

Prostitution Inquiry Response from Birmingham and Solihull Women's Aid

This submission to the Prostitution Inquiry is sent on behalf of Birmingham and Solihull Women's Aid, to be received as the organisation's response. Birmingham and Solihull Women's Aid Birmingham & Solihull Women's Aid have provided front line domestic violence and abuse support services for almost 40 years. As a women's organisation, supporting and empowering women in the Birmingham and Solihull area, our role extends way beyond those services. We pride ourselves on the work we do to advocate for the rights of ALL women. We address violence against women and children throughout all of our work. We support women and children affected by domestic violence and abuse through our many services such as floating support, Housing Options Hub, MARAC IDVA's and refuges. As well as responding to the effects of domestic violence and abuse, we also acknowledge the impact that prevention and early intervention initiatives can have on the long-term safety of women and their children. Which is why we invest significant time and resources throughout the year into educating, training and inspiring others to act and create change. We also campaign for change, by engaging with government consultations and inquiries to ensure women's experiences are heard.

Introduction

The number of prostitutes in the UK amount to approximately 600000 to 800000, of which the majority of prostitutes are women.¹ In contrast, the majority of people who are 'buyers' in the UK are men.² An accurate scale of prostitution in the UK is difficult to know, since police records indicate low numbers which don't correlate with what specialist agencies are reporting. There were 388 instances of prostitution recorded nationally by police in the year to September 2018 - down from 448 the year before, and 542 in the year to September 2016.³ These figures read as low, especially in comparison to the approximate number of prostitutes in the UK currently. This could be down to a number of factors, including, that some police forces do not record the crimes associated with prostitution. Other elements which could factor into it could be that more people are using the internet to 'advertise', or even operating in more underground circles.

Birmingham flags as a city which has a high number of prostitutes selling sex recorded by police⁴, this may have more to do with the fact that police are more likely to record it as a crime and have the infrastructure to take appropriate action. However, this has been criticised by some charities who claim that the high numbers recorded point to what they believe is a problem that needs to be addressed by central government, by decriminalising 'sex work' and criminalising the buying of sex.⁵

¹ 'Prostitution', House of Commons Home Affairs Committee, Third Report of Session 2016–17, HC 26 (1 July 2016)

² 'Written evidence submitted by End Demand'

<<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/prostitution/written/29036.pdf>> accessed on 15/10/2019

³ 'Crime in England & Wales, year ending March 2018', Office for National Statistics (March 2018)

<<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables>> accessed on 15/10/2019

⁴ 'Crime in England & Wales, year ending March 2018', Office for National Statistics (March 2018)

<<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables>> accessed on 15/10/2019

⁵ 'Decriminalising prostitution', The Telegraph, Julie Bindel (23 July 2018)

<<https://www.telegraph.co.uk/global-health/women-and-girls/decriminalising-prostitution-supposed-keep-sex-workers-safe/>> accessed on 15/10/2019

'Sex work' is a term used by some which advocate that prostitution should be recognised as a working industry, as any other service-based industry is. They argue for the rights of people to provide their body as a service, in return for monetary gain. This is a controversial argument, as supporting 'sex work' also leads to supporting the exploitation of women and children, pimps and brothels as businesses, sexual violence and rape which is suffered, ill mental health and the rest of the sex industry. These are some of the reasons why abolitionist thinkers believe that the buying of sex should stay criminalised in the UK as it represents the use of women's bodies as commodities in a neoliberal market-based world.

As a specialist domestic violence and abuse (DVA) organisation which works with all women and their children, Birmingham and Solihull Women's Aid (BSWA) take the stance that prostitution is a form of violence against women and girls (VAWG), and thus represent as abolitionists. Based on over 40 years of practice-based expertise, we understand that prostitution is rooted in the inequality of the sexes and manifests displays of male dominance and power over women. It is therefore abusive and a form of oppression against women.

In this response to the Prostitution Inquiry, BSWA will be analysing the reality of prostitution for women and the impact it has. Then going on to consider how women in prostitution are supported and have their complex needs met by support agencies and public authorities. Lastly, we will consider international, national and local (Birmingham) approaches to tackling prostitution and the exploitation of women by drawing on international models and case studies.

The reality and impact of prostitution

Firstly, we shall analyse the reality of prostitution for women and the impact it has on them. Prostitution is sometimes argued as being one of the oldest 'professions', but this is highly coincidental with the fact that the male narrative has been dominant throughout history. Women make up the majority of prostitutes in the UK, meaning they are most susceptible to the negative impact of it and the wider context that surrounds prostitution.

The sex industry, including prostitution, thrives off the commodification of women's bodies. Women's bodies are marketed and turned into services at the expense of those who can afford to pay to use them. By doing this, women's bodies are dehumanised in order to be viewed as a service. The dehumanisation of women's bodies means that women in these positions are not seen as whole people by buyers or pimps, but rather, a product without the attachment of human characteristics and traits. This is a form of oppression, since it facilitates men's power and dominance over women.

Being subject to 'work' in this environment would have an incalculable impact on a person's mental health; even before considering the physical, mental and economic toil that the reality of the day to day would bring.

Studies have found that women in prostitution have worse mental health than those in employment.⁶ This is because they are frequently exposed to high-risk behaviours, substance use, violence, threat, and fear. The mental impact is as a result of emotional manipulation, coercive control, being dehumanised and verbal assaults.⁷ As a specialist DVA organisation, we support

⁶ T. Menaker and C. Franklin, "Prostitution Myth Endorsement: Assessing the Effects of Sexism, Sexual Victimization History, Pornography, and Self-Control" in *Psychology of Women Quarterly*, 42(3), 313–325

⁷ T. Menaker and C. Franklin, "Prostitution Myth Endorsement: Assessing the Effects of Sexism, Sexual Victimization History, Pornography, and Self-Control" in *Psychology of Women Quarterly*, 42(3), 313–325

women daily who have/ are experiencing trauma as a result of the abuse they have suffered. The abuse women in prostitution suffer is much like DVA, inflicted by both the people buying sex and from those profiting from their exploitation.

The physical impact on women in prostitution includes the risk of being infected with sexually transmitted infections, being vulnerable to physical assaults, being trafficked and sexually assaulted and raped. Interviews with women who have previously prostituted have described injuries including being stabbed, being raped, being kidnapped and trafficked, being hit and being locked up in places against her will.⁸ Some of the injuries incurred will have lifelong consequences. Due to prostitution not being regulated, and the negative stigma surrounding women within it, it is unlikely that most women will ever see legal justice for such injuries.

The economic toil also has negative long-term impacts on women. Considering austerity has impacted women the most,⁹ for most women in prostitution their financial security is even more precarious. Firstly, payment is not reliable or secure, and does not come with the additional package that people may receive in employment such as holiday pay, sick pay, childcare vouchers or access to an employee wellbeing scheme. Secondly, women's living situations can also be dangerous as a result. This can even lead to, women living with the people who are exploiting them, which raises further concerns of abuse. Thirdly, women with dependents are having to make what money they are given stretch further due to the extra mouths they have to feed and clothe. The harms associated to this for women can be further ill mental health, and possibly further physical degradation by people exploiting them and buyers who try to trap women into a being financially dependent.

There have been investigative reports published which reveal some of the exploitative models adopted by those exploiting women. The best-known model is to overwork and underpay, trapping women in a cycle of coercive and violent behaviour. The other is to ensure women are reliant on the work to live, and trapping them in a cycle of underworking whereby women rack up debt from loan sharks and other people.¹⁰ Women are therefore trapped in a cycle of dependency created by exploiters. This highlights how difficult it is to leave and break this exploitative and abusive cycle.

There is of course an argument which advocates that women's emancipation of their bodies by selling sexual services is their right to do so, since they believe that women have autonomy and control of their bodies to do this. The fundamental issue with this argument is the underlying premise that prostitution and violence against women has been normalised over hundreds of years. Some reports have even found links between movements which support these campaigns being majority funded by people exploiting women, brothel owners, and others making a profit from women's degradation.

There exist investigative reports that have uncovered that some 'sex workers unions' and some decriminalisation campaigns are backed heavily or run by men making money from women's subjugation. The International Union of Sex Workers is one such organisation, advocating for all in the sex trade. However, one of its members and spokesman co-owns a large escort agency, and its

⁸ 'Meet the former sex worker', The Independent, Rachel Hosie (30 January 2018)
<<https://www.independent.co.uk/life-style/sex-worker-prostitution-escorting-escort-services-gwyneth-montenegro-glamour-media-tv-films-secret-a8184791.html>> accessed on 16/10/2019

⁹ 'The Female Face of Poverty', Women's Budget Group (July 2018)

¹⁰ 'How people trapped in modern slavery', The Independent, Andrew Crane (13 August 2018)
<<https://www.independent.co.uk/news/business/analysis-and-features/modern-slavery-exploitation-migrant-workers-forced-labour-a8462706.html>> accessed on 16/10/2019

membership is mostly made up of men who buy sex and some specialist groups.¹¹ This example highlights the power men have over the way women's sexuality and bodies are to be seen, as grounds for monetary gain.

Another example which furthers this line of argument, The Sex Workers Alliance of Ireland drew similarities between pro-choice abortion movement and the campaign to decriminalise pimping and sex buying by relating both to the autonomy of the body. They argue that it is the 'right' of women to be made sexually available to men for money.¹² This suggests that the argument being put forward is that women's bodies are grounds for male enjoyment; however, the pro-choice abortion debate is that of being free of patriarchal oppression, which is the same argument given by abolitionists against prostitution being made legal.

Due to the demand that the sex industry sees through prostitution in the UK (and across the world), it is often the poorest, most disenfranchised women and children who are targeted by exploiters. In this debate, we must recognise the intersectional inequalities at play. Black and minority ethnic (BME) women are more likely to be subject to exploitation than their white counterparts. As one investigative report has found, in countries such as the UK, demand leads to women and girls being trafficked from South East Asia, West Africa, and Eastern Europe.¹³ There are many reports and testimonials made by specialist abolitionist organisations across the world which fight for the rights of BME women who are known to be trafficked and trapped in modern slavery in the global north.¹⁴ Recognising BME women's subjugation, including the impact women in prostitution face, puts them in an even more vulnerable position when considered alongside their potential ignorance to their rights in the country they find themselves isolated in.

Consider the reports of UN workers deployed into countries to facilitate Peacekeeping programmes who also exploit women in prostitution.¹⁵ Julie Bindel summed this up when she reported that "Prostitution is built on inequality, and there is nothing as stark as the power imbalance between impoverished women of colour in developing countries, and the white male saviours supposedly there to help."¹⁶ Understandably, this is an international example so may seem far fetched to apply in our analysis of the UK. However, the premise remains the same, men falsely 'justifying' the exploitation of women's bodies for their own enjoyment under the guise of an industrious economy for women.

¹¹ 'Why prostitution should never be legalised', The Guardian, Julie Bindel (11 October 2017)
<<https://www.theguardian.com/commentisfree/2017/oct/11/prostitution-legalised-sex-trade-pimps-women>>
accessed on 16/10/2019

¹² 'Why prostitution should never be legalised', The Guardian, Julie Bindel (11 October 2017)
<<https://www.theguardian.com/commentisfree/2017/oct/11/prostitution-legalised-sex-trade-pimps-women>>
accessed on 16/10/2019

¹³ 'There's nothing woke about the sex trade', UnHerd, Julie Bindel (28 February 2019)
<<https://unherd.com/2019/02/theres-nothing-woke-about-the-sex-trade/>> accessed on 17/10/2019

¹⁴ 'There's nothing woke about the sex trade', UnHerd, Julie Bindel (28 February 2019)
<<https://unherd.com/2019/02/theres-nothing-woke-about-the-sex-trade/>> accessed on 17/10/2019

¹⁵ 'The prostitution claims surrounding Oxfam...', The Independent, Julie Bindel (12 February 2018)
<<https://www.independent.co.uk/voices/oxfam-prostitution-charity-aid-workers-haiti-un-peacekeepers-a8206646.html>> accessed on 17/10/2019

¹⁶ 'There's nothing woke about the sex trade', UnHerd, Julie Bindel (28 February 2019)
<<https://unherd.com/2019/02/theres-nothing-woke-about-the-sex-trade/>> accessed on 17/10/2019

One report tells the story of a woman who was 'back out on the streets' less than an hour after giving birth, as told by a police community support officer.¹⁷ This kind of story cannot logically fall into the category being described by some as being 'women's choice'. This story lends itself to coercion, control and exploitation of women's bodies.

This impacts attitudes towards women more widely. Women in prostitution and escorting are sometimes illustrated to live glamorous lives which are financially rewarding and provides them with freedom. This is far from the truth, interviews and testimonials from women previously in prostitution describe this as being a narrative set up by men and exploiters to entice women in.¹⁸ The reality being that women 'earning' money in this way are expected to neglect any sense of personal boundaries, safety or protection. Some describe it as 'coming at a price', as if financial investment determines how much men can get away with.

Similarly, women in prostitution are also painted as destitute and substance users. This is indulgence in skewed poverty porn and does not paint a lot of women's realities. As discussed, women in prostitution are more likely to be financially unstable, but society cannot blame her for this due to the 'business' and entrapment models that exploiters and men who buy sex create. It also paints an image of women in prostitution as having the same experiences. Although there inevitably must be shared similar experiences, it's important for society not to transpose the same narrative on all women in prostitution due to the danger of isolating women that don't fit the narrative and alienating women in the wider media and societies eye. It also denies personal traumas and impact that women experience, ignoring the importance of individual validation.

This all contributes to the response's women receive who are able to seek support. BSWA's organisational values rest on working with all women, believing them and validating their experiences. This highlights the importance of placing understanding within the framework of prostitution being the exploitation of women. So, women who are able to seek support are not stigmatised, are treated with dignity and have their needs met just like any women affected by DVA or sexual exploitation. Not doing so leads to supporting social structures that facilitate the exploitation of women, as we have discussed.

In contrast, the harms associated to men buying sex rest on being found out and worry of social stigmas. This is despite the fact they themselves invest in the industry which creates, reinforces and perpetuates these anxieties. Some police forces have taken to sending cautionaries or letters stating a charge of the offence to men's homes, since husbands are said to be worried about being found out by wives. As a result, police recording men who buy sex in this way seems to have a positive impact, as one force in Birmingham reported, the same men were never seen twice but always new men.¹⁹

Men buying sex are the perpetrators who inflict the physical and emotional damage that women suffer, as explored previously. Since we have already questioned the legitimacy of prostitution truly

¹⁷ 'Sex worker in Hull', The Independent, Tom Embury-Dennis (4 January 2018)
<<https://www.independent.co.uk/news/uk/home-news/sex-worker-hull-give-birth-back-streets-prostitution-police-officer-a8141276.html>> accessed on 17/10/2019

¹⁸ 'Meet the former sex worker', The Independent, Rachel Hosie (30 January 2018)
<<https://www.independent.co.uk/life-style/sex-worker-prostitution-escorting-escort-services-gwyneth-montenegro-glamour-media-tv-films-secret-a8184791.html>> accessed on 17/10/2019

¹⁹ 'Sex on Birmingham's streets', Birmingham Live, Annie Gouk and James Rodger (27 March 2019)
<<https://www.birminghammail.co.uk/news/midlands-news/sex-birminghams-streets-citys-persistent-16031478>> accessed on 17/10/2019

being women's choice, we must also raise concerns around consent. Consent is based on having a choice and having the freedom and capacity to make that choice.²⁰ Since women in prostitution are being exploited, how much freedom and choice can they be said to have?

Men who buy sex, and exploiters who control women, are investing in and perpetuating a cycle of exploitation of women which subordinates them to male power. No jurisdiction which does not penalise this and protect the women involved, can also have a legitimate VAWG strategy in place.

Approaches to prostitution in Birmingham

As detailed previously, police records in Birmingham indicate a high degree of soliciting and kerb crawling by people buying sex. BSWA believes that charging women in prostitution with soliciting does more harm than good. This is because it wrongfully sends the message that women are responsible for their own abuse. It seems that not enough is being done in the City to really protect and support women by all agencies to the same standard and with the same outlook. The focus should rather be on charging kerb crawlers and people who are exploiting women.

The historic approach to prostitution in the City has not focused on this, but rather on how to protect communities from being exposed to prostitution and all that is traditionally associated with it. Birmingham City Council has previously set up panels which considered a variety of factors which facilitate prostitution in the City. However, the immediate actions as a result had more to do with environmental aspects such as street lighting. Although, the panel also considered housing and inter-agency arrangements to deal with information exchange.²¹ The Council also agreed to work with Barnardos (in 2001) and the police to identify and target vulnerable young men and women. The Barnardos Girlspace project, which was established in late 1998, was successful but funding ran out so the project came to an end.

More recently in Birmingham, approaches to tackling prostitution and the buying and control of women's bodies is dealt with by a number of agencies, including the police and specialist voluntary sector organisations. In the City, women in prostitution have three main support services they can access or be referred into. These are SAFE (an Umbrella service for commercial 'sex workers'), Anawim (a charity who works with women vulnerable to exploitation), and BSWA.

BSWA's stance is that as long as women involved in prostitution are receiving the appropriate support from specialist services, the criminalisation of people 'buying' sex and pimps is safe for women. BSWA's support of the Nordic model in this way stems from the importance of sending a message that it is those who perpetuate and facilitate the subjugation of women who are the criminals, and not women who have been coerced or physically forced into prostitution. This is in comparison to how other support agencies approach women in prostitution, calling them 'sex workers' or the 'commercial sex industry', upholding the principles and subordination of the women they are supporting as set by their exploiters. BSWA is able to support women who have experienced prostitution because it is a form of abuse. Through our service, women have holistic support plans with access to specialist Court IDVA's, refuge spaces, MARAC support and housing options advice.

²⁰ Sexual Offences Act 2003, section 74

²¹ 'Prostitution', Hansard, Column 46 WH (3 July 2001)

<<https://publications.parliament.uk/pa/cm200102/cmhansrd/vo010703/halltext/10703h03.htm>> accessed on 17/10/2019

Societal attitudes towards women in this position can be skewed and thus women may not be treated in the way they deserve by some respondents. This may include public authorities and generic support organisations. Women may find themselves even further penalised for their possible multiple complex needs. This may include substance abuse, which exploiters sometimes use to make women dependent on them, or she may be using to deal with her circumstances. Stereotypes reinforcing negative connotations of women in prostitution often derive from arguments which mention substance abuse. Understanding that prostitution is a complex exploitation model helps people to understand the needs of women better, without the presence of misplaced judgement.

One of the main barriers to women in prostitution accessing support are those linked to also exiting prostitution. The coercive control and possible physical control exerted on women create real barriers to women having a chance to call support services, or be able to get away to attend appointments. This element is much like women affected by DVA who mitigate further risk of danger to themselves by not contacting support services, for fear of repercussions. This highlights the importance of specialist services supporting women, since the nuances are subtle yet can have a big impact on a woman. Specialist services are able to set up channels of contact through partner agencies and using techniques which consider the safety of women.

International and national frameworks around prostitution

The law in the UK currently holds prostitution (including advertising and soliciting), the exploitation of women by those making a profit from them and buying sex as illegal. However, CPS guidance explains that the prosecution of those who force others into prostitution, exploit and abuse them are the people the criminal justice system should be focusing on.²²

The guidance goes on to explain that the police should be working with agencies to help support women find ways out of prostitution.²³ The guidance therefore makes it clear that those in prostitution should not be penalised for the position they find themselves in at the hands of others. However, the guidance then gives police discretionary powers to decide on arresting or reporting those who commit offences classed as summary only (including kerb crawling, paying for sexual services and advertising prostitution).²⁴ Although this includes being able to charge an offence without reference to a prosecutor, it somewhat undermines the previous statement. Focusing on charging those who are exploiting women should be a blanket policy, with no room for discretion. It is where discretion exists that the previously discussed negative connotations attached to women in prostitution manifests. An absolute policy to charge would send the right message to people trying to exploit women. It would also act as a better deterrent than discretionary decisions upheld by some police forces.

Soliciting and loitering by women should therefore be decriminalised, with better pathways to specialist support set up. The practice of issuing a 'prostitute's caution' described in the CPS guidance²⁵ should be abolished, as it not only preys on women without need for evidence of

²² 'Prostitution and Exploitation of Prostitution', Crown Prosecution Service (4 January 2019) <<https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>> accessed on 17/10/2019

²³ 'Prostitution and Exploitation of Prostitution', Crown Prosecution Service (4 January 2019) <<https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>> accessed on 17/10/2019

²⁴ 'Prostitution and Exploitation of Prostitution', Crown Prosecution Service (4 January 2019) <<https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>> accessed on 17/10/2019

²⁵ 'Prostitution and Exploitation of Prostitution', Crown Prosecution Service (4 January 2019) <<https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>> accessed on 17/10/2019

prostitution, it sends the wrong message to women that they are responsible for their own abuse. Section 1 of the Street Offences Act was amended by section 68(7) of the Serious Crime Act 2015 needs to be extended to all women, regardless of their age, so that all women involved in prostitution are seen as 'victims' in the eyes of the law.

Furthermore, the case law which criminalise women 'working together' in one property²⁶ needs to be overturned. Women often work in this way either to protect and support each other, or because this is the way they are being 'managed' by exploiters. It is unfair for the law to penalise women who are being abused from managing their own safety.

Similarly, prosecuting 'maids', as described in the CPS guidance, should be reviewed. Although the guidance acknowledges that "a way out of controlled or forced prostitution for some is to become part of the controlling network"²⁷, the policy still discriminates their position. For many, the case will be that they are in similar abusive relationships as the women in prostitution are. The model used by exploiters needs to be considered more in the framework of violence against women and girls, rather than a business model.

The National Police Chiefs Council guidance on 'Policing Sex Work'²⁸ reveals many of the same issues seen in the CPS guidance. It is especially worrying however that the Police regard prostitution as 'sex work' rather than violence against women. However, the guidance can be commended for its model which builds influence and consensus between sex workers, outreach and support networks, local communities and the Police. It also stresses as a priority the public protection duty that police services have in relation to the safety of women in prostitution and practical ways to address crimes against these women.²⁹

The Public Sector Equality Duty should provide the basis of, alongside the national Ending Violence Against Women Girl's Strategy³⁰, the elimination of the exploitation of women; based on the discrimination of sex. This should be adopted by all local authorities and understood within the frame of VAWC and DVA.

There are two main approaches to prostitution under international, national and local policy: criminalisation and decriminalisation. Although both see different degrees being adopted of either.

Decriminalisation of prostitution has been rolled out in some parts of the world including in Germany and in New Zealand. This includes not only the decriminalisation of women's part in prostitution but also the buying and 'management' of exploiting women. New Zealand's decriminalisation model has been hailed by some as the 'gold standard' since it was made legal in

²⁶ ['Prostitution and Exploitation of Prostitution', Crown Prosecution Service \(4 January 2019\)](https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution) <<https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>> (see cases Stevens v Christy [1987] Cr. App. R. 249, DC, Donovan v Gavin [1965] 2 QB 648, Kelly v Purvis [1983] QB 663) accessed on 17/10/2019

²⁷ ['Prostitution and Exploitation of Prostitution', Crown Prosecution Service \(4 January 2019\)](https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution) <<https://www.cps.gov.uk/legal-guidance/prostitution-and-exploitation-prostitution>> accessed on 17/10/2019

²⁸ 'Policing Sex Work Guidance', National Police Chiefs' Council (December 2017) <<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/prostitution/>> accessed on 18/10/2019

²⁹ 'Policing Sex Work Guidance', National Police Chiefs' Council (December 2017) <<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/prostitution/>> accessed on 18/10/2019

³⁰ 'Strategy to end violence against women and girls: 2016 to 2020', Home Office (7 March 2019) <<https://www.gov.uk/government/publications/strategy-to-end-violence-against-women-and-girls-2016-to-2020>> accessed on 18/10/2019

2003.³¹ Recently, New Zealand's immigration service has added 'sex work' to the list of 'employment skill' for those wishing to migrate.³² Instead of what the government proposed would happen, regular inspections of brothels, less violence and no increase of the sex trade in the county, the opposite has transpired. New Zealand has an increased rate of violence against women with trafficking of women both to legal and illegal brothels on the rise, and there exist more illegal brothels than legal ones.³³ Women are therefore at more risk, with even less support.

Since prostitution has been turned into an industry considered part of the labour market, support groups which would provide women with pathways out of prostitution are rare to find. Effectively, legislation permits the subjugation of these women, and does not consider their possible needs. Recognise the impact of such an 'industry' on women, alongside the mental, physical and economic impact discussed earlier in this Inquiry response.

More liberal feminist women seem to be calling for the decriminalisation of prostitution in this way, without a second thought to the underlying premise of the issue at hand. Decriminalisation entitles men to commit further acts of violence against women, since the law protects them. Decriminalisation of prostitution in this way creates environments where women's subordination to male power is exacerbated.

The Nordic model is one which is considered a criminalisation model, although it decriminalises the 'selling of sex'.

The Nordic model has been adopted in Scandinavian countries, as well as in Scotland, Canada, Northern Ireland and France.³⁴ The model calls for the criminalisation of those buying sex and exploiters making a profit, but not those who are prostitutes. It recognises that commercialisation of sex, trafficking, modern slavery and the exploitation of people to make a profit are illegal.³⁵ Policy which reflects this sends the right message to society, that the exploitation of women is not tolerated. The model flips the balance of power away from people exploiting women.

BSWA's stance is that the law must hold people who exploit women responsible for their actions. However, BSWA advocates for this alongside the true protection of all women involved in prostitution. This is because there are very real safety repercussions on women if these protective measures are not put into place.

³¹ 'Why prostitution should never be legalised', The Guardian, Julie Bindel (11 October 2017)
<<https://www.theguardian.com/commentisfree/2017/oct/11/prostitution-legalised-sex-trade-pimps-women>>
accessed on 16/10/2019

³² 'Why prostitution should never be legalised', The Guardian, Julie Bindel (11 October 2017)
<<https://www.theguardian.com/commentisfree/2017/oct/11/prostitution-legalised-sex-trade-pimps-women>>
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³³ 'Why prostitution should never be legalised', The Guardian, Julie Bindel (11 October 2017)
<<https://www.theguardian.com/commentisfree/2017/oct/11/prostitution-legalised-sex-trade-pimps-women>>
accessed on 16/10/2019

³⁴ 'SNP back prostitution law changes', The Independent, Niamh McIntyre (18 March 2017)
<<https://www.independent.co.uk/news/uk/home-news/scottish-national-party-conference-aberdeen-sex-work-prostitution-criminalisation-nordic-model-ash-a7637261.html>> accessed on 18/10/2019

³⁵ 'Why prostitution should never be legalised', The Guardian, Julie Bindel (11 October 2017)
<<https://www.theguardian.com/commentisfree/2017/oct/11/prostitution-legalised-sex-trade-pimps-women>>
accessed on 16/10/2019

The majority of country's which have adopted the Nordic model, deem that 'selling sex' is not illegal, but that activities which are seen as 'brothel keeping' and 'controlling prostitution for gain' are.³⁶ This legislation has led to women being penalised for living together as a form of safety measure and landlords evicting women they suspect to be prostitutes. In Northern Ireland, under the Nordic model, two women (one pregnant) were sentenced to nine months in prison for 'selling sex' from an apartment that they shared.³⁷ This safety measure, advocated by some professions such as The Royal College of Nursing, the British Association of Social Workers, and the trade union Unison all advise the workers that they represent to work in pairs or groups if possible, as it is considered to be safer. If the 'selling of sex' is legal, we must protect women from being penalised under 'brothel keeping' and being at further risk.

To be clear, BSWA does not advocate for sex to be seen as part of the labour market place. BSWA is calling for greater protections for women in prostitution, and not for the legitimisation of 'selling sex' as an industry.

In one part of the UK, in Holbeck, Leeds, the local police force and local authorities set up a 'managed' prostitution area whereby a 12-month pilot project that effectively legalises prostitution has been made permanent.³⁸ Every evening between 7pm and 7am, sex workers can operate without fear of arrest, so long as they stay within the confines of the chosen zone. Despite being labelled a 'success' by its regulators, women are systematically subject to violent attacks including reports of rape, robbery, physical assault with the use of a weapon and murders.³⁹ And still, the underlying premise that women's bodies are grounds for male enjoyment is upheld.

The Nordic model can be improved, as discussed, with the introduction of better protections for women by including the removal of the laws that push landlords to evict sex working tenants, evictions which intensify poverty and instability in often-already precarious lives. Delivered alongside the decriminalisation of the safety measures women take, labelled as 'brothel keeping', more economic, gender and racial justice can be delivered to women in prostitution.

The law also needs to see ring-fenced funding for specialist organisations to support women affected. Many of the voluntary sector organisations who support women in prostitution have precarious funding streams which do not guarantee the sustainability of such projects to run. Without these specialist organisations and the support that they offer women, women are often isolated and left to face subordination and violence alone.

³⁶ 'Feminists, if you support the 'Nordic' approach', The Independent, Molly Smith (11 June 2019) <<https://www.independent.co.uk/voices/sex-work-ireland-kildare-brothel-new-york-trades-act-a8954151.html>> accessed on 18/10/2019

³⁷ 'Feminists, if you support the 'Nordic' approach', The Independent, Molly Smith (11 June 2019) <<https://www.independent.co.uk/voices/sex-work-ireland-kildare-brothel-new-york-trades-act-a8954151.html>> accessed on 18/10/2019

³⁸ 'A night in Britain's first red-light district', The Telegraph, Joe Shute (16 January 2016) <<https://www.telegraph.co.uk/news/uknews/crime/12102391/A-night-in-Britains-first-red-light-district.html>> accessed on 18/10/2019

³⁹ 'A night in Britain's first red-light district', The Telegraph, Joe Shute (16 January 2016) <<https://www.telegraph.co.uk/news/uknews/crime/12102391/A-night-in-Britains-first-red-light-district.html>> accessed on 18/10/2019

Conclusion

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.

As we have explored, women suffer severe harm by being exposed to prostitution. Prostitution is inherently abusive and facilitates the systematic degradation of women's autonomy. It inflicts racial, economic and gender-based discrimination on women.

The approaches to tackling prostitution, that we have explored, highlight that total decriminalisation and regulation of prostitution as 'sex work' only exacerbates issues which exist in a criminal state. Decriminalisation sends the wrong message to people exploiting women, legitimising risk and harm that women experience through prostitution.

The liberal feminist argument that we have discussed, advocating for decriminalisation misses the fundamental premise upon which prostitution is built upon. The main issues raised, such as women having autonomy, are undermined by the very thing being advocated for. It may be more meaningful to address some of the issues raised, such as economic retribution for women through prostitution, with the view of tackling some of the more systematic problems women face in society (access to housing, economic gain, support from specialist organisations).

Thus, the Nordic model poses the only legitimate alternative, with the caveat of introducing the discussed additional protections. The Nordic model, alongside the additional protections for women provide the best approach to protecting women and their place in society. It sends the message that women are not to blame for their own abuse and that the criminal justice system exists to protect women.

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