**Nia response to call by S.R VAWG on prostitution and human rights**

1 In our view, rather than “hidden”, there is a deliberate attempt to sanitise and normalise various forms of prostitution. This includes making artificial distinctions between forms of prostitutions: exceptionalising some as harmful while normalising most as consenting choice. Consequently, for most officials the only thing recognised as “prostitution” or harmful is this “extreme” or “exceptional” case involving minors or an easily provable force or coercion.

Off-street prostitution such as web cam, telephone and internet sex as well as more “traditional” on street sex and appointments like escorting, dominatrixes all continue unabated. “Only Fans”, taking and/or distributing images without consent, sex in exchange for rent/accommodation, debt “repayment”, products like food, cigarettes etc, access, protection or passage, also “sugar daddy arrangements”, intimate partner relationships pressuring women into prostitution, pornography, group sex, sexual filming/photography are all forms of prostitution, symptomatic of women’s continued inequality and discrimination.

2 This is very difficult, even the understanding of “prostitution” is unclear as implied by qn 1. Women of any age, class or background could find themselves involved in a form of prostitution (see 1). However, it remains the case that many women and girls involved have been repeat victims\* of forms of neglect, abuse, sexual abuse, exploitation, coercion, domestic and sexual violence. A significant proportion may have run away from home, been in care, excluded from school, targeted at young ages by predatory males and become affected by combinations of homelessness, poverty, problematic substance use, offending and mental health issues. However, there are also young women in education and employment who are encouraged by the normalisation of prostitution and think it’s a harm-free way to make money to supplement lower wages or cover fees and bills not realising the harms and barriers they may face. There are also reports of women experiencing hardships including migrant women and women affected by “austerity”, cost of living, low-wage, insecure, zero-hour work, costs of accommodation, transport, childcare. Such cases include exploitation by landlords, money lenders, flatmates, employers and partners. \*\*\*

3 and 9. It is very hard to provide more details given the widespread, increasingly normalised, nature of sexualised commodified interactions. There is relatively little current research into men who buy sex,\*\* some work in 2008 found no particular profile of buyers. What is known, however, is that men who buy sex score more highly on tests for misogynistic attitude, and upholding of rape myths and sexist stereotypes and they are holding, controlling and choosing how to use finances.

Laws in the UK (see annex) have evolved over years from the vagrancy and health related legislation that blamed the women involved to moralistic laws that condemned the whole practice to laws that sought to recognise degrees of harm and coercion.

Governments have generally avoided taking a position on prostitution leaving a lack of clarity on the legal regime. In large part, it is left to local authorities and police forces to choose their approach resulting in fragmented and inconsistent responses.

Currently selling sex in the UK is legal but most of the activities surrounding this are not legal. This includes advertising, loitering etc and often does impact on the women. Where prosecutions of women occur, they may involve injunctions, fines, attendance on diversionary schemes or at women’s services, imprisonment for short terms for non-payment of fines or repeated infractions or breaches of conditions.

Where the law is applied to males, the focus is usually on serious crimes like organised crime, physical and sexual violence, trafficking, grooming and sexual abuse. Clearly these relate to very visible, provable examples of violence and serious crime. Even here, the prevailing attitude can be very victim-blaming.

In relation to ‘lesser’ offences men may be fined, face injunctions or be sent on awareness courses for repeated kerb crawling and soliciting. The only measure that was taken which might also be targeted at challenging demand – making it a strict liability offence to buy sex from a coerced person - seems to lack the ability and will to enforce it, seeing only 12 prosecutions in over 10 years. Largely, the offence still relies on proof of “coercion” which is susceptible of degrees of understanding depending on circumstance and ideas of “consent” and “choice”. It also relies on the victim declaring herself as coerced and being in a position to assist with prosecuting the perpetrator.

4 Women and girls involved in prostitution may experience any and all such abuses including murder (see femicide census) ,but may normalise or minimise the violence they experience, often due to the need to psychologically dissociate from the daily abuse they are subjected to Physical injuries can include broken bones, dental, head, neck and internal injuries. The psychological effects can amount to post traumatic stress disorder, self-harm and suicidal ideation. Sexual abuse includes damage to internal organs, sexual mutilation, multiple rape and coerced sexual degradation and humiliation including filmed/photographed. Women may well have become involved in a context of financial deprivation in the first place and their situation worsens when drug and alcohol, debts, costs, extortion and fines may also mount up. Less obvious long-term economic impacts include the difficulty of entering and being able to stay in mainstream work. In terms of administration, women involved may face degrading and victim-blaming responses from state services. Where women are prosecuted, the long-term consequences can be disproportionate and beyond what the law envisaged – women being “outed” with impacts on employment, families, relationships, parenting, housing, criminal records etc.

5 Women and girls in prostitution experience violence disproportionately, though not only, from men notably buyers, pimps and partners but also wider family and community. Their interaction with state agencies can also be degrading and victim-blaming.

6 Prostitution is symptomatic of the continued inequality and discrimination faced by women and is not compatible with equal human rights and dignity of women. We would also point to the human rights provisions outlined in this call (CEDAW etc, see annex). With women’s rights to live free from violence and the threat of violence being “respected, protected and fulfilled” and women having equal access to safety and justice and equal opportunities in education, employment, financial independence and freedom of movement then the conditions for prostitution would be unfavourable. Lacking such equality and in a context of relative impunity for violence against women and normalisation of sexist attitudes: we build the conducive context for violence against women including prostitution. The knock on effects of prostitution on other areas of women’s lives compound the discriminatory impact.

If we are looking at prostitution from a human rights perspective then it is not enough to only look at the individual experience of a woman in a particular set of circumstances. We need to look at women as a discriminated against class. Prostitution feeds into misogynistic beliefs, myths and stereotypes: it feeds the ideas that women are gold diggers and would do anything for money, that women say no but mean yes, that women’s consent is irrelevant and can be bought or indeed ignored and over-ridden. This has harmful consequences for all women.

7 In brief, all forms of violence against women are connected by sex discrimination and inequality. Women and their independence and full participation in public life can be seen as threatening to the power balance in favour of men. Tools used to suppress women’s autonomy are various and include the abuse and retention of power, the use of violence particularly sexualised violence, humiliation, coercion, control and exploitation.

8 Attempts to portray acts and transactions in some forms of prostitution as the free, informed, consenting choice and autonomy or “work” of individuals disguises the quality and reality of the conditions of that “consent”. The conditions under which women and girls are engaged in prostitution will, as outlined elsewhere, commonly arise from patterns of neglect, abuse, exploitation, destitution and inequality of power. This cannot then qualify as full, free and informed consent. Buyers themselves commonly believe that in handing over money they can do what they want and consent becomes at best assumed and commonly irrelevant. Buyers also know that they are only able to engage in sexual contact because they have paid for it, therefore inherently consent is usurped.

9 Our answer at 3 describes the various legal positions towards prostitution and the lack of a vision or position on the issue which means that efforts are minimal, undermined, inconsistent and ineffective both in addressing prostitution generally and addressing violence within prostitution specifically.

10 Governments occasionally commission sporadic reviews but we are not aware of any systemic monitoring of this area. It would be hard to gather such data as it can be a largely hidden area, and is also not a routine question asked when engaging with women. Fundamentally, with the boundaries of what constitutes prostitution being blurred and the lack of a position or strategy - so there is no central approach to the issue generally or data specifically. There is a scheme called “Ugly Mugs”, part-funded by Government, in which women can report a buyer who has been violent so as to warn other women but obviously only a few such cases are reported and this is limited to violence from buyers whereas women may suffer violence, abuse and negative impacts from multiple sources and causes related to their experiences in prostitution.

11 There are very few such measures. There are few financial resources and there is limited knowledge and understanding of what is involved in exiting. Even if funding mentions exit, It is rare that such funding understands enough about the process of exiting as to fund it properly or evaluate such work effectively. Even where a woman does reduce or stop her involvement, it can be very difficult to enter mainstream work. Moreover, there are some who challenge the concept of “exiting” as coercive, degrading and judgemental. Often when women do want to exit, they find little or no support from their peers. But in addition, exiting is complex work needing a skilled and experienced response. There is little training available, the sector is poorly paid and many services are afraid, or do not know how, to ask women if they are involved or if they want to exit. In reality very few women are likely to come to a service, declare their involvement and ask for help to exit.

12 Particularly in the UK, the lack of a framework for prostitution is a major barrier. Moreover the issue is very polarised and little talked of so politicians see no benefit in raising it. This leaves a vacuum for women involved and services. As indicated, the lack of a vision means no consistency or sustainability.

To the extent that the issue is raised it is usually in the context of neighbourhood complaints about the tone of the area, detritus etc and the focus blames women rather than buyers. This results in temporary, often punitive measures about moving women on, preventing them from being in the area (where they may have key relationships, support or services) or prosecuting them.

In addition, making artificial distinctions between forms of prostitution and degrees of harm and consent and positioning it as “work”, choice or lifestyle, makes it very hard to act for, and find financial support for, organisations supporting women involved or exiting.

As indicated at 11, there are few services of this nature, little funding, limited expertise, no training and low pay so difficulties of recruitment and retention.

13 Recognising that all consequences of prostitution are negative and that it is essential to take a clear and consistent position to this effect (see 15).

14 No. As indicated, prostitution policy is heavily influenced by political ideologies, lobbying interests and existing power dynamics. Legislation and policy swings back and forth. It is not a vote-winner so is rarely discussed at policy level and not with transparency.

15 We are abolitionists, we wish to see an end to prostitution. In the meantime, we wish to see a regime which challenges men’s demand for prostitution and men’s attitudes to women and penalises the buyers and profiteers. We do not wish to criminalise women involved and we require investment and support to enable women to have viable alternatives.

**Annex 1: references**

**Relevant International human rights instruments**

* Convention on the Elimination of Discrimination Against Women 1979
* CEDAW Committee General Recommendations 12,19,35, 38
* Convention against Transnational Organised Crime 2003
* Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949
* Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) 2003
* Convention on the Elimination of All Forms of Racial Discrimination 1965
* Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence 2014
* Council of Europe Convention on Action Against Trafficking in Human Beings 2008

**Uk legislation which applies:**

* Street Offences Act 1959 as amended by The Policing and Crime Act 2009
* Sexual Offences Act 1956 as updated by Sexual Offences Act 2003
* Criminal Justice and Police Act 2001
* Sexual Offences Act 2003
* The Policing and Crime Act 2009
* Proceeds of Crime Act 2002
* Serious Crime Act 2015
* Modern Slavery Act 2015

**\*Routes into prostitution and barriers to exit including violence, abuse and exploitation**

Breslin, R., Canning, M. (2023) Pathways to exit: a study of women’s journeys out of prostitution and the response to their complex support needs University College Dublin, 2023

Bindel, J., Brown, L., Easton, H., Matthews, R., Reynolds, L. (2012) Breaking down the barriers: A study of how women exit prostitution, Eaves, London, 2012

Baker, L., Dalla, R.J., Williamson, C., (2010) Exiting Prostitution: an integrated model *Violence Against Women*, 16, (5) p579-600

Breslin, R., Latham, L., O’Connor, M. (2021) Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Health Service Executive Dublin SERP

Hester, M., Mulvhill, N.,Matolcsi, A., Sanchez, A.L., Walker, S.J. (2019) The nature and prevalence of Prostitution and Sex Work in England and Wales Today, England, University of Bristol

Coy, M., Smiley, C., Tyler, M., (2019) Challenging the Prostitution Problem: Dissenting Voice, Sex Buyers and the Myth of Neutrality in Prostitution Research*, Archives of Sexual Behaviour,* 48 p1931-1935

Femicide Census, 2023 This gathers data on women killed by men in the UK since 2009 and tries to capture details about the victim, the perpetrator, the relationship if there is one and the killing. It is often not reported or discussed whether she was involved in some form of prostitution or not. There are sometimes indications that would suggest she may have been involved in some form but it is not explicitly stated. Consequently numbers are likely to be under represented. The Census has data on 27 women killed where the context has been flagged as 'prostitution/sex industry' and a further 36 women have occupation flagged as 'other -sex industry. The census has recorded 93 perps as users of prostitution/pornography (including child abuse images) but again this is often either unknown or unremarked upon so likely to be very under represented.

**\*\* Men who Buy Sex**

Farley, M., Golding, J., Matthews, ES., Malamuth, NM., Jarrett, L. (2017) Comparing sex buyers with men who do not buy sex, : New data on prostitution and trafficking. Dec 32 (23) 3601 -3625 *Journal of Interpersonal Violence*, 2017

Farley, M., Bindel, J., Golding, J.,( 2009) Men Who Buy Sex: Who They Buy and What They Know 2009, Eaves, London.

Kelly, L., Coy, M., Horvath, M., (2008), Men Buying Sex in East LondonChildren Women and Abuse Studies Unit, London Metropolitan University, 2008

MacLeod, J., Farley, M., Anderson, L., Golding, J. (2008) Challenging Men’s Demand for Prostitution in Scotland Women’s Support Project, Glasgow, 2008

 **\*\*\*Conducive contexts for exploitation**

Philip Alston, UN Special Rapporteur on Extreme Poverty 2018

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