



Commercial Sexual Exploitation

General Election 2017 Policy Paper

Background

Exploitation within the sex industry affects some of the most vulnerable in our society. Often it is a person's lack of choice that forces them to 'choose' prostitution. Research reveals that homelessness, living in care, debt and substance abuse, are all common experiences prior to entering prostitution.ⁱ A significant number are drawn into prostitution at a young age, often under 18 years old, through grooming, or family circumstances. Studies show that high numbers of women in prostitution have experienced coercion from a partner, pimp or relative and that incidents of violence are much higher than in the rest of society.ⁱⁱ Drug and alcohol misuse is a problem for many. Numerous studies have found between 50% and 95% of women in street prostitution are addicted to Class A drugs.ⁱⁱⁱ The links between prostitution and organised crime are also well established.^{iv}



There is also a link between prostitution and trafficking for sexual exploitation. Whilst most people in prostitution have not been trafficked, many women and children are trafficked to provide sexual services. In the EU, 69% of all trafficking victims identified have been trafficked for sexual exploitation.^v Research indicates that a large proportion of women in prostitution are migrants, many of whom have been trafficked or are vulnerable to exploitation.^{vi} You can read more about the wider issues of human trafficking in our separate trafficking briefing which can be accessed [here](#).

Tackling demand for paid sexual services is crucial to addressing effectively the market for human trafficking and preventing the exploitation of vulnerable people. Sweden, Norway and Iceland have well-established laws which criminalise the purchase of sexual services, which they report to be effective in changing attitudes towards commercial sexual exploitation. Similar laws have now been passed in Canada (2014), Northern Ireland (2015), France (2016) and the Republic of Ireland (2017).

The European Parliament and Council of Europe Parliamentary Assembly have both endorsed this approach as an effective tool for preventing and combating trafficking in reports and resolutions in recent years.^{vii}

Although some people say they are in prostitution by choice the evidence suggests that the majority are vulnerable and experience harm and exploitation.



The Policing and Crime Act 2009 introduced a narrow offence of paying for sex with someone who is subjected to force. However, difficulties with proving within the given time frame that someone has been subject to force mean that the offence has not been effective and has resulted in fewer than 100 prosecutions in 6 years. The law is consequently in need of reform.

Commercial Sexual Exploitation in the 2010-2015 Parliament



The All Party Parliamentary Group on Prostitution and the Global Sex Trade conducted an inquiry into the laws on prostitution in 2013-14. The report concluded that *“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 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.”*^{viii} The APPG recommended that the laws on prostitution in England and Wales “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.”

In November 2014, 31 MPs from five political parties signed an amendment to the Modern Slavery Bill designed to address the demand for sexual exploitation by criminalising the purchase of sexual services. The amendment drew on the evidence in the All Party Group report and the recent movement towards this kind of law in Northern Ireland and Canada. Following the debate, the amendment was withdrawn without a vote. A similar amendment was also debated in the House of Lords in December 2014 again without a vote. As a result, the Modern Slavery Act does not address directly one of the principal drivers of sexual exploitation in England and Wales, the demand for paid sexual services.

Commercial Sexual Exploitation in the 2015-2017 Parliament

In 2016 the Home Affairs Select Committee held a short inquiry into prostitution including specifically considering issues relating to addressing demand and the impact of the Modern Slavery Act. The Committee produced an interim report which recommended that the criminal offence of soliciting should be repealed and suggested that the laws on brothel-keeping should be relaxed. The report made no recommendations about addressing demand. The report also contained some significant errors regarding the law in Northern Ireland. The interim report also recommended that the Government should conduct an assessment of the nature and scale of prostitution. The Government agreed to conduct the assessment with an interim report due to be published in June 2017. The Home Affairs Select Committee had been expected to continue the inquiry later in the parliament, but a new Committee will be formed following the election so this is now uncertain. In the House of Lords, Lord McColl of Dulwich brought forward two Private Members Bills on this issue. The first Bill aimed to prohibit the advertising of prostitution which was well received by Peers but not supported by the Government. The second sought to improve

access to services to help people exit prostitution – unfortunately due to limited time the Bill was not debated.

Commercial Sexual Exploitation in the coming Parliament – pressures for change

More needs to be done to address demand for commercial sexual exploitation and to provide support programmes for those who want to exit prostitution.



In particular the Government should:

- Review the laws on prostitution, particularly the operation of Section 14 of the Policing and Crime Act 2009, and their impact on demand for commercial sexual exploitation and trafficking.
- Introduce legislation in England and Wales to make purchasing sex a criminal offence in all circumstances as in Northern Ireland.
- Ensure that policies around prostitution are designed to reduce the number of people entering prostitution and supporting people to exit rather than promoting a “harm-reduction” approach alone.
- Provide designated funding for specialist support services that assist people to exit prostitution.

Party policies on commercial sexual exploitation

The [Liberal Democrat conference 2014 passed a motion opposing the so called ‘Nordic model’](#) of laws on prostitution which criminalise purchase of sexual services.

The [Green Party’s policy statements RR554 and RR557](#) call for decriminalisation of all aspects of prostitution including running brothels.

The [SNP conference in March 2017](#) passed a motion calling for a new Scottish model of legislation that mirrors the three main aspects of the “Nordic” model including criminalising the purchase of sexual services.

[Scottish Labour](#) included a pledge to tackle demand by criminalising the purchase of sex in their 2016 Scottish Parliament election manifesto. The policy of the wider Labour Party is less clear.

In 2016 in response to the Home Affairs Select Committee report the [Conservative Government argued](#) that there is not “unequivocal evidence” of the benefits of the “Nordic model” or any other model of prostitution legislation.

The DUP, SDLP, UUP and Sinn Fein all supported the clause criminalising purchase of sexual services in the Northern Ireland Assembly in 2014/2015. The Alliance Party did not.



What if you live in Scotland or Northern Ireland?

Measures to tackle commercial sexual exploitation and prostitution are devolved in Scotland and Northern Ireland.^{ix} While people living in Scotland and Northern Ireland will therefore want to engage primarily with their devolved administrations on these issues, it is important to stress that, at present,

MPs from all parts of the UK continue to play a role at Westminster on legislation on these matters for England and Wales. Mindful of this, please do challenge candidates in Scotland and Northern Ireland on these issues.

Key questions for candidates

1. What would you do to address commercial sexual exploitation and to promote better strategies to help people to exit prostitution?
2. Would you work for a review of the laws on prostitution and its impact on trafficking for sexual exploitation in order to help change attitudes towards the demand for paid sex that fuels this form of human trafficking?
3. Would you support legislation to criminalise the purchase of sexual services in order to reduce demand for commercial sexual exploitation and protect the vulnerable?
4. In Northern Ireland – Will you work to support the effective implementation of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015, including the implementation of section 15 criminalising the purchase of sexual services?



ⁱ Coy, M. Young women, local authority care and selling sex: findings from research British Journal of Social Work, 38(7) October 2008 pp1409-1424; Dodsworth, J. Pathways into Sexual Exploitation and Sex Work: The experience of victimhood and agency Palgrave Macmillan 2015; HM Government Paying the Price: A Consultation paper on prostitution, Home Office, July 2004; Matthews, R. Prostitution, politics and policy Routledge-Cavendish 2008; Reeve, K. with Batty, E. The hidden truth about homelessness – Experiences of single homelessness in England CRESR/Crisis 2011; All Party Parliamentary Group on Prostitution and the Global Sex Trade, Shifting the Burden, 2014

ⁱⁱ Eaves/London South Bank University Breaking Down the Barriers 2012; Home Office 2004 Op.cit

ⁱⁱⁱ Home Office 2004 Op. Cit.

^{iv} Skidmore, M. et al The role and impact of organised crime in the local off-street sex market Police Foundation September 2016

^v European Union Statistical Working Paper Trafficking in Human Beings Eurostat 2014

^{vi} Dickson Sex in the City: Mapping Commercial Sex Across London. London: Eaves Housing for Women 2004; ACPO Setting the Record - The trafficking of migrant women in the England and Wales off-street prostitution sector 2010; Skidmore et al September 2016 Op.Cit.

^{vii} European Parliament resolution of 12 May 2016 P8_TA(2016)0227 on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective 2015/2118(INI)) European Parliament resolution of 26 February 2014

P7_TA(2014)0162 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI));
Council of Europe Parliamentary Assembly Resolution 1983 (2014), 8 April 2014

viii APPG Prostitution and the Global Sex Trade Shifting the Burden 2014

ix The Northern Ireland Assembly has passed the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015 which addresses demand by making it a criminal offence to purchase sexual services in all contexts. A consultation on a Private Members Bill to criminalise the purchase of sexual services was brought forward by Rhoda Grant MSP in 2013. Despite receiving overwhelming support in the consultation and good support from MSPs the proposal did not receive the requisite cross party support in order to receive a debate in the Scottish Parliament. Ms Grant also tabled amendments to this effect to the Human Trafficking and Exploitation (Scotland) Act 2015 during its passage through the Scottish Parliament. These were also unsuccessful.