

**Written evidence submitted by
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Executive Summary

1. Prostitution is recognised as violence against women and no woman should face criminal sanction for soliciting or selling sex.
2. In order to effect a culture change, it is vital that the burden should be shifted to those purchasing sex and creating the demand for this exploitative commerce by enforcing the Sex Buyers Law. The criminal burden will then be on those purchasing sex and remove the criminalisation from those selling it.
3. Sexual exploitation is one of the most prevalent contributors to human trafficking in the UK and tackling the demand is critical to ending the exploitation of women and girls in to the sex industry.
4. The government should produce a national strategy for the delivery of comprehensive and effective exiting services for people exploited through prostitution and provide real opportunities to exit prostitution and abuse.

Evidence relating to the inquiry's terms of reference

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

5. Prostitution is violence against women. Research in 2007 found that 93% of women involved in prostitution (*Shifting Burden*) had experienced violence. No woman should face criminal sanction for soliciting. But those who sexually exploit – **the sex buyers – should face criminal sanctions.**
6. Parliament should adopt the Sex Buy Law in order to sift the burden of criminality from those who are exploited through prostitution to those who exploit them. This entails decriminalising being paid for sex (removing laws against those soliciting/loitering), making it a criminal offence to pay for sex, and providing support services to enable those exploited through prostitution to exit.
7. The Nordic Model is a human rights and gender equality based approach. This approach has a set of laws and policies, which penalizes the demand for commercial sex while decriminalizing individuals in prostitution and providing them with support services. The Nordic model has two main goals: to curb the demand for commercial sex that fuels sex trafficking, and promote equality between men and women. It is based on an approach first adopted in Sweden in 1999, and followed by Norway and Iceland. **This is the approach favoured by the feminist research and myself.**
8. The failure of legislation to reflect the gender imbalance within prostitution encourages assumptions that men have a ‘right’ to purchase sexual services from women. Is this then a message that men have a ‘right’ to be violent towards women as long there is an exchange of money. **This is detrimental to and undermines other strategies that support and promote gender equality.**

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

9. The Crown Prosecution Service has developed a Violence Against Women and Girls (VAWG) strategy to not only improve prosecutions of these crimes but also to show recognition of the United Nations, Council of Europe and End Violence Against Women Campaign initiatives. The Crown Prosecution Service makes reference to prostitution as being included in VAWG strategy and also has a policy and guidance report titled 'Legal Guidance on Prosecuting Cases of Prostitution and Exploitation of Prostitution'. Within this report there are considerations laid out, such as 'to encourage prostitutes to find routes out of prostitution and to deter those who create the demand for it'¹. This suggests that the Crown Prosecution Service is supportive of putting an end to the exploitation of selling sexual services. The report also makes specific reference to prostitution as violence against women, 'female prostitutes are often at risk of violent crime in the course of their work which can include both physical and sexual attacks, including rape. Perpetrators of such offences include violent clients or pimps'². This also shows that they recognise that it is also the clients that cause the violence and this reinforces the necessity to enforce the Sex Buyers Law.
10. Our current laws do not reflect the Crown Prosecution Service's recognition of prostitution as violence against women. Although there is guidance and recommended considerations by the Crown Prosecution Service, the law still dictates that women can face criminal sanction for their sexual exploitation and the Crown Prosecution Service have the power to enforce these criminal sanctions. Meanwhile, those who exploit and the selling of sex and are violent against women – **the sex buyers – are permitted to do so by the law, because paying for sex is legal. This is gender-based violence.**
11. Prostitution is addressed as sexual exploitation within the overall CPS Violence Against Women (VAW) strategy because of its gendered nature. We need to understand that gender inequality and sexual exploitation, including sex trafficking, can not be combated effectively if it is considered acceptable to purchase access to another. The current legal position enables the purchase of sex to be considered as acceptable and this has gross ramifications on the status of women in society.
12. **The Welsh Government has developed specific Violence against Women legislation, recognizing the gendered nature of acts of violence that are allowed to flourish with impunity in a gender-unequal society. Their innovative laws are helping change the culture in which impunity is permitted to flourish. Please see my evidence to the National Assembly for Wales: http://eprints.uwe.ac.uk/24763/1/J_Jones_Gender-Based_Violence_Bill_evidence-2-libre.pdf; and evidence referenced in the APPG on Domestic and Sexual Violence Inquiry: http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0ahUKEwieiv7mtYHLAhVVCVxQKHallDBMQFggcMAA&url=http%3A%2F%2Fwww.cambsdasv.org.uk%2Fstorage%2Fsecure_download%2FM3IOQ0hSQ09CS2pLQmVOZ08vN2IBQT09&usq=AFQjCNHK_DirCLyPbx01wSHIW04mQsSWog&sig2=ZQg7aQrrikdnYZXqQl2Hg**

What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.

13. Tackling demand for prostitution is critical to ending the trafficking of women and girls in to the sex industry. It is estimated that 50% of women in prostitution in the UK started being paid for sex acts before they were 18 years old.
14. The Modern Slavery Act fails to address the demand from sex buyers which drives the trafficking of women and girls in to prostitution. As Lord McColl of Dulwich said, the failure of the Modern Slavery Act to address demand for sex trafficking was "a very serious oversight given that, according to the NRM figures for sexual exploitation is

consistently the most prevalent form of human trafficking in England and Wales”. The trafficking of women into England and Wales to be exploited in prostitution is worth at least £130 million annually. These figures illustrate how lucrative this industry is and shows how high the demand is for buying sex. The Sex Buyer Law must be adopted to discourage demand in order to end trafficking for purposes of prostitution.

15. Women and girls are trafficked into and around the UK for purposes of sexual exploitation. Rotherham and Oxford are only two examples. The demand and appetite for young women is endless. If we remove the demand, through criminalisation and more stringent legislation, we are discouraging the UK as a host for human trafficking and thus **fulfilling our international and regional human rights obligations (e.g.: the Palermo Protocol, European Convention on Human Rights, Article 4, Council of Europe Anti-Trafficking Convention, EU Anti-Trafficking Directive 2011/36, EU Charter of Fundamental Rights, Article 5).**
16. **Prevention** is a key ‘P’ in the fight against trafficking and modern day slavery. Criminalising demand is seen as a prevention measure that works to significantly reduce and eradicate trafficking for the purposes of sexual exploitation (Swedish Government analysis).

Whether further measures are necessary, including legal reforms, to:

- Assist those involved in prostitution to exit from it

17. Those who are exploited through prostitution by being paid for sex should be **decriminalised. Having a criminal record for soliciting can be a significant barrier to exiting.** Evidence suggests that cautions and fines relating to selling sexual services are far from an effective deterrent for those selling sex, as it often results in women selling more sexual services in order to pay off the fines. This creates exacerbating and relentless cycles of prostitution, which prove difficult to get out of.
18. Adopting the Sex Buyer Law would send a clear message to local authorities and agencies that prostitution is a form of violence against women and they have a duty to support women to exit commercial sexual exploitation. **The government should also produce a national strategy for the delivery of comprehensive exiting services for people exploited through prostitution³. This was also the basis for success of the Nordic Model.**
19. Despite Government reports outlining the support of women in exiting prostitution as a priority⁴, the law is inconsistent with efforts to improve exit strategies. The Government states that “changing attitudes is a key element of the strategy⁵”, however, this is not reflected in the current legislation. In order to change attitudes effectively we need to introduce the Sex Buyers Law and change society’s acceptance of buying sex. The Nordic Model has been successful in this regard, reducing the public’s acceptance of buying sex significantly.

- Increase the extent to which exploiters are held to account

20. The Sex Buyer Law should be adopted to send a clear message to police and enforcement agencies that prostitution is commercial sexual exploitation. As the All-Party Parliamentary Group on Prostitution has noted, at present "the law is incoherent at best and detrimental at worst. The legal settlement around prostitution sends no clear signals to women who sell sex, men who purchase it, courts and the criminal justice system, the police or local authorities."⁶
21. Adopting the Sex Buyer Law would give police the powers to hold sex buyers to account for exploiting women in prostitution and trafficking. At present, police are unable to do this because paying for sex is legal.

- Discourage demand which drives commercial sexual exploitation

22. The Sex Buyer Law should be adopted because it is a legal framework designed to discourage the demand that drives commercial sexual exploitation.
23. There is significant evidence showing that criminal sanctions are a key method of deterring demand. In Sweden, since the introduction of the Sex Buyers Law, **street prostitution has decreased and Sweden has become an undesirable destination for pimps and traffickers. In addition, the new law has influenced attitudes regarding the purchase of sex: from 1996 (before the law) until 2008, the number of male sex buyers decreased from 12.7% to 7.6%⁷.**
24. There is evidence that Sweden has become a more hostile destination for traffickers. An investigation of the law by the Swedish Government reported, "[a]ccording to the National Criminal Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden."⁸
25. There needs to be a **holistic response and a multi-agency approach** to effectively tackle the demand of sexual services and discourage the demand of human trafficking for sexual exploitation.
26. There are currently inadequate deterrents installed for individuals trafficking people into the sex industry. This makes the UK a lucrative destination for trafficking with intent purposes of sexual exploitation both internally and internationally. If we were to criminalise the purchaser, hold the punters responsible and minimize the demand, we have an opportunity to do something positive to deter trafficking from occurring in our towns and cities nationwide.

Declaration of interests

I am a private individual employed at the University of the West of England and have no conflicting interests to declare.

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- ¹ Prostitution and Exploitation of Prostitution, The Crown Prosecution Service. Accessed at: http://www.cps.gov.uk/legal/p_to_r/prostitution_and_exploitation_of_prostitution/index.html
- ² Prostitution and Exploitation of Prostitution, The Crown Prosecution Service. Accessed at: http://www.cps.gov.uk/legal/p_to_r/prostitution_and_exploitation_of_prostitution/index.html
- ³ 'Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales', All-Party Parliamentary Group on Prostitution and the Global Sex Trade, March 2014 p.35
- ⁴ Home Office, A coordinated prostitution strategy and a summary of responses to 'Paying the Price.' (London: UK Government, 2006)
- ⁵ Home Office, A coordinated prostitution strategy and a summary of responses to 'Paying the Price.' (London: UK Government, 2006) p. 1
- ⁶ 'Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales', All-Party Parliamentary Group on Prostitution and the Global Sex Trade, March 2014, p. 4.
- ⁷ Waltman, M. (2011) Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential. *Women's Studies International Forum* 34: 449-474
- ⁸ Summary: Evaluation of the ban on purchase of sexual services, Ministry of Justice, Government Offices of Sweden, 2 July 2010, p.37. Accessed at: <http://www.government.se/content/1/c6/15/14/88/6dfbbdbd.pdf>