



THE UK HOME AFFAIRS COMMITTEE INQUIRY INTO THE WAY PROSTITUTION IS TREATED IN LEGISLATION

WRITTEN EVIDENCE SUBMITTED BY RUHAMA

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About us

Ruhama is a specialist non-governmental organisation providing holistic support on a national basis in the Republic of Ireland to women affected by prostitution, including women who have been trafficked. We are the only specialist agency doing this work at a national level in Ireland. We have been providing our services for over 25 years, and have worked with thousands of women of over 60 nationalities. We currently support approximately 300 women per year, including both women involved in on-street prostitution (about 25% of our client group) and off-street prostitution (about 75% of our client group).

We are a holistic service offering a wide range of supports, including the following:

- Needs assessment
- Individual casework support and advocacy
- Care planning and case management
- Out-of-hours emergency response
- Crisis accommodation in emergency situations
- One-to-one and group education, training and development opportunities
- Support for women participating in the criminal justice process
- Support into mainstream training and education
- Support with job-seeking
- Housing and social welfare support
- Mobile street outreach to Dublin's 'red light' areas
- Outreach service to the women's prison in Dublin
- Outreach service to HSE Women's Health Service (sexual health clinic)
- Emotional and psychological supports, including access to counselling
- Addiction support
- Support with immigration issues and repatriation
- Practical support (material needs) in certain circumstances
- Interpretive support
- Referral to other key agencies that can offer additional support.

Ruhama offers the above services to women affected by prostitution regardless of whether they have been trafficked or not. In our experience, the needs of trafficked and non-trafficked women in

prostitution are more similar than different. Please note that as Ruhama works primarily with women including transwomen in prostitution, our responses that follow relate primarily to women, as this is where our expertise lies, alongside the fact that the vast majority of people exploited in prostitution are women.

Given our expertise in responding to the issues of prostitution and sex trafficking, Ruhama is often called upon to give evidence on these issues in other jurisdictions, and as such we believe that we are well-placed to make a submission to this UK Inquiry. Furthermore, given the global nature of the sex trade, each year a number of the women we support will have been trafficked via and/or sexually exploited in Northern Ireland and other parts of the United Kingdom. Our key recommendations to this Inquiry can be found throughout the narrative that follows.

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

1.1 RECOMMENDATION: Ruhama wholeheartedly agrees that the burden of criminality in this context should be placed on the shoulders of sex buyers rather than those who sell sex.

1.2 In our long experience, the vast majority of women involved in prostitution do not perceive their experiences in the sex trade as a 'job like any other'. They are often highly marginalised women who have been directly coerced or otherwise drawn into prostitution, typically as a result of a range of vulnerabilities or adversities they have experienced in their lives including poverty, childhood abuse, domestic violence, physical and mental health problems, addiction, conflict in their home country, insecure immigration status, to name but a few.

1.3 The vulnerabilities of those who sell sex on-street is particularly well-documented¹, and in Ruhama's experience the majority of the 70-80 on-street women we support each year face a range of adversities including poverty, debt, addiction, homelessness and poor physical and mental health². Criminalising these women for selling sex is akin to punishing them for being exploited and for simply trying to survive, rather than targeting those who are responsible for their exploitation; both pimps and sex buyers alike.

1.4 It is also evident from our work, that criminally sanctioning women for their involvement in any aspect of prostitution, whether on or off-street, often deters them from reporting violent crimes committed against them to the police, as well as acting as a significant barrier to exiting prostitution should a woman seek to do so in the future. These sanctions often see women convicted under sexual offences legislation, which bars them from certain professions, and in particular caring professions, that many women seek to enter after exiting prostitution and building new lives for themselves. Knowledge that they have a criminal record of this kind often prevents women from even considering exiting in the first instance, when they know that this record will always 'haunt' them and block positive opportunities for their future³.

¹ See for example: Hester, M., and Westmarland, N., 2004. *Tackling Street Prostitution: Towards an Holistic Approach*. London: Home Office. Available at: <http://dro.dur.ac.uk/2557/1/2557.pdf?DDD34+dss4ae+dss0nw+dul0jk>

² Ruhama, 2015. *Ruhama Annual Report 2014*. Dublin: Ruhama. Available at: <http://www.ruhama.ie/assets/Press-Releases/Ruhama-Annual-Report-2014.pdf>

³ Bindel, J., Brown, L., Easton, H., Matthews, R. and Reynolds, L. [undated]. *Breaking Down the Barriers. A Study of How Women Exit Prostitution – Executive Summary*. London: Eaves and London South Bank University. Available at: <http://i4.cmsfiles.com/eaves/2012/11/Breaking-down-the-barriers-a37d80.pdf>; Matthews, R.,

RECOMMENDATION: It is for all of these reasons that Ruhama strongly advocates for the repeal of soliciting sanctions for all persons selling sex, and has campaigned hard to ensure that this is a feature of Ireland’s new proposed legislation in this area⁴.

1.5 At the same time it is vital to turn our attention to those who fuel the very trade in which such vulnerable women are exploited. For too long now sex buyers have remained ‘in the shadows’, with the attention of the police and the public, and indeed the weight of the law, far more often directed at the women they purchase. Yet sex buyers are of course involved in *every single paid sexual service transaction*. **RECOMMENDATION:** This justice imbalance needs to be redressed by holding sex buyers accountable for their actions.

1.6 Thus, whilst we believe that laws that criminalise *persons involved in prostitution* should be repealed, we do not agree that the sex buyers who contribute to the growth of the sex trade, whilst exercising considerable economic power over the seller in the vast majority of circumstances, and purely to satisfy their own desires, should be free from criminalisation. Research with buyers and the women they have bought highlights the importance of this approach⁵:

- In contrast to most of the women they purchase, men who buy sex tend to be well-educated, have incomes in the middle to high range and are employed in professional occupations
- Many men who buy sex pay for high-risk practices (e.g. unprotected sex of various kinds)
- The majority of women in prostitution report experiencing physical or sexual violence at the hands of buyers
- An exploration of buyers’ motivations identifies the need of some buyers to dominate and control the women they purchase and exercise power over them, others see women who sell sex as less than human, something to be consumed and have little empathy for their feelings or circumstances – these buyers tend to be focused on purchasing practices that partners are unwilling to engage in and are very concerned with ensuring that they get ‘value for money’ from the transaction. Whilst some buyers seek ‘no strings attached’ – i.e. sex with no emotional attachment, others desire the ‘girlfriend experience’ and are angry/disappointed when the woman they are purchasing fails to successfully emulate a ‘girlfriend’
- Many sex buyers are well aware of the vulnerability and risk factors for entry into prostitution that the women they are purchasing have faced, including childhood abuse,

Easton, H., Young, L., and Bindel, J., 2014. *Exiting Prostitution: A Study in Female Desistance*. London: Palgrave Macmillan.

⁴ *Criminal Law (Sexual Offences) Bill 2015*. [As passed by Seanad Eireann]. Available at:

<https://www.oireachtas.ie/documents/bills28/bills/2015/7915/b79b15s.pdf>

⁵ Coy, M., Horvath, M., and Kelly L., 2007. ‘It’s just like going to the supermarket’: *Men Buying Sex in East London*. London: Toynbee Hall. Available at: <http://embracedignity.org/uploads/DemandReportREAD.PDF>;

Escort Surveys, 2006. *Irish Escort Client Survey*. Available at: <http://www.escortsurveys.com>; Farley, M., Bindel, J., and Golding, J., 2009. *Men Who Buy Sex: Who They Buy and What They Know*. London: Eaves and San Francisco: Prostitution Research and Education. Available at: <http://www.educating-voices.com/pdf/eaves.pdf>;

The Immigrant Council of Ireland, the Women’s Health Project and Ruhama, 2009. *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*. Dublin: ICI. Available at: <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/Trafficking-Report-FULL-LENGTH-FINAL.pdf>;

Ruhama, 2015. *Ruhama Annual Report 2014*. Dublin: Ruhama. Available at: <http://www.ruhama.ie/assets/Press-Releases/Ruhama-Annual-Report-2014.pdf>; Bindel, J., Brown, L., Easton, H., Matthews, R. and Reynolds, L. [undated]. *Breaking Down the Barriers. A Study of How Women Exit Prostitution – Executive Summary*. London: Eaves and London South Bank University. Available at: <http://i4.cmsfiles.com/eaves/2012/11/Breaking-down-the-barriers-a37d80.pdf>; Matthews, R., Easton, H., Young, L., and Bindel, J., 2014. *Exiting Prostitution: A Study in Female Desistance*. London: Palgrave Macmillan.

poverty and lack of alternative job choices, coercive control and homelessness. However, this knowledge does not appear to deter buyers. Nor does knowledge of direct coercion – 55% of the buyers in one London study believe that the majority of women in prostitution have been lured, tricked or trafficked. A similar number believe that most women in prostitution are controlled by a pimp, and many, through their buying behaviour, have observed that form of control from pimps. Furthermore, and most significantly, half the men in the sample stated that they themselves had bought sex from women whom they believed to be under the control of a pimp

- Services that provide support to women who have been trafficked report that a negligible proportion of their referrals ever come from sex buyers, and those that do have typically involved the men paying for sex and then reporting their concerns about the woman's welfare after they have had sex with her.

1.7 RECOMMENDATION: Ruhama strongly supports the 'Nordic approach' to prostitution, adopted in Sweden, Iceland and Norway, and more recently in Northern Ireland, which decriminalises the seller whilst sanctioning the buyer, going some way to address the significant power differential between the two. Rather than obscuring the central role of the sex buyer in prostitution, this approach serves to place the spotlight on those who create the demand for prostitution in the first instance, and should be given very serious consideration as part of this important Inquiry.

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

2.1 Of all State agents in the UK, the CPS has long been the most progressive and insightful in the position it has adopted on prostitution as a form of violence against women and girls. Yet there is a serious contradiction at play here – while the authority charged with sanctioning criminal behaviour recognises the vulnerabilities and exploitation experienced by the vast majority of women in prostitution, the law itself defines these same women as criminals. This both defies logic, and also has the appearance of victim-blaming – there are no other areas of law where victims of violence against women are similarly subject to sanctions for the violence/exploitation they have experienced.

2.2 RECOMMENDATION: It is clear that the law needs to be brought in line with the CPS position on this issue. Taking this argument a little further, it is also necessary to acknowledge that if prostitution is defined as a form of violence against women, then there are clearly perpetrators committing this violence that need to be held accountable for their actions – in the case of prostitution these include sex buyers, pimps and sex traffickers. This offers further logical support for the need to shift the burden of criminal sanctions for prostitution in their direction.

3. 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

3.1 As Ruhama is operating in a different jurisdiction (Republic of Ireland), we do not feel qualified to comment in detail on the impact of the *Modern Slavery Act*. **RECOMMENDATION:** We would, however, urge caution in this regard – this new legislation is still in its infancy, and as with all legislation that addresses complex criminal and social issues, it is likely to require more time for the true impact of the Act to become evident. What is clear is that sex trafficking continues to occur into and within the UK, and that the UK remains an attractive destination for sex

traffickers⁶. This is in part the fault of the UK's 'muddy' prostitution legislation – whilst the new *Modern Slavery Act* sends a clear message to perpetrators about the unacceptability of trafficking and the sanctions this incurs – there is no such clear message from legislation regarding prostitution, which, after all, is the very institution into which victims are being sex trafficked. **RECOMMENDATION:** The law in this regard requires much greater clarity. In its present form, UK legislation fails to effectively sanction the sex buyers who create the demand for prostitution, whilst pursuing prosecutions against vulnerable persons exploited in prostitution. This is a boon for sex traffickers who are attracted to the UK by high levels of buyer demand, whilst at the same time using the threat of potential criminalisation within the UK against the women they control as a means to further manipulate and coerce them.

3.2 Given the above, Ruhama wishes to comment on the weaknesses of the legislation that currently governs the purchase of sex in England and Wales – Section 14 of the *Policing and Crime Act*. Whilst this Section rightly outlaws the purchase of sex from anyone who has been subject to exploitation, and constitutes a strict liability offence, the difficulties in proving exploitation, and particularly exploitation as a result of psychological rather than physical control, appears to have greatly hampered the effective implementation of Section 14. The evidence would suggest that this offence has been applied across England and Wales in a very limited, patchy and sometimes problematic way, and as a result is unlikely to have had great success in deterring demand⁷. **RECOMMENDATION:** What would undoubtedly be more effective here is the application of a much clearer, high-profile blanket ban on the purchase of sex across the UK, with the sanctions for buyers clear to all, which has already been proven to have a real impact on demand in the jurisdictions where it has been implemented⁸.

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

- **Assist those involved in prostitution to exit from it**

4.1 We note that a particular strength of Northern Ireland's new *Human Trafficking and Exploitation Act* (2015) is that it recognises and enshrines in legislation the need to assist vulnerable persons to exit prostitution. Similar measures are also contained in imminent legislation in France that adopts the Nordic approach to addressing prostitution. **RECOMMENDATION:** Given that it is often very marginalised women who engage in prostitution and may be trapped there by poverty, it is vital that efforts to address demand are rolled out in tandem with ensuring that those who sell sex to survive are offered immediate, viable alternatives.

4.2 In Ruhama's experience, supported by research⁹, exiting prostitution is not a linear process, it is more accurately described as a 'journey', and in this sense it is also rarely a 'snap decision' that a woman suddenly makes to leave prostitution. It is more a thought/idea that has been building

⁶ United States of America Department of State, July 2015. *Trafficking in Persons Report*. United States: Department of State. Available at: <http://www.state.gov/documents/organization/245365.pdf>

⁷ Kingston, S and Thomas, T, 2014. 'The Police, Sex Work, and Section 14 of the Policing and Crime Act 2009' in *The Howard Journal of Criminal Justice* **Volume 53, Issue 3**, pages 255–269, July 2014.

⁸ See for example the summary in English of the Swedish *Prohibition Against the Purchase of Sexual Services Review 1999-2008*, available at: <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/Swedish-evaluation-summary.pdf>

⁹ Matthews, R., Easton, H., Young, L., and Bindel, J., 2014. *Exiting Prostitution: A Study in Female Desistance*. London: Palgrave Macmillan.

over time and it often needs an experienced professional to really help a woman draw that idea out. We also know from our own work in supporting women to exit prostitution that the vast majority who want to extricate themselves from prostitution cannot 'go it alone'. Although, in a small number of cases women can 'self-exit', this is rare, and often these women had their own more informal sources of support to rely on. **RECOMMENDATION:** Most women will need some kind of dedicated support and someone to advocate on their behalf with the very many statutory and voluntary agencies that can potentially assist with their exit. This can really only be effectively and efficiently achieved when one agency, and preferably a single key/caseworker within that agency, knows the woman's 'story', and has a full assessment of her experiences, needs, fears and hopes for the future.

4.3 RECOMMENDATION: It is with this in mind that Ruhama strongly recommends the provision of dedicated, specialist support for women seeking to exit prostitution that is tailored to their own individual needs and provided by a service/agency that has a thorough understanding of the ways in which prostitution impacts on women's physical, psychological and sexual health, and the harms that it causes. Where specific assistance to exit prostitution is directly supported by legislation, this further strengthens the case for specialist provision in this regard, which obviously needs to be backed by sufficient funds to deliver this support on a national basis.

4.4 It is sometimes argued that exiting support, due to its often intensive nature, is expensive to provide. **RECOMMENDATION:** However, we would argue that the implications for the Exchequer in *not* ensuring the provision of this support are very significant – dealing with the human cost of prostitution is already a huge burden on the public purse, as recent research has demonstrated, whilst proper investment in exiting support can offset the very significant longer-term costs to public services and society that result from the harms of experiencing sexual exploitation¹⁰.

- **Increase the extent to which exploiters are held to account**

4.5 RECOMMENDATION: Whilst Ruhama firmly believes that while no single individuals who sell sex should be criminalised for doing so, those who profit from the prostitution of another person should be heavily sanctioned for this crime of exploitation. Those who profit in this way can include pimps (in some cases those in an intimate relationship with the women they profit from), traffickers, those who organise prostitution, brothel keepers or those who knowingly rent out premises for the purposes of prostitution, and any other third party who benefits from the prostitution of another. **RECOMMENDATION:** It is recommended that sanctions for exploiters should be brought in line with the size of the profits to be gained, and that this is of particular importance in the case of those who manage and organise prostitution on a large-scale and/or as part of a wider criminal gang/network.

- **Discourage demand which drives commercial sexual exploitation**

4.6 RECOMMENDATION: Throughout our submission we have recommended for the UK a blanket ban on the purchase of sex as the only genuinely workable way in legislation to discourage the

¹⁰ Mouvement du Nid and Psytel, 2015. 'ProstCost': Estimate of the Economic and Social Cost of Prostitution in France – Summary of the Study's Results. Available at: <https://prostcost.files.wordpress.com/2015/09/prostcost-vang-web2.pdf>

demand which drives commercial sexual exploitation. This approach is in line with a range of key international human rights instruments that recognise the harm inherent in prostitution and define sexual exploitation as a human rights violation that is profoundly gendered¹¹ – the vast majority of those affected are women and girls. The Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW), to which the UK is a signatory, calls on all State Parties to ‘take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women’¹², and it is noted that ‘These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse.’¹³

4.7 Ruhama subscribes to the view, firmly supported by the European Parliament¹⁴, that prostitution is both a cause and a consequence of gender inequality. RECOMMENDATION: Banning the purchase of sex sends a clear message to society at large that women and girls are not commodities to be bought for sexual purposes, and that it is unacceptable to buy sexual access to the bodies of women and girls purely for the pleasure of the purchaser. It is essential that the UK as a whole takes note of the progressive moves by many of its European neighbours, and indeed within its own jurisdiction (NI), to tackle the harms of the sex trade by criminalising demand – this is the approach already in place in Sweden, Iceland, Norway and most recently Northern Ireland, with the Republic of Ireland and France on the brink of introducing similar measures. In general, as the work of the European Parliament attests¹⁵, this is the direction that Europe is now taking to address prostitution, and the UK would be wise to follow suit, not least so that it does not become renowned as an easy target for pimps and traffickers in contrast to many of its European counterparts.

Thank you for the opportunity to respond. Please direct any queries about this Inquiry submission to:

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¹¹ As defined in the United Nations Declaration on the Elimination of Violence against Women.

¹² As outlined in Article 6 of the Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW).

¹³ General Recommendation 19 of the Committee on the Elimination of Discrimination Against Women.

¹⁴ *European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality* (2013/2103(INI)). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2014-0071+0+DOC+PDF+V0//EN>

¹⁵ *Ibid.* – note that there was overwhelming cross-Parliament support for this EP resolution to address prostitution as a form of violence against women and criminalise the demand in its final vote – 343 MEPs in favour, 139 against, with 105 abstentions.