there is a need for support services to help women/men to have options and empowerment to make informed choices. Many of the women we have contact with are vulnerable and have been groomed, exploited and abused.”*

Wendy Shepherd, Barnados SECOS, Written Evidence 410

*“We can’t neglect the fact that there will be an increasingly strong case and good case that people could make to say, ‘she went into it fully consenting, but, actually, that doesn’t in any way neglect the harm, and, if she’s gone into it consenting, it’s in a context that is actually often very uninformed and is part of a wider movement that wants to create the circumstances where that is a choice that we make.’”*

Heather Harvey, Eaves for Women, Oral Evidence

*“Through my experience, the women we’ve worked with, we’ve never met a woman who has consciously made a decision that that is the career choice that she’s obviously decided for. It’s something that she’s found herself within, and there’s no point within her experience where she can actually pinpoint the moment that she entered, because it’s such a continuum. So I think for that reason, that evidences the fact that it’s not a choice; it’s a coercion. It’s something out of desperation.”*

Rebecca Perry, Safe Exit Toynebee Hall, Oral Evidence

## Entry and Exit: Legislation is Inconsistent with Efforts to Promote Exit

Various submissions also evidenced that the language of choice is similarly unhelpful for discussions around exiting prostitution. A lack of awareness about the complexity of exiting prostitution was evident in a number of submissions from men who purchase sex.

<sup>26</sup> Heather Harvey, Eaves for Women, Oral Evidence

<sup>27</sup> Ibid.

A typical response, below, suggested all women needed to exit was will-power:

*"Many working women hang up their knickers every year. They want to move on and good luck to them. There are bad laws around women ENTERING prostitution, but those who enter legally and voluntarily, without coercion or bondage payments, can exit whenever they wish, they just need the will-power to walk away."*

Individual Response, Written Evidence Submission 150

The Inquiry heard that many women would like to exit prostitution:

*"A significant number of the women that we've spoken to have either directly expressed a wish to leave prostitution quickly or have expressed an intention to not remain in prostitution for the long term."*

Helen Easton, London Southbank University, Oral Evidence

Shannon Harvey of AVA similarly told the Inquiry that women wanted to exit:

*"Across the board, women also were expressing some desire to change their lives. They wanted to have something different. They didn't want to be drug dependent for the rest of their lives. They didn't want to be involved in prostitution for the rest of their lives. Very often this was about wanting a better life for their children, just having what they call 'normal life', wanting what other people want, and very modest desires, really, but women did want to exit."*

Shannon Harvey, AVA, Oral Evidence

However, many submissions highlighted that women face multiple barriers to exiting prostitution, many of which are linked to legislation.

### The Impact of Criminalisation

The Inquiry heard from various individuals that current legislation, which places the burden of criminality on those selling sexual services, creates serious barriers for exiting prostitution. When questioned on this topic, two thirds of the written evidence submissions considered current legislation to be a barrier to those wishing to exit prostitution.<sup>28</sup>

*"As a result of criminalisation, that also means that some sex workers and people selling sex will not seek the advice that may be available to them through support services. They may not take up the advice of exiting strategies that might be available to them."*

Professor Phil Hubbard, University of Kent, Oral Evidence

Various submissions highlighted that the fear of prosecution prevents women from accessing exit services. Evidence also demonstrated the complex emotional damage that participating in daily criminalised activity can bring:

*"I didn't realise the emotional destruction and the horror that that kind of lifestyle brought. In the end, I had such low selfworth that I didn't believe I was even worth exiting prostitution. I believed that's all I was worth, you know, that I was the scum of the earth, stuff like that. So it was very hard for me to exit."*

Helena Evans, Oral Evidence

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<sup>28</sup> 213 out of 322. 91 respondents did not answer the question.



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*"The women themselves have their own judgement placed on themselves, and so they will not present to an external service and state, 'I'm a sex worker'".*

Rebecca Perry, Oral Evidence

Submissions highlighted that cautions and fines for crimes relating to selling sexual services, far from being a deterrent for those selling sexual services, often result in women selling more sexual services to pay off fines, exacerbating cycles of prostitution.

Similarly, the Inquiry heard how criminal convictions frequently prevent women in prostitution from finding alternative employment:

*"Criminal records is a big area that women raise over and over again. Convictions that women get for prostitution offences, often at an early age, stay with you for life and can prevent you from getting other jobs, trapping you in prostitution."*

Niki Adams, English Collective of Prostitutes, Oral Evidence

*"Convictions for prostitution related offences can never be helpful in a search for a legitimate job. Convictions and fines trap prostituted people in that world."*

Individual Response, Written Evidence Submission 31

## Incoherent Strategy

The damaging effect of legislation upon efforts to support women in exiting reflects incoherent political strategy. Despite having been outlined in Government reports as a priority,<sup>29</sup> the law is inconsistent with efforts to improve exit strategies on two levels:

First, as has been demonstrated, the law places the burden of criminality on those selling sexual services which creates serious barriers for exiting:

*"The impact of a cycle of arrest, charging and conviction on women involved in street-based prostitution has a harmful impact on exiting, interfering with the ability of services to provide consistent support, based on trust, and their ability to support women towards exiting when they are ready and able."*

Shannon Harvey, AVA, Written Evidence Submission 262

Second, the law's failure to tackle the demand for prostitution encourages women's involvement in, rather than exit from, prostitution:

*"I cannot see why you would be investing money in exiting if you had a legalised system. The two things are incoherent."*

Heather Harvey, Eaves for Women, Oral Evidence

The Inquiry heard evidence which highlighted the detrimental impact of an inconsistent political strategy upon efforts to support women in exiting prostitution. While some areas are investing in exiting and developing holistic multi-agency approaches, other areas lack funding, and therefore focus on achieving policing targets:

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<sup>29</sup> Home Office, *A coordinated prostitution strategy and a summary of responses to 'Paying the Price'* (London: UK Government, 2006)

*"You have [...] one borough of London that has a really proactive approach that diverts women into exiting services and tackles demand ...and you've got another borough that is doing clean ups and crack downs and sending people to ASBOs and arresting people, you end up having just totally fluid borders, with things just going round and round, a revolving door policy"*

Heather Harvey, Eaves for Women, Oral Evidence

The Inquiry heard of two instances of good practice taking place in Lambeth and Ipswich. Officials from Lambeth council told the Inquiry about the 'Chrysalis Project', which has been developed to provide accommodation for women across three stages of an exiting programme. Helen Easton from London Southbank University praised the work of the local authorities in Lambeth:

*"They have based their model around the best practice in terms of exiting, behaviour change, identity shift... and [it] has had significant impact on this process of supporting women to exit."*

Helen Easton, London Southbank University, Oral Evidence

Other submissions highlighted the importance of a multiagency strategy for improving efforts to support women in exiting prostitution, as has been evidenced in Ipswich. In a very short space of time Ipswich introduced a co-ordinated multi-agency strategy, which sought to remove prostitution from the streets of Ipswich and simultaneously help the women involved in street prostitution to exit. A multiagency team was developed in April 2007. By 2008 street prostitution in Ipswich had, effectively, been removed.<sup>30</sup>

Unfortunately, these instances of good practice are significantly undermined by areas where funding is sparse and there is a lack of co-ordination between different agencies. Representatives from a number of agencies reported issues relating to securing long-term funding.<sup>31</sup> In some areas, local initiatives to promote exit strategies are being undermined by a lack of central funding.

Rebecca Perry described how this situation is affecting the work of Safe Exit at Toynbee Hall:

*"We're going to be closing in the next month because of the lack of funding. However, it's been recognised as a priority within the borough, so there's a complete contradiction."*

Rebecca Perry, Safe Exit Toynbee Hall, Oral Evidence

The lack of funding for exiting projects further demonstrates the need for a more coherent and efficient political strategy, as cutting funding is financially illogical. Though there are few statistics available to show the financial cost of prostitution; a 2012 report produced by the Department for Health estimated that violence against women in prostitution alone costs £2.1 billion a year to the criminal justice system, health and social services and victims.<sup>32</sup>

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<sup>30</sup> PC Janet Humphrey, Suffolk Constabulary, Oral Evidence

<sup>31</sup> Shannon Harvey, AVA, Oral Evidence; Frontline Service Provider, Written Evidence 250; Lynda Dearlove, Women at the Well, Written Evidence Submission 254; Gunilla Ekberg, Oral Evidence; Frontline service provider, Written Evidence Submission 263

<sup>32</sup> Department of Health, *Protecting People, Promoting Health: Public Health Approach to Violence Prevention in England*, October 2012



One submission noted this:

*"All these initiatives may cost money to begin with, but they save society money in the end as prostitution ruins lives both of sellers and their children which costs society millions."*

Paisley Amnesty Group, Written Evidence 264

Other submissions shared concerns about a lack of co-ordination in some areas between different service providers. While services which provide drug treatment, housing and other support programmes are important, the Inquiry heard concerns that these services may address only part of an individual's problem:

*"The women were very often saying that they go to a drugs service and kind of had someone trying to work with them around that and around recovery, but not addressing the prostitution at all. For them, actually, these aren't separate issues."*

Shannon Harvey, AVA, Oral Evidence

Furthermore, one submission highlighted that service providers often do not address the issue of exiting:

*"Services tend to avoid the issue and they tend to avoid [it] because they don't feel comfortable talking about it themselves."*

Helen Easton, London South Bank University, Oral Evidence

*"I had to go, if I wanted to stop prostitution, to drug rehab. They never addressed that horrific side of my life."*

Helena Evans, Oral Evidence

Until there is a centralised political strategy, localised efforts to increase the number of woman exiting prostitution will have a limited effect.

## The Group's View

To deny that there are no individuals for whom entry and exit into prostitution is entirely their own choice would be disingenuous. For the vast majority however, language of 'choice' is deeply problematic.

Despite evidence from 'punters' that entry and exit were easy for women, we found the evidence of frontline service providers to be far more compelling.

From these, the group took a large volume of consistent and highly compelling evidence that women involved in prostitution were regularly survivors of child sexual abuse; had entered below the age of 18; had problematic patterns of drug and alcohol misuse; or had been targeted having been in care. Extreme poverty was also regularly cited. In some cases, all of these factors were present.

While the group emphasises the need for legislation to be coherent with strategies to promote exit from prostitution, it also acknowledges the limitations of legislative change alone and therefore calls for a more co-ordinated approach between local councils and service providers, particularly in order to better safeguard those most vulnerable to exploitation and abuse.

More broadly, it is deeply disturbing that women involved in prostitution can access frontline services for many years without ever once being asked whether they have a desire to exit the sex trade. It should be a requirement of government funded services to make this pathway available.

## Recommendations

In order to better prevent entry into and promote exit from prostitution, we recommend:

5. Requiring government to conduct a financial assessment of the social cost of prostitution, and to enable reporting of government spending on programmes to reduce entry to and promote exit from prostitution.
6. Requiring government funded service providers to make available, or provide information about, programmes which facilitate exit from prostitution, with funding allocated to those services which meet this criteria most effectively.
7. Requiring child safeguarding boards to identify children, including those aged 16-18, at a heightened risk of commercial sexual exploitation in order to provide targeted intervention.





## Culture

The law can be seen as an extension of the cultural views around prostitution, and as such it should be reflective of cultural shifts. The Inquiry heard from many individuals concerned about the impact of the law on cultural attitudes, highlighting particularly the intersecting issues of prostitution and human rights; violence against women and girls; stigma; and gender equality.

### Culture: Facilitating Purchase, Stigmatising Sale

For too long legislation in England and Wales has reflected an 'out of sight, out of mind' attitude towards prostitution. This has resulted in a lack of public awareness surrounding the nature of, and issues related to, prostitution.

#### Prostitution as a Right

A number of responses gave voice to the view that prostitution within parameters of consent and safe practice must be treated as a commercial business transaction and thus as a victimless crime:

*"Our view is that there's nothing inherently violent about prostitution or harmful about prostitution, especially compared to other options that women face."*

Niki Adams, English Collective of Prostitutes, Oral Evidence

*"For me, there is absolutely nothing inherently wrong with adults consenting to transact sex."*

Georgina Perry, UK Network of Sex Worker Projects, Oral Evidence

Such submissions represent the view that prostitution is an acceptable form of employment without detrimental effects, akin to any other occupation; and a handful of submissions expressed that individuals have the right to sell sexual services:

*"It's a free choice of adults to express their sexuality with other consensual adults, whether money changes hands or not is irrelevant."*

Individual Response, Written Evidence Submission 46

*"I believe that sex is an important part of life and I find no reason to vilify it as it has been by society for so long. It will be safer for women and men who engage in prostitution if it is legal, regulated, and normalized."*

Campaign/Research Group, Written Evidence Submission 25

Similarly, a number of submissions reflected the view that men have the right to purchase sex in order to satisfy their insatiable sexual desire:

*"Legality will not affect men's desires for sex. Better a regulated market to cater for men's need for sex than widespread gang rape common in countries with stigmatising attitude towards sex."*

Individual Response, Written Evidence Submission 8

*"Ultimately the desire for sex is stronger than any law. The best we can do is to create an environment as safe as possible for sex workers."*

Written Evidence Submission 374

Implicit in this evidence is an assumption that the majority of those involved in selling sex are doing so from a place of empowered and informed choice. However, as has been highlighted in relation to entry into prostitution, a number of submissions to the Inquiry challenged this view. Research shared with the Inquiry suggests that as many as half of all those in prostitution report experiencing tangible coercion whether from a trafficker, pimp or brothel, a partner or even a parent.<sup>33</sup>

Coercion can occur even more subtly too, as perpetrators take advantage of women who are particularly vulnerable.

One service provider told the Inquiry:

*"I acknowledge that there will be women you will find who will state that they entered prostitution as a positive choice, and have not had a negative experience of prostitution, but they are the very, very rare examples. The vast majority of women have entered exactly as you have described. It has been a steady but gradual and manipulative process, usually of initiating a woman into prostitution, quite often, at least initially, for someone else's benefit financially, rather than her own."*

Laura Timms, East London Rape Crisis Service, Oral Evidence

Speaking of her own route into prostitution, one individual echoed this view:

*"For me, sexually abused as a child, saw herself as a sex object and carried on doing it – did I have agency? Was it a choice? You know, I think I'd say no, it wasn't actually, it was a choice made from a really damaged mind, but for someone currently in that you can't tell them that because it's too painful."*

Ruth Jacobs, Oral Evidence

### Social Stigma

Whilst negligence in the law and its enforcement serves to normalise the purchase of sexual services as a human right, it simultaneously serves to stigmatise the sale of sexual services through enforcement and criminalisation, marginalising the women involved. Many participants referred to the experience of social stigma amongst women involved in prostitution, explaining that the criminalisation of the sale of sexual services only perpetuates the problem:

*"Equality Now considers that the stigma of prostitution continues to attach to the women involved precisely because prostitution is emblematic of sex inequality; the stigma arises from the deemed lower worth of the women involved because the power rests in those who can buy and use the women at will. Ensuring the buyer of prostitution is the one who bears the punishment for his exploitation of prostituted women is a step towards redressing this balance."*

Equality Now, Written Evidence Submission 404

*"Criminal records is a big area that women raise over and over again. Convictions that women get for prostitution offences, often at an early age, stay with you for life and can prevent you from getting other jobs, trapping you in prostitution."*

Niki Adams, English Collective of Prostitutes, Oral Evidence

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<sup>33</sup> Eaves and London Southbank University, research with 114 women involved in prostitution, Heather Harvey, Eaves for Women, Oral Evidence.



The social stigma frequently experienced by women involved in prostitution can lead to their exclusion from debates about best practice. The need to involve those with experience of prostitution when considering legislative changes cannot be understated. As one participant rightly commented:

*"[women in prostitution] are also residents and they're part of our community, and to exclude them is bizarre, because they are part of us."*

Jade Holvey, Lambeth Council, Oral Evidence

Measures to transfer the burden of criminality are essential for tackling the social isolation experienced by women involved in prostitution. Likewise, as outlined previously, strategies which aid women in exiting prostitution and experiencing a positive relationship with society should be a priority.

## Culture: Victims of Harm

The Inquiry received a wealth of evidence to challenge the normalisation of prostitution, particularly relating to the harm experienced by women involved.

### Extent of Harm

As has been continually highlighted, women involved in prostitution experience a high level of harm. This includes physical violence, but extends to include drug and alcohol coping mechanisms, sexual diseases and poor mental health.<sup>34</sup> This harm is experienced even by those who claim to have entered prostitution freely. Commenting on the findings of recent research, one individual explained:

*"some of them were making quite a lot of money; some of them would say, "I went into it of my own free choice", but that doesn't in any way neglect the harm and the damage that it causes them: all sorts of issues of disassociation, different alcohol and drug coping mechanisms, other issues around self-esteem that cause them to become vulnerable."*

Heather Harvey, Eaves for Women, Oral Evidence

One form of harm experienced by women in prostitution is violence (both physical and sexual) as evidenced extensively throughout this report. Submissions to the Inquiry also suggested that problematic drug use was common amongst individuals involved in prostitution. Although just over one third of submissions suggested that drug and alcohol misuse is no more prevalent amongst individuals in prostitution than the rest of the population, both evidence from research and evidence submitted to the Inquiry challenge this.<sup>35</sup>

Research carried out by London South Bank University and Eaves for Women with 114 individuals involved in prostitution within London found that *"ninety five (83%) interviewees disclosed current or former problematic drug or alcohol use at the time of interview. Thirty four women became involved in prostitution prior to commencing drug*

<sup>34</sup> 68% of individuals involved in prostitution suffer from post-traumatic stress disorder. Dominique Damant et al., 'Trajectoires d'entrée en prostitution : violence, toxicomanie et criminalité', Le Journal International de Victimologie, No 3, April 2005.

<sup>35</sup> 99 of 291 written submissions that answered this question. In the England and Wales population between 2011 and 2012, an estimated 8.9% of adults had used an illicit drug. [*Drug misuse declared: findings from the 2011 to 2012 Crime Survey for England and Wales (CSEW) (second edition)*]

or alcohol use. For others, their drug use increased after entry into prostitution.<sup>36</sup> One individual with previous involvement in prostitution told the Inquiry “I was a heroin addict for 31 years,”<sup>37</sup> and another explained that she had been “an intravenous heroin and crack addict”.<sup>38</sup> 45 of the 57 submissions from frontline service providers reported drug and alcohol addiction among their clients.<sup>39</sup>

Aside from this physical harm, individuals with experience in prostitution told the Inquiry about the emotional and psychological harm experienced as a result of selling sexual services, presenting further challenge to the idea that prostitution should be treated as a commercial business transaction:

*“I still have really bad post traumatic stress disorder. You know, it is like a war zone in prostitution, and people need to be made to understand this.”*

Ruth Jacobs, Oral Evidence

*“In terms of prostitution as a whole, absolutely along the way there is exploitation. I just can't believe any woman would say, “this is my profession, what I want to do”.*

Helena Evans, Oral Evidence

Despite the evidence, the legal settlement in the UK does not adequately address the harm caused to women involved in prostitution. Instead, the law reaffirms assumptions that prostitution is purely a commercial business transaction, by criminalising only those activities related to prostitution that are a public nuisance. As one individual shared with the Inquiry, this serves to legitimise prostitution, and the harm experienced by women involved:

*“[The law is] completely wrong. What it sends out is it's absolutely fine to pay for sex and it's absolutely fine to have sex with children, as long as you pay them, and it's absolutely fine to rape anybody in prostitution....They deserve to be raped, and they're there to be raped, and they're there to be tortured....I think that's the message that's being sent out. “*

Ruth Jacobs, Oral Evidence

## **Culture: Prostitution as a Form of Violence Against Women and Girls**

Participants drew attention to an imbalance of harm within prostitution that is not present within non-commercial sexual transactions, whereby the harm to the seller is much greater than to the buyer (in terms of physical violence, sexual abuse, and poor mental health). As there is also a gender imbalance within prostitution, this harm disproportionately affects women and girls.<sup>40</sup>

Recent shifts in cultural perceptions around domestic violence have been evident in legislative and policing strategy development, whereby abusers are held to account

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<sup>36</sup> Eaves and London Southbank University, *Breaking down the Barriers*, 2012, p7. This study included women street based and off-street prostitution.

<sup>37</sup> Helena Evans, Oral Evidence

<sup>38</sup> Ruth Jacobs, Oral Evidence

<sup>39</sup> 45 Written Evidence Submissions.

<sup>40</sup> The English Collective of Prostitutes estimates that around 95 % of individuals in prostitution are female and 5 % are male.



and attitudes of victim-blaming are challenged. Various submissions called for a similar shift around prostitution, highlighting the need to understand prostitution as an issue of violence against women and girls.

*"The prostitution of women and girls constitutes a fundamental violation of women's human rights and a serious form of male violence against women. The tolerance of the EU and its member states for the system of prostitution allow for men's use of and control over women's body and sexuality, and fuels trafficking in women for sexual exploitation.*

*"The persistence of systems of prostitution in EU member states demonstrates the failure at European level to reach gender equality and promote women's rights. The question is not whether we should find the right conditions for prostitution to take place in a safe environment; survivors of prostitution will testify that it is nonsense.*

*"The question is about having the political courage to recognise that prostitution is intrinsically a form of violence, an obstacle to equality between women and men, and a violation of human dignity."*

European Women's Lobby, Written Evidence 400

As evidenced by areas of good practice, for example in Lambeth, at a local level addressing prostitution as part of a VAWG strategy would require a joined-up, multi-agency approach, including the council, police and service providers.<sup>41</sup> Treating prostitution as a form of violence against women and girls at a national and local level would serve an important role in transforming cultural attitudes:

*"If the public were made better aware of the circumstances under which women become prostitutes and continue to be prostitutes and what is behind that, you might get a change in public attitude."*

Shannon Harvey, Against Violence and Abuse, Oral Evidence

*"It's great to change legislation, and it would be incredible if we could have that change across the country, but, actually, just change alone isn't enough. That's not strong enough. It's around cultural changes, it's around perception, and how do we get this message across that we create a culture where it isn't acceptable to pay for sex?"*

Sophie Hayes, Sophie Hayes Foundation, Oral Evidence

## Culture: Prostitution and Gender Equality

In numerous written and oral submissions to the Inquiry, concerns were raised about the power imbalance outlined above and hence about the impact of prostitution on gender equality. Legislation protects the 'rights' of men to gratify their sexual desires through prostitution whilst failing to protect the rights of the women involved to live a life free from harm.

The European Parliamentary committee on Women's Rights and Gender Equality stated in its report that prostitution presents a violation of human rights:

*"Prostitution is a very obvious and utterly appalling violation of human dignity. Given that human dignity is specifically mentioned in the Charter of Fundamental Rights, the European Parliament has a duty to report on prostitution in the EU and*

<sup>41</sup> See page 23

*examine ways in which gender equality and human rights can be strengthened in this regard.*<sup>42</sup>

The report suggests an intrinsic link between prostitution and gender equality:

*“Prostitution and the sexual exploitation of women and girls are forms of violence and as such are obstacles to equality between women and men. Virtually all of those who buy sexual services are male. Exploitation in the sex industry is both a cause and a consequence of gender inequality perpetuating the idea that women’s and girls’ bodies are for sale.”*<sup>43</sup>

Implicit in this statement is the view that prostitution is a form of commoditisation. Although half of respondents to the Inquiry, when questioned, expressed the view that prostitution is a reasonable form of employment,<sup>44</sup> it is telling that less than 7% of frontline service providers took this view, with 83% considering prostitution to be commoditisation.<sup>45</sup>

Within a gender equality framework, it is reasonable to view prostitution as a form of sexual exploitation, through the commoditisation of women’s bodies. The Committee on Women’s Rights and Gender Equality have explained this, demonstrating that the link between prostitution and gender equality is structural as well as cultural, as women will often turn to prostitution due to a lack of alternative employment:

*“[Prostitution] is directly linked to the role and place of women in society, to their access to the labour market, to decision making, to health and education, and to the choices they are offered given the structural gender inequality.”*<sup>46</sup>

### Criminalising Purchase

In order to reflect wider aims to tackle gender inequality, in addition to removing offences relating to the sale of sexual services, measures must be taken to criminalise the purchase of sexual services. This approach, commonly known as the ‘Swedish model’, was first taken by Sweden in 1999, and has since been followed by Norway, Iceland and most recently France.

Gunilla Ekberg, who advised the Swedish Government on the subject, explained the shift in Swedish legislation to the Inquiry:

*“It was clear that prostitution and trafficking is contrary to the possibility of women and men to have equal opportunities, rights and chance.”*

Gunilla Ekberg, Former Special Advisor to Swedish Government, Oral Evidence

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<sup>42</sup> European Union Committee on Women’s Rights and Gender Equality, *Draft Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality*, 2013

<sup>43</sup> European Union Committee on Women’s Rights and Gender Equality, *Draft Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality*, 2013

<sup>44</sup> 165 of 331. 82 respondents did not answer the question.

<sup>45</sup> 3 of 39 frontline service providers who answered the question favoured a view of prostitution as sex work, while 36 favoured a view of prostitution as commoditisation. 4 respondents indicated both or neither. 15 frontline service providers did not answer the question.

<sup>46</sup> European Union Committee on Women’s Rights and Gender Equality, *Draft Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality*, 2013



A number of submissions to the Inquiry expressed opposition to this model, communicating concerns that criminalising the purchase of sexual services will drive prostitution underground.

*"It merely changes the way we can see it, where it occurs, and, actually, even though you can have a very prohibitive law, all that will probably do is drive things underground."*

Phil Hubbard, Oral Evidence

*"There will always be demand for paid sexual services, it will be driven underground and put workers and clients at more risk of exploitation and possible violence"*

Written Evidence Submission 32

Many of this opinion promote a legalised or decriminalised legislative model:

*"Legalising brothels will do a lot to increase the safety and well being of sex workers and, though not reducing demand, will lead to sex workers having more respectful clients."*

Written Evidence Submission 94

*"Prostitution should be decriminalized to allow participants to move onto to other occupations, if that is what they want. Those currently in the street scene should be encouraged into legalized brothels where there (sic) safety can be guaranteed."<sup>47</sup>*

Written Evidence Submission 100

Concerns of this kind highlight the importance of considering the effects of legislation on those most vulnerable. However, the group remains unconvinced.

As demonstrated in previous sections, the current UK settlement focuses on the most visible activities related to prostitution, allowing much of the market to exist out of view. One submission highlighted that prostitution is a client based business which requires clients to operate. If prostitution is driven underground to the extent that law enforcement cannot find those involved, clients will also be unable to access the services.<sup>48</sup>

*"If punters can find prostitutes, police can find prostitutes. It won't drive it underground because prostitutes have to be found. So I don't think that's a valid argument."*

Helena Evans, Oral Evidence

A recent review into the Swedish legal settlement found that the law has not driven prostitution underground, and the same review found that the law has been successful in tackling the Swedish sex trade.<sup>49</sup> A significant factor in producing this result was Sweden's increased commitment to providing adequate support services for those involved in prostitution.

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<sup>47</sup> Written Evidence Submission 100

<sup>48</sup> Helena Evans, Oral Evidence

<sup>49</sup> The Ban against the Purchase of Sexual Services. An evaluation 1999-2008: English Summary (Swedish Government, 2010)

## Cultural Change

In a 1996 survey, prior to the law change in Sweden, 67% of respondents felt that buying sex should not be considered a criminal act.<sup>50</sup> However in comparative surveys carried out in the years after the ban, attitudes were found to have shifted significantly, with 76% of respondents in 1999, 76% in 2002 and 71% in 2008 expressing support for the ban on the purchase of sex.<sup>51</sup> Various submissions drew attention to the important normative function of the Swedish law:

*“Nia supports aims to reduce or end prostitution rather than to manage it, and to focus on providing exiting strategies for women. There is evidence that in Sweden the criminalisation of demand has led to reduced trafficking and prostitution, and that many women have exited prostitution. The Swedish law also serves an important normative function, sending out a message that the purchasing of women for sex by men is unacceptable in a society striving for gender equality.”*

Frontline Service Provider, Written Evidence Submission 403

*“There needs to be, as there has been in Sweden, a real strategic targeted effort to actually shift the ideas that people have about the acceptability of the purchase of sex.”*

Helen Easton, London Southbank University, Oral Evidence

Whilst mitigating the harmful effects of prostitution on those involved is essential, it must be recognised that the existence of prostitution has harmful consequences for women throughout society. Legislation which shifts the burden of criminality away from those selling and onto those who purchase sexual services prioritises the protection not just of women involved in prostitution but of all women.

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<sup>50</sup> *The Ban against the Purchase of Sexual Services. An evaluation 1999-2008: Selected Extracts* (Swedish Government, 2010)

<sup>51</sup> *Ibid.*





## The Group's View

Legislation on prostitution is not value-free. It reflects our society and the relative view of women within it. It sends a signal about what is, and is not, acceptable.

The group received compelling evidence that entry into prostitution is rarely the result of an empowered choice, and that there is an imbalance of harm within the prostitution transaction that does not exist within non commercial sexual transactions.

Women in prostitution vastly outnumber men - this harm disproportionately affects women and should be understood as a form of violence against women and girls. The prevalence of prostitution has serious implications for gender equality.

The strength of the so-called 'Nordic' model – of shifting criminal responsibility onto those who create demand, rather than those who fulfil it - is most obviously seen in changing attitudes to the acceptability of men to purchase sex.

We are unconvinced by claims to a right by men to access sex on demand; and equally by those who claim that such a legal settlement would 'drive prostitution underground' with detrimental effects. Though further research is welcomed, it would appear obvious that the current broadly legal position completely fails to protect the very same women that those who deny the strengths of the Nordic model claim to stand for.

Instead the group favours a legislative model which prioritises both the protection of those involved in prostitution and the equality of women and men throughout society.

## Recommendations

In order to reduce the demand for prostitution and pursue gender equality, we recommend:

8. Adopting all measures and language that demonstrate prostitution to be a form of violence against women and girls, both within Government and the Police, with a statutory duty for local authorities to have a reduction focused violence against women and girls strategy.
9. Introducing a general offence for the purchase of sexual services.

# Conclusion

The legal settlement for prostitution in the UK is failing to protect those most vulnerable and to adequately prosecute perpetrators. Though efforts have been made in recent years to address these issues, the lack of a clear and consistent political strategy has resulted in legislation which simultaneously condones and condemns prostitution. This ambivalence translates into inconsistent and unbalanced enforcement, which often targets victims of coercion rather than perpetrators.

By carrying the burden of criminality, individuals involved in selling sexual services face serious barriers to exiting. Similarly, the law's failure to adequately tackle the demand for prostitution (including those who purchase sexual services and those who facilitate prostitution for gain) indicates to traffickers that the UK is a lucrative destination for trafficking with the purpose of sexual exploitation.

The law therefore sends out no clear signals, influencing culture by normalising the demand for women who sell sexual services and allowing for the assumption that these women are making an empowered choice, despite innumerable instances of coercion and harm. Legislation is therefore inconsistent with strategies to pursue gender equality in the UK.

**In order to better protect those most vulnerable to exploitation, we call for the legal settlement to be reviewed with a view to reducing the demand for sexual services, by transferring the burden of criminality from those selling sexual services onto those who facilitate or create the demand for its sale.**

# Appendix 1: The Law in the UK

## Loitering or soliciting for prostitution

<p>Street Offences Act 1959 section 1 as amended by sections 16 and 17 of the Policing and Crime Act 2009</p>	<p>Persistently loitering or soliciting in a street or public place for the purposes of offering services as a prostitute.</p>	<p>Summary offences only First offence - Level 2 fine</p>
	<p>Conduct is deemed to be persistent if it takes place on two or more occasions in any three month period.</p>	<p>Second offence – level 3 fine</p>
	<p>Persistence is demonstrated by police officers witnessing the conduct and administering a non statutory “prostitutes caution” which is recorded at the local police station. No admission of guilt or evidence of an offence is required for a person to be given a prostitutes caution.</p>	<p>Or Engagement and Support Order</p>
	<p>The Policing and Crime Act 2009 introduced the alternative penalty under this offence. Instead of a fine the court may impose an Engagement and Support Order under section 1(2) (A) requiring the offender to attend three meetings with a person specified in the order. The purpose of the order is, through the meetings, to assist the offender to address the causes of the conduct constituting the offence and find ways to cease engaging in such conduct in future.</p>	

## Causing, inciting and controlling prostitution for gain

<p>Sexual Offences Act 2003 section 52</p>	<p>Intentionally causing or inciting another person to become a prostitute in any part of the world for or in the expectation of gain for oneself or a third party.</p>	<p>Summary conviction – 6 months imprisonment and/or statutory maximum fine</p>
<p>Sexual Offences Act 2003 section 53</p>	<p>Intentionally controlling any of the activities of another person relating to that person’s prostitution in any part of the world, for or in the expectation of gain for oneself or a third party.</p>	<p>On indictment – 7 years imprisonment</p>

<b>Keeping a brothel</b>		
Sexual Offences Act 1956 Section 33	Keeping a brothel.	All summary offences only
Sexual Offences Act 1956 Section 34	Landlord letting premises for use as a brothel.	First offence – 3 months imprisonment and/or a level 3 fine.  Second offence – 6 months imprisonment and/or a level 4 fine
Sexual Offences Act 1956 Section 35	Tenant permitting premises to be used as a brothel.	
Sexual Offences Act 1956 Section 36	Tenant permitting premises to be used for prostitution.	
Sexual Offences Act 1956 Section 33A (inserted by Sexual Offences Act 2003)	Keeping, managing, acting or assisting in the management of a brothel to which people resort for practices involving prostitution (whether or not also for other practices).	Summary conviction – 6 months imprisonment and/or a statutory maximum fine  On indictment – 7 years imprisonment
<b>Soliciting another for the purpose of obtaining sexual services (replaced “kerb crawling” offences)</b>		
Sexual Offences Act 2003 section 51A (inserted by Policing and Crime Act 2009 section 19)	Soliciting another (B) in a street or public place for the purpose of obtaining B’s sexual services as a prostitute.	Summary offence only Level 3 fine



## Child prostitution

Sexual Offences Act 2003 Section 47	<p>Paying for the sexual services of a child</p> <p>The consent of the child is irrelevant to this charge.</p> <p>Where a child is aged 13 -17 there is a defence of reasonable belief that the child was aged 18 or over.</p>	<p>Life imprisonment where the child is under 13 years old and the sexual services involve vaginal/anal penetration or oral penile penetration.</p> <p>14 years imprisonment where the child is aged 13-15 years or where the sexual services are non-penetrative and the child is under 13.</p> <p>7 years imprisonment where child is 16-17 years old.</p> <p>Summary conviction of 6 months imprisonment and/or statutory maximum fine is available for any offence involving child over 16, or aged 13+ where no penetration.</p>
Sexual Offences Act 2003 Section 48	<p>Causing or inciting child prostitution or pornography.</p> <p>The consent of the child is irrelevant to this charge.</p> <p>Where a child is aged 13 -17 there is a defence of reasonable belief that the child was aged 18 or over.</p>	<p>Conviction on indictment – 14 years imprisonment.</p> <p>Summary conviction - 6 months imprisonment and/or statutory maximum fine</p>
Sexual Offences Act 2003 Section 49	<p>Controlling a child prostitute or a child involved in pornography.</p> <p>The consent of the child is irrelevant to this charge.</p> <p>Where a child is aged 13 -17 there is a defence of reasonable belief that the child was aged 18 or over.</p>	

Sexual Offences Act 2003 Section 50	<p>Arranging or facilitating child prostitution or pornography.</p> <p>The consent of the child is irrelevant to this charge.</p> <p>Where a child is aged 13 -17 there is a defence of reasonable belief that the child was aged 18 or over.</p>	<p>Conviction on indictment – 14 years imprisonment.</p> <p>Summary conviction - 6 months imprisonment and/or statutory maximum fine</p>
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### Paying for the sexual services of a person subjected to force

Sexual Offences Act 2003 Section 53A (inserted by Policing and Crime Act 2009 section 14)	<p>Making or promising payment for the sexual services of a prostitute (B), where a third person (C) has engaged in exploitative conduct to induce B to provide the sexual services, and where C engaged in that conduct for or in the expectation of gain.</p> <p>This is a strict liability offence – it is irrelevant whether the purchaser is or ought to be aware that B is subject to exploitative conduct by C.</p>	<p>Summary offence only</p> <p>Level 3 fine</p>
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### Trafficking for sexual exploitation

Sexual Offences Act 2003 section 59A (inserted by the Protection of Freedoms Act 2012)	<p>Arranging or facilitating the arrival in, entry into or travel within the UK or another country of a person with a view to the sexual exploitation of that person.</p>	<p>Summary conviction – 12 months imprisonment and/or statutory maximum fine.</p> <p>Or for conviction on indictment – 14 years imprisonment</p>
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### Prostitution – advertising in telephone boxes

Criminal Justice and Police Act 2001 section 46	<p>Placing advertisements relating to prostitution in or in the vicinity of a public telephone</p>	<p>Summary offence only</p> <p>6 months imprisonment and/or level 5 fine</p>
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# Appendix 2: Call for Evidence



## APPG Prostitution and the Global Sex Trade

### Written Evidence

Thank you for participating in this inquiry. Run by the All-Party Parliamentary Group on Prostitution and the Global Sex Trade, the purpose of this project is to assess the current UK legal settlement surrounding prostitution, and to identify how legislation to tackle demand could safeguard those in danger of sexual exploitation and abuse.

In order to ensure a focus upon context and content, all the questions in this consultation relate to the UK. The inquiry is specifically looking at the legal settlement surrounding prostitution in England and Wales, but evidence from elsewhere within the UK will be received.

Each question has a maximum word count of 250 words (unless otherwise stated). Submissions that exceed the word limit may not be considered.

All evidence submitted may be made public and/or used in the final report. By participating in this survey, you are giving permission for your submission to be published in full or in part.

The deadline for response to this questionnaire is Monday 4th February at 16:00. Responses received after this time will not be considered.

Please email your response to [kay.steven@parliament.uk](mailto:kay.steven@parliament.uk), or fill out the online questionnaire here: <https://www.surveymonkey.com/s/prostitutioninquiry>.

## Background summary of different legal settlements on prostitution

### Regulation

Regulationism aims not to suppress prostitution in general but to control the excesses, abuses and disorder often associated with it. Prostitution is itself not illegal (the act of paying for sex), but associated activities such as soliciting, kerb-crawling, pimping and brothel ownership can be. This approach tends to focus more on the social impact of prostitution, rather than those directly involved.

**United Kingdom:** In the UK prostitution is legal, but some forms of procuring are illegal, including soliciting, pimping, keeping a brothel, and kerb-crawling. In practice much depends on interpretation and enforcement of these regulations, but it is often those involved in selling sex rather than the buyers who bear the brunt of fines, criminal records and ASBOs. Section 14 of the Policing and Crime Act 2009 introduced a strict liability offence for those purchasing sexual services from someone subject to force, threats or deception. This legislation has proved difficult to implement in practice.

### Decriminalisation

Decriminalisation involves the removal of all or some of the laws relating to prostitution. This model can take various forms including partial and total decriminalisation. A decriminalisation model claims to support occupational health and safety, and workplace issues through existing legal and workplace mechanisms. In many cases this has led to the normalisation and increase of prostitution, and efforts to regulate brothels do not deter unofficial premises linked to organised crime.

**New Zealand:** In 2003 New Zealand introduced the Prostitution Reform Act which decriminalised prostitution, and aimed to introduce provisions to protect the health and safety of those selling sex and their clients. Every operator of a prostitution business is required to hold a certificate. According to a 2008 government report (NZ), 'the majority of sex workers interviewed felt that the (act decriminalising prostitution) could do little about violence that occurred' in the sex industry, and that the social stigma surrounding involvement in prostitution continues.

### Legalisation

Legalisation promotes prostitution as a legitimate occupation and aims to provide the structure for safeguarding the rights of those selling sex. This model differs from decriminalisation by establishing laws within which prostitution can exist, and aims to locate prostitution in a controlled environment away from residential areas. In some cases where legalisation was introduced to control the expansion of the sex industry, it produced the opposite effect, i.e. in Victoria, Australia; and the Netherlands.





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## Prohibition

Prohibition involves the criminalisation of the exchange of sexual services for payment, and is aimed at suppressing prostitution. 'Prohibition' applies to several models with considerable differences. Transferring the burden of criminality from the seller of sex to the buyer of sexual services has in some cases shown to be effective to reduce the sexual exploitation of some of the most vulnerable in society, and a deterrent to traffickers of human beings for the purpose of sexual exploitation.

**America:** In American states both those involved in prostitution and clients are generally culpable. Typically law enforcement resources are directed towards women rather than men.

**Sweden:** Prostitution is regarded as a form of male violence against women and children. The aim in Sweden is to reduce or end prostitution rather than to manage it. This legal model criminalised the purchase of sex, while decriminalising the sale of sex. There is a strong emphasis in the Swedish model on developing exiting strategies. Prostitution is seen as harmful to both those who engage in it, and to society at large.

## Part A – About You

**Q1.** If you would like to comments to be anonymised, and identified only by type of organisation please indicate here:

- Identify my response by name.
  - Identify my response by type of organisation only.
  - Reasons for choice:
- 

**Q2.** Please tell us who you are and if you are responding on behalf of an organisation:

- Your name:
- Your organisation:
- Your role in the organisation:
- Website:
- Email Address:
- Phone Number:

Q3. Which type of organisation do you represent? (Please choose only one):

- Individual
  - Health Service
  - Campaign/Research Group
  - Drug/Alcohol Service
  - Local Council
  - Law Enforcement
  - Frontline Service Provider
  - Children's Service
  - Other (Please specify):
- 

Q4. If you are responding on behalf of an organisation, in no more than 100 words please describe what your organisation does.

Q5. Please estimate how many clients your organisation come in contact with annually.

## Part B – About the Law

Q6. Do you consider the current laws on prostitution in the UK to be effective and consistent in safeguarding those involved in prostitution from violence, exploitation, and/or abuse?

- Yes
  - No
  - Please outline reasons for your response:
- 

Q7. Do you consider the current laws in the UK to be a barrier to those who wish to exit prostitution?

- Yes
  - No
  - Please outline reasons for your response:
-



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**Q8.** Around the world, there are different legal settlements that govern prostitution. Do you think any of the legal settlements outlined in the summary above would be a good basis to base reforms in England and Wales on? Please give evidence and reasons to support your answer.

**Q9.** At present it is often legal to purchase sex. Do you feel criminalising the purchase of sex could make a contribution to tackling demand?

- Yes
  - No
  - Please outline reasons for your response and what other measures would be required:
- 

**Q10.** At present a number of laws seek to regulate and restrict prostitution in England and Wales. Do you think altering or removing these laws could make a contribution to tackling demand?

- Yes
  - No
  - Please outline reasons for your response and what other measures would be required:
- 

**Q11.** There is evidence that a number of people involved in selling sex would like to exit prostitution but often find it difficult to do so. What measures (including legal measures) would be most helpful to support those involved in prostitution who wish to exit?

## **Part C – About Prostitution**

**Q12.** Do you regard prostitution as:

- 'Sex-work' - an acceptable form of employment like any other occupation
  - A form of commoditisation and exploitation of vulnerable people
  - Other (Please specify):
-

Q13. From your experience, please indicate if you have encountered people involved in prostitution which the following applies to. If possible, please give an indication of the proportion of service users in your answer.

- Have a drug and/or alcohol addiction.
- Have encountered violence and/or sexual violence.
- Entered prostitution under the age of 18.
- Were sexually exploited under the age of 18.
- Have been coerced into sexual exploitation or are presently controlled by another.

## Part D – Wider Comments

Q14. Do you have any other comments surrounding the legal settlement on prostitution in the UK? (Please limit your answer to 250 words).

Thank you for participating in this inquiry.

# Appendix 3: All-Party Parliamentary Group Prostitution and the Global Sex Trade

## Purpose of the Group

To raise awareness of the impact of the sale of sexual services on those involved and to develop proposals for government action to tackle individuals who create demand for sexual services as well as those who control prostitutes; to protect prostituted women by helping them to exit prostitution and to prevent girls from entering prostitution.

## Officers

Chair - Gavin Shuker MP

Secretary - Fiona Mactaggart MP

## Qualifying Members

Baroness O’Cathain

Fiona Mactaggart MP

Lord Jones of Cheltenham

Meg Munn MP

Lord McColl of Dulwich

Heidi Alexander MP

Gary Streeter MP

Susan Elan Jones MP

Philip Davies MP

Keith Vaz MP

Sir Peter Bottomley MP

Madeleine Moon MP

Andrew Selous MP

Virendra Sharma MP

Dr Julian Lewis MP

Baroness Corston

Julian Brazier MP

Baroness Thornton

Steve Brine MP

Kerry McCarthy MP

All details correct at date of publication.





All-Party Parliamentary Group on Prostitution and the Global Sex Trade

**Inquiry to assess the operation of the current legal settlement on  
prostitution in England and Wales**

March 2014