Commercial Sexual Exploitation
Supporter Briefing

Why prostitution is a problem – uncovering the myths

Exploitation within the sex industry affects some of the most vulnerable in our society. Despite the portrayal it often receives in film and TV, for most people involved in prostitution it is anything but glamorous.

Don’t women choose prostitution as a lucrative occupation?

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.¹ Many are drawn into prostitution at a young age, often under 18 years old, through grooming, or family circumstances.² Studies show that high numbers of women in prostitution have experienced coercion. In a 2012 study of 114 women in prostitution in London, 50% said they had experienced coercion (through trafficking or from a partner, pimp or relative).³ The majority of female trafficking victims have been sexually exploited.⁴

We recognise that some people say they have chosen prostitution, but for the majority the experience is marked by a lack of choice. When seen as a whole prostitution clearly contributes to social injustice. Therefore, CARE advocates legislation that will deliver justice for the vulnerable majority.

Can prostitution be made safe?

Prostitution is one of the most dangerous occupations in the world. One research study has reported that 61% of the women in prostitution surveyed had experienced violence from buyers of sexual services, similar reports have been recorded in other studies.⁵ Involvement in prostitution often has seriously detrimental effects on a person’s mental health including depression, anxiety disorders and Post-Traumatic Stress Disorder.⁶ Drug and alcohol misuse is a problem for some and chaotic lifestyles make it difficult for people to leave prostitution without support.

⁴ According to National Crime Agency statistics for 2013-2017 55% and 66% of all female potential victims referred to the NRM had been a victim of sexual exploitation.
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Hasn’t prostitution always existed?

It is true that prostitution has been evident in societies down the ages. But that doesn’t mean we have to accept things as they are. We may not be able to end prostitution entirely, just as we have not managed to stop all violence and murder. However, we can and should try to reduce it and the harm it causes. While CARE does not believe that there are any easy legislative solutions that will bring about the end of prostitution, we do believe that there is an approach that offers both greater justice for those concerned and real scope for limiting the extent of prostitution in our society.

Both Sharon’s parents were heroin users; her mother was also a manic depressive. Sharon grew up in and out of the London care home system. When she was 17, a boyfriend introduced her to drugs and encouraged her into prostitution to fund both their addictions. Working on the street selling sex, Sharon, now 25, has experienced severe violence, been raped many times and made to perform degrading acts with “clients”. Her drug habit and chaotic lifestyle have left her homeless many times and forced to have sex just for a roof over her head. Her desperation for drug money means she often has unprotected sex and has contracted several sexually transmitted infections. She has given birth to two children, both adopted as babies.

What is the solution? - legislative approaches

In recent years two predominant, but very different, legislative approaches to prostitution have emerged across the world:

1) Legalisation or decriminalisation

Legalisation of the sex industry is suggested by some as a way of making prostitution safer for the women engaged in it. However, in countries that have led the way on legalisation violence, exploitation and organised crime are still major problems.

Academics who have compared different prostitution regimes have written “not only can none of the legalisation or decriminalisation regimes examined here provide strong evidence that the law and policy has delivered the promised rights and material benefits to women who sell sex, several admit failure in this respect.”

Prostitution was legalised in the Netherlands in 2000 to regulate the sex industry and bring the associated criminal activity under control. However, there is clear evidence that organised crime and illegal prostitution continues with some academics suggesting it may be more difficult to police human trafficking in the legal sector.

According to a police study between 50% and 90% of all those involved in prostitution in Amsterdam have been coerced into it, even in legal establishments. In another survey with people in prostitution 22% of participants reported being assaulted in the course of their prostitution activities. There has also been a marked deterioration in the emotional wellbeing of those involved in prostitution.

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10. Schone Schijn (Keeping Up Appearances: The Signs of Human Trafficking in the Legalized Prostitution Sector) 2008; We must be honest about prostitution reality: Amsterdam official. DutchNews.nl 14 October 2011
12. Daalder, A.L. Prostitution in the Netherlands Since the Lifting of the Brothel Ban, WODC (Research and Documentation Centre, Dutch Ministry of Security and Justice), 2007
New Zealand decriminalised prostitution in 2003. However, more than ten years later there are reports of continued violent attacks, increased street prostitution and the exploitation and trafficking of teenagers and migrant women. Surveys have also shown that many workers in brothels continue to feel unable to refuse clients and are reluctant to report violence and adverse incidents to the police. In 2012, the Prime Minister of New Zealand acknowledged that the New Zealand Prostitution Reform Act had failed to meet its aims in respect of reducing underage prostitution.

2) The Nordic approach

In 1999 the Swedish Government sought to reduce the harms of prostitution by reducing demand. It did this by making it a criminal offence to purchase sexual services and decriminalising those who provide sexual services for payment. Neighbouring Norway adopted a similar law in 2009. Since these laws were passed reports in both Norway and Sweden have identified the following positive effects:

1. Reduced amount of on-street prostitution and lower than expected prostitution levels overall.
2. Reduced number of men saying they have purchased sexual services.
3. The Police report deterrent effects on trafficking and organised crime involvement in prostitution.

This form of law has come to be called the “Nordic” model and has also been adopted in Iceland (2009), Canada (2014), Northern Ireland (2015), France (2016) and the Republic of Ireland (2017). This approach has also been endorsed by resolutions of the European Parliament and the Council of Europe Parliamentary Assembly. New Zealand decriminalised prostitution in 2003. However, more than ten years later there are reports of continued violent attacks, increased street prostitution and the exploitation and trafficking of teenagers and migrant women. Surveys have also shown that many workers in brothels continue to feel unable to refuse clients and are reluctant to report violence and adverse incidents to the police. In 2012, the Prime Minister of New Zealand acknowledged that the New Zealand Prostitution Reform Act had failed to meet its aims in respect of reducing underage prostitution.

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The current law in the UK

Criminal law is devolved to Scotland and Northern Ireland (where as mentioned above Northern Ireland the law changed in 2015 to follow the Nordic model). Therefore there are some differences in the specific laws on prostitution in different parts of the UK. The approach in England, Wales and Scotland does not fit either of the predominant models described above. It has traditionally focussed on removing prostitution from public places and addressing those who organise or control prostitution. Neither paying for sexual services nor providing sexual services for payment are illegal. However, many of the activities around prostitution are prohibited including brothel-keeping, controlling prostitution (pimping) and soliciting in a public place to buy (often called “kerb-crawling”) or to sell sexual services.

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13 Germany Wins the Title of ‘Bordello of Europe’: Why doesn’t Angela Merkel Care? Huffingtonpost.com 27 May 2015
14 Sex workers ‘deserve protection’; stuff.co.nz 26 June 2014; Girls pimped out by relatives -- pastor. Nzherald.co.nz 27 March 2013; US Department of State Trafficking in Persons Report 2015;
16 Debate begins over Auckland super-brothel newshub.co.nz 12 November 2012
18 Bill C-36 Protection of Communities and Exploited Persons Act 2014; Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Northern Ireland) Act 2015 section 15; proposition de loi visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées see bbc.co.uk; The Criminal Law (Sexual Offences) Act 2017.
In England and Wales an additional offence was introduced in the Policing and Crime Act 2009 with the aim of protecting people from exploitation. Under this law it is a criminal offence to pay for sexual services provided by someone who is subjected to force. The definition of ‘force’ includes coercion by threats and other psychological means, including exploitation of vulnerability. Unfortunately the law has proven difficult to implement as it requires proof of coercion within a tight timeframe which can be challenging to achieve.\textsuperscript{20} There have been only a handful of prosecutions and only two since 2013.\textsuperscript{21} The law also provides no protection for people who have a history of abuse and grooming which has led to their involvement in prostitution. Scotland has no legislation equivalent to this offence.

What is CARE doing?

Since 2006 CARE has been working for change in relation to commercial sexual exploitation through advocacy in the UK Parliaments and Assemblies and in Europe. We are currently calling for action in the following areas:

1. **Tackle demand**

   CARE is calling for a law which criminalises all purchase of sexual services without the need to prove coercion based on the successful Nordic approach. This has already been adopted in Northern Ireland and we are calling on governments in England, Wales and Scotland to do the same. We believe that this is the only way to address effectively the demand for sexual services, which exploits the vulnerable and creates a market for trafficking.

2. **Support for exit**

   There is evidence that many of those in prostitution would like to stop, but they face significant barriers in doing so. In particular, they need tailored drug treatment, safe and supported housing, mental health support, financial counselling and access to education and training programmes.\textsuperscript{22} Unfortunately, where they do exist these vital exit projects are often under-funded. We are urging all UK governments to increase access to these services.

Stay up to date

Our “Loose the Chains” emails will keep you informed of developments in this area and let you know about opportunities to take action, go to [www.care.org.uk/loosethechains-signup](http://www.care.org.uk/loosethechains-signup) and choose “loose the chains” to subscribe. You will also find regular news stories on our website [www.care.org.uk/loosethechains](http://www.care.org.uk/loosethechains) and breaking news via CARE’s Twitter and Facebook accounts.

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\textsuperscript{21} Written Answer to Parliamentary Question number HL7173 answered on 8 May 2018 and number HL9088 answered on 12 July 2018

\textsuperscript{22} Bindel, J. et al Op.Cit.