

Prostitution and Human Trafficking: *Tackling Demand* The Criminal Justice and Immigration Bill: A Briefing from CARE

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1. CARE is a member of the Stop the Traffik coalition and is working in partnership with CHASTE. We responded to the Government consultation on prostitution in 2004 and on human trafficking in 2006. CARE believes that prostitution needs to be reduced: a) because of its harm to both men and women and b) in order to address the illegal trafficking of women and children into the UK. CARE welcomed the Home Secretary's introductory comments to the last government consultation on prostitution policy in England and Wales, "Prostitution can have devastating consequences for the individuals involved and for the wider community. It involves the abuse of children and the serious exploitation of adults – many of whom are trafficked into and around the UK for this purpose".^[i]

The Current Law

2. At present prostitution in the UK is not illegal. Offering prostitution services on the street however, 'loitering or soliciting' (Street Offences Act 1959, Sexual Offences Act 1985 and Sexual Offences Act 2003) is illegal, as is seeking the services of someone involved in prostitution on the street, 'kerb crawling' (Sexual Offences Act 1985). Pimping/brothel managing is also against the law (Sexual Offences Act 1956).

The Current Problem

3. There are over 80,000 individuals involved in prostitution in the UK. 70 % started out as children or young teenagers. As many as 95% of those involved in street based prostitution are believed to use class A drugs. 85% report physical abuse in the family, with 45% reporting familial sexual abuse.^[ii] A significant number of people involved in prostitution in the UK have been trafficked from other countries to meet growing UK demand.^[iii] Indeed, according to some expert sources, most forms of prostitution can be thought of as amounting to trafficking. The 'UN Special Rapporteur on the Human Rights Aspects of Trafficking in Persons, Especially Women and Children' makes the following observation:

'For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person's experience with prostitution does not involve, at the very least, an abuse of power and/or an abuse of vulnerability. Power and vulnerability in this context must be understood to include

disparities based on gender, race, ethnicity and poverty. Put simply the road to prostitution and life within “the life” is rarely marked by empowerment or adequate options.’[\[iv\]](#)

Criminal Justice and Immigration Bill

4. Clauses 71-73 of the Criminal Justice and Immigration Bill address prostitution.
5. CARE **supports** clause 71 which removes the term “common prostitute” in the Street Offences Act 1959, so that the offence reads, “*It shall be an offence for a **person** (whether male or female) **persistently** to loiter or solicit in a street or public place for the purpose of prostitution.*” (**bold** highlighting the changes affected by clause 71). It is intended that the offence is still one of last resort as the police should seek diversion to exit programmes before prosecution.[\[v\]](#) The current policy is that the police caution for soliciting twice before prosecution.[\[vi\]](#)
6. CARE **strongly supports** clauses 72 and 73 which introduce a new policy of giving the court the discretion to **grant someone convicted of soliciting an order to receive counselling and help rather than a fine**. The new rehabilitation proposals will involve three meetings with a supervisor and are aimed at addressing “persistent” behaviour and providing a route out of prostitution (fines have proved an ineffective deterrent, nor a solution that helps address the root issues of the offending behaviour).[\[vii\]](#) The Regulatory Impact Assessment says that the referral workers (referred to as “supervisors” in the Bill) will largely come from voluntary sector projects already operating with people exploited by prostitution. (p99). **A key question on the effectiveness of this proposal, is whether there will be sufficient funding available** for these projects to employ the referral workers and support the women who are referred for help by the police as part of the diversion strategy?

The Need for a New Clause

7. CARE supports the Government campaign launched in May to tackle demand for street prostitution by taking tough action on kerb crawling. However, CARE would like to see the law go further than the current offence of kerb crawling (Section 1, Sexual Offences Act 1985), since this has not prevented a doubling in the number of men who have reported purchasing sex in recent years.[\[viii\]](#) Specifically, we **support the calls for the “demand” side of prostitution to be tackled on a wider basis by changing the law to penalise the buying of the sexual services of any person involved in prostitution in any context**.
8. We believe that making all purchasers of prostitution services liable for prosecution would be very beneficial because:
 - It would provide a **more comprehensive basis** on which to engage with the demand for commercial sex which drives the industry. In so doing it will make the law **better able to engage with the sad fact**

that the number of men purchasing sex in the UK doubled between 1990 and 2000. (Although there is no robust research looking at demand between 2001 and 2007, there is no reason to believe that demand has not continued to grow).

- In reducing the market for prostitution services, it should, in turn, **reduce the number of women (generally) who are trafficked into the UK for sex.** Most trafficked women are set to work offering off-street prostitution services, e.g. in brothels, which is entirely beyond the reach of current demand provisions. As many as 81% of women working in brothels in the UK are now thought to have come from overseas.[\[ix\]](#)
 - It would send out a strong signal that it is not acceptable to encourage the commodification of the human body and that buying sexual services degrades and exploits. In so doing it would help build a more humane society, challenging a foundation for the distortion of the way in which men view women and vice versa.
9. There has been much attention placed on the “Swedish model” of prostitution law. Sweden introduced their law to penalise purchasers in 1999. Norway has recently decided to introduce a similar law. Evidence suggests that street prostitution halved after the law was introduced,[\[x\]](#) but some individuals are likely to have moved to indoor venues which are harder to police.[\[xi\]](#)
10. However, the **law certainly makes Sweden less attractive to pimps** as a destination for trafficking because of the:
- time consuming nature of taking the women (usually) to clients;
 - need for discretion to avoid arrest of clients;
 - need for more than one brothel location to avoid exposure/detection.[\[xii\]](#)
11. Swedish government reports demonstrate that Sweden has **much less trafficking than neighbouring countries.** An EU study of countries published in 2005, suggests that the number of trafficked people per 100,000 of population was lower in Sweden than in any other country in the study, except for the Czech Republic in 2003.[\[xiii\]](#)
12. Implementing the Swedish approach to tackling demand also involved a very effective **public awareness raising campaign challenging men about their attitudes towards purchasing sex** [\[xiv\]](#). This could very usefully be replicated in the UK.
13. CARE believes that introducing tougher general provisions against demand alongside the improved measures for addressing soliciting (already in the Bill and absent in Sweden) will **put in place a very rigorous legislative framework that will prove much more effective at reducing the levels of prostitution - and therein trafficking - than the current framework.** The introduction of the Criminal Justice and Immigration Bill and the potential for its enlightened amendment, thus provide a great opportunity for substantially enhancing British prostitution law. This must be seized energetically.

14. CARE would ask you to do everything you can to promote the enclosed demand amendment.

Further opportunities: advertising

15. In closing, it is important to note that the Criminal Justice and Immigration Bill also provides the opportunity for other enlightened amendments relating to prostitution. Specifically, CARE would also like to see the law tackle advertising for sexual services in local papers, as was recently proposed in the research *It's Just Like Going to the Supermarket; Men Buying Sex in East London*.^[xv] If this is of interest please request a copy of our supply briefing.

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Notes

- [i] *Paying the Price*, July 2004, page 5
[ii] Ibid. p 11
[iii] In 2003 the Home Office suggested that there were 4000 women in the UK who had been trafficked for sexual exploitation purposes. Most people working in the field believe that there are actually significantly more than 4000 women in the UK today who have been trafficked here to work in the sex trade.
[iv] The 2006 Annual Report of the UN Special Rapporteur on the Human Rights Aspects of Trafficking in Persons, Especially Women and Children, para 42.
<http://daccessdds.un.org/doc/UNDOC/GEN/G06/109/64/PDF/G0610964.pdf?OpenElement>
[v] Government's Regulatory Impact Assessment (RIA) of the Bill, page 100-1
[vi] *A Co-ordinated Prostitution Strategy*, January 2006, page 38, para 2.16
[vii] RIA, page 98
[viii] The proportion of men who reported paying for sex in the previous five years increased from 2% in 1990 to 4.2% in 2000. *Who pays for sex? An analysis of the increasing prevalence of female commercial sex contacts among men in Britain*. H Ward et al, *Sexually Transmitted Infections* 2005; 81: 467-471. Given the growth of the sex industry since 2000, it would seem likely that demand will have continued to grow since 2000.
[ix] *Sex In the city: Mapping Commercial Sex Across London*, The Poppy Project, 2004
[x] *Prostitution and Trafficking in Human Beings*, Fact Sheet, Ministry of Industry, Employment and Communications, Sweden, April 2005, page 1.
[xi] Individual and Family Services Status Report 2004, <http://www.socialstyrelsen.se/Publicerat/2005/8677/Summary.htm>
[xii] The Swedish Law that Prohibits the Purchase of Sexual Services, Best Practices for Prevention of Prostitution and Trafficking in Human Beings, Gunilla Ekberg, *Violence Against Women*, Vol. 10, No 10, Oct 2004, Pages 1201-2
[xiii] *National Legislation on Prostitution and the Trafficking in Women and Children*, European Parliament, October 2005, IPOL/C/FEMM/ST/2004-05, pages 70 and 105.
[xiv] The Home Office has indicated that it is in favour of this idea but is yet to take action. *The UK Action Plan on Tackling Human Trafficking* p31
[xv] Maddy Coy, Miranda Horvath and Liz Kelly, 2007, ISBN 0-9544803-5-X, page 26

CARE is working in partnership with CHASTE to address demand



CHASTE

Churches Alert to Sex Trafficking across Europe