

BUST THE BUSINESS MODEL

How to stop sex trafficking and sexual exploitation in the UK

A report by the All-Party Parliamentary Group on Commercial Sexual Exploitation



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The All-Party Parliamentary Group on Commercial Sexual Exploitation brings together members of the UK Parliament to work for an end to all forms of commercial sexual exploitation. The Secretariat is provided by UK Feminista.

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FOREWORD



Sex trafficking and sexual exploitation can be stopped. They are not inevitable. The only reason this abuse persists is because of a small minority of men who pay for sex.

Just 3.6% of men in the UK have paid for sex in the past five years, yet it is their demand that drives sexual exploitation – and it is their money that lines the pockets of sex traffickers.

To stop sexual exploitation, we have to bust the business model of sex trafficking. That requires tackling demand from sex buyers and holding the ruthless individuals who facilitate sexual exploitation to account.

Exchanging money, food, accommodation, employment, services or other goods in return for sex acts is sexual exploitation and abuse. It is a form of violence against women.

Yet all too often, vulnerable women exploited through the sex trade face criminal sanction for soliciting, while men who pay to sexually exploit women do so with impunity – causing untold suffering and fuelling a lucrative and heinous sex trafficking trade.

This has to end.

It is time to shift the burden of criminality from those who are exploited in the sex trade - to those who perpetrate, facilitate and profit from this abuse.

We can, and must, bust the business model of sex trafficking.

Dame Diana Johnson MP

Chair of the All-Party Parliamentary Group on Commercial Sexual Exploitation

About commercial sexual exploitation in the UK

What is sexual exploitation?

The exchange of money, food, accommodation, employment, services or other goods in return for sex acts is sexual exploitation and abuse. It is never acceptable.

Commercial sexual exploitation, which includes prostitution and sex trafficking, is highly gendered and underpinned by historically unequal power relations between women and men. Sexual exploitation is a form of violence against women.

The scale and nature of sexual exploitation

- 3.6% of men in the UK report having paid for sex in the previous five years¹.
- Organised sexual exploitation is taking place on an industrial scale in the UK². The most common model of operation used by organised crime groups engaged in sexual exploitation involves advertising women on pimping websites and sexually exploiting the victims in 'pop-up' brothels, hotel rooms and private residences.
- Trafficking for sexual exploitation is the most detected form of human trafficking³ and the most profitable form of modern slavery⁴.

Current UK law

In England, Wales and Scotland it is legal to pay for sex and to sell sex. Soliciting to buy or sell sex in a public place is illegal. Third-party facilitation or financial gain from the prostitution of others is illegal in some, but not all, circumstances. In Northern Ireland it is illegal to pay for sex in any circumstance, however it is not illegal to solicit in a public place to 'sell' sex.

"This is a classic case of 'the pretty ones don't have to work hard'. ...She's Polish, and her English is not good... I was reminded of the Smiths' song 'Girlfriend in a Coma'... All the while she seemed completely disinterested and mechanical... I finally decided to fuck her, in mish. ...All the while, she kept her face turned to one side."

– Online review by a sex buyer. Amount paid: £100.⁵

International obligations to reduce demand for sexual exploitation

The UK has international obligations to reduce demand for sexual exploitation under the following treaties:

- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (The Palermo Protocol)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- Council of Europe Convention on Action against Trafficking in Human Beings

Combatting commercial sexual exploitation

Demand reduction legislation aims to reduce and ultimately end the demand from sex buyers and third parties that drives the 'supply' of women into sexual exploitation and sex trafficking.

A demand reduction approach entails: deterring demand from sex buyers by criminalising paying for sex; supporting victims of sexual exploitation by removing sanctions for soliciting and providing exiting services; and holding exploiters to account by criminalising facilitating and/or profiting from the prostitution of others.

The need for demand reduction legislation

- Reducing sex trafficking requires reducing demand for it
- Demand reduction legislation works
- Sexual exploitation is not inevitable and the Government has a duty to prevent it
- Victims of sexual exploitation should be supported, not sanctioned
- Pimping websites facilitate and incentivise sex trafficking
- Demand for sexual exploitation is a barrier to women's equality

"Sexual exploitation persists due to the failure of States parties to effectively discourage the demand that fosters exploitation and leads to trafficking."

– Committee on the Elimination of Discrimination Against Women General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration⁶

Recommendations

The UK Government and Scottish Government should urgently adopt comprehensive demand reduction legislation in order to prevent sexual exploitation, hold perpetrators accountable, and support victims to recover. This requires the introduction of the following measures:

1. Criminalise the act of offering or providing money or other benefit (including accommodation) in return for a person performing sex acts.
2. Remove criminal sanctions currently applied to sexual exploitation victims for soliciting in a public place.
3. Criminalise the acts of enabling and profiting from the prostitution of another person.
4. Provide a comprehensive, resourced network of support and exiting services for victims of sexual exploitation.

ABOUT COMMERCIAL SEXUAL EXPLOITATION IN THE UK

What is sexual exploitation?

Exchanging money, food, accommodation, employment, services or other goods in return for sex acts is sexual exploitation and abuse. It is never acceptable.

Healthy, non-abusive sexual relationships require both parties to mutually and freely want to have sex. Offering someone money - or accommodation, or other goods and services - in return for them performing sex acts is a form of sexual coercion.

Commercial sexual exploitation is highly gendered. The majority of people exploited through the sex trade are women and girls, while the overwhelming majority of people who pay to sexually exploit them are men⁷. Commercial sexual exploitation is underpinned by historically unequal power relations between women and men. It is a form of violence against women⁸.

The scale and nature of sexual exploitation

- 3.6% of men in the UK report having paid for sex in the previous five years⁹.
- Men who are most likely to have paid for sex are single men aged 25-34, in managerial or professional occupations and those who reported high numbers of (unpaid) sexual partners¹⁰. Men who binge drink at least once a week or who have taken hard drugs in the past year are also more likely to pay for sex.
- An inquiry by the All-Party Parliamentary Group on Prostitution and the Global Sex Trade in 2018 found that the sex trade in the UK is dominated by organised crime, and organised sexual exploitation is taking place on an "*industrialised*" scale¹¹. Victims are predominantly non-UK nationals.
- Common tactics used by organised crime groups engaged in sexual exploitation include:
 - recruiting victims via deception, coercion and the exploitation of pre-existing vulnerabilities;
 - exerting ongoing control over victims via debt bondage, sexual and physical violence, threats and isolation;
 - advertising victims to sex buyers on commercial pimping websites; and
 - sexually exploiting women in 'pop-up' brothels in residential properties, and via 'out-calls' to hotel rooms and private residences¹².
- Romania is a significant source country of sexual exploitation victims in the UK:
 - Leicestershire Police visited 156 brothels, encountering 421 women, between 1 January 2016 and 31 December 2017. 86% of the women in the brothels were from Romania¹³.
 - Northumbria Police visited 81 brothels between March 2016 and April 2018. Of the 259 women they encountered in the brothels, 75% were from Romania¹⁴.

- The Police Foundation identified 65 brothels operating in Bristol over a two-year period. At least 142 individuals were identified as being paid for sex in the brothels, and 74 offenders were identified as linked to the management of the brothels¹⁵. 83% of the women selling sex in the brothels were non-British nationals, and the most frequently recorded nationality was Romanian (43% of women)¹⁶.
- The majority of women involved in sexual exploitation were highly vulnerable before their involvement and suffer acute harms as a result of being exploited:
 - Approximately 50% of women in prostitution in the UK started being paid for sex acts before they were 18 years old, according to a report by the Home Office¹⁷.
 - Up to 95% of women in street prostitution are believed to be problematic drug users¹⁸.
 - A study involving 133 women in prostitution in five locations across England found that over half of the women had been raped or indecently assaulted¹⁹.
 - A nine-country study found that 68% of people in prostitution met the diagnostic criteria for post-traumatic stress disorder²⁰, and 89% of people wanted to leave prostitution²¹.
- Trafficking for sexual exploitation is the most detected form of human trafficking²² and the most profitable form of modern slavery²³.

"I became involved in prostitution in my early twenties, courtesy of my then 'boyfriend'; I now use the word pimp.

My body always hurt, from the constant rough sex. I'd get jaw ache from blow-job after blow-job. Group stuff was especially harrowing. I often threw up at the anticipation and couldn't have done it sober. Prostitution isn't glamorous and fun. It's scents and tastes and body fluids, pretending to enjoy (or at least endure) stuff you don't want to do – stuff that hurts, stuff that's degrading. I developed Post Traumatic Stress Disorder (PTSD). I got flashbacks and nightmares, when I could sleep.

The addiction and the prostitution went together – I sold myself to fund my habit, and I couldn't do it sober. It was a vicious cycle."

– Crystal, survivor of sexual exploitation²⁴

Current UK law

Laws relating to commercial sexual exploitation are a devolved matter. The legislation currently in operation in the UK is summarised below.

England and Wales

Overview

Victims of sexual exploitation can face criminal sanction for soliciting in a public place. Men who sexually exploit women by paying them for sex only face criminal sanction if they solicit a person in a public place or if they pay for sex with an individual 'subjected to force etc'. Third-party facilitation or financial gain from prostitution is illegal in some, but not all, circumstances.

Legislation

- It is legal to pay for sex. However, it is an offence for a person in a street or public place to solicit another for the purpose of paying for sex. *[Section 51A of the Sexual Offences Act 2003]*
- It is legal to receive payment for performing sex acts. However, it is illegal to persistently loiter or solicit in a street or public place for the purpose of prostitution. *[Section 1 of the Street Offences Act 1959]*
- 'Paying for sexual services of a prostitute subjected to force etc' is an offence. *[Section 53a of the Sexual Offences Act 2003]*
- Keeping, managing, acting or assisting in the management of a brothel is an offence. *[Section 33A of the Sexual Offences Act 1956]*
- Controlling prostitution for gain is an offence. *[Section 53 of the Sexual Offences Act 2003]*
- Causing or inciting prostitution for gain is an offence. *[Section 52 of the Sexual Offences Act 2003]*
- It is illegal to place a prostitution advert on or in the immediate vicinity of a public telephone. *[Section 46 of the Criminal Justice and Police Act 2001]* However, it is not illegal for commercial websites to knowingly host and profit from prostitution adverts.
- Trafficking for sexual exploitation is an offence. A person commits a human trafficking offence if they arrange or facilitate the travel of another person with a view to that person being exploited. It is irrelevant whether the victim consents to the travel. *[Part 1 of the Modern Slavery Act 2015]*

Inquiry into the current legal settlement

In 2014, the All-Party Parliamentary Group on Prostitution and the Global Sex Trade undertook an inquiry into the current legal settlement on prostitution in England and Wales. The inquiry concluded: *"because our lawmakers send no clear signals about the nature of prostitution, the most visible – women who sell sex – are targeted, while men who create the demand often walk away, without taking responsibility for the damage they do. ...we recommend a shift in the burden of criminality from those who are the most marginalised and vulnerable – to those that create the demand in the first place."*

- Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales, All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2014²⁵

Scotland

Overview

Victims of sexual exploitation can face criminal sanction for soliciting in a public place. Men who sexually exploit women by paying them for sex only face criminal sanction if they solicit a person in a public place or if they pay for sex with an individual 'subjected to force etc'. Third-party facilitation or financial gain from prostitution is illegal in some, but not all, circumstances.

Legislation

- It is legal to pay for sex. However, it is an offence to solicit another person in a public place for the purpose of paying them for sex acts. *[Section 1 of the Prostitution (Public Places) (Scotland) Act 2007]*
- It is legal to receive payment for performing sex acts. However, it is illegal to loiter or solicit in a public place for the purpose of prostitution. *[Section 46 of the Civic Government (Scotland) Act 1982]*
- Procuring (pimping) a woman for prostitution is an offence. *[Section 7 of the Criminal Law (Consolidation) (Scotland) Act 1995]*
- Trading in prostitution and brothel-keeping is an offence. *[Section 11 of the Criminal Law (Consolidation) (Scotland) Act 1995]*
- Trafficking for sexual exploitation is an offence. A person commits a human trafficking offence if they recruit, transport, harbour or receive, exchange or transfer control over (or arrange or facilitate any of these actions) another person with a view to them being exploited. It is irrelevant if the victim consents to any part of these actions. *[Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015]*

Northern Ireland

Overview

Unlike in England, Wales and Scotland, it is not an offence in Northern Ireland for victims of sexual exploitation to solicit in a public place. However, it is a criminal offence in all circumstances to sexually exploit a person by paying them for sex. The purpose of this legislation is to deter and reduce demand for sexual exploitation.

Legislation

- It is an offence to provide payment in exchange for sex acts. *[Section 64A of the Sexual Offences (Northern Ireland) Order 2008]*
- It is not an offence for an individual to receive payment for performing sex acts or to solicit in a public place.
- Causing or inciting prostitution for gain is an offence. *[Section 62 of the Sexual Offences (Northern Ireland) Order 2008]*
- Controlling prostitution for gain is an offence. *[Section 63 of the Sexual Offences (Northern Ireland) Order 2008]*
- Keeping a brothel used for prostitution is an offence. *[Section 64 of the Sexual Offences (Northern Ireland) Order 2008]*
- Trafficking for sexual exploitation is an offence. A person commits a human trafficking offence if they arrange or facilitate the travel of another person with a view to that person being exploited. It is irrelevant whether the victim consents to any part of the offence. *[Part 1 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015]*

International obligations to reduce demand for sexual exploitation

The UK has multiple international obligations to reduce demand for sexual exploitation. These are highlighted below.

● **United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children ('Palermo Protocol')**

Article 9.5 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children stipulates:

*"States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."*²⁶

● **Convention on the Elimination of All Forms of Discrimination Against Women**

Article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stipulates:

*"States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."*²⁷

CEDAW's General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration states:

*"Sexual exploitation persists due to the failure of States parties to effectively discourage the demand that fosters exploitation and leads to trafficking. Persistent norms and stereotypes regarding male domination and the need to assert male control or power, enforce patriarchal gender roles and male sexual entitlement, coercion and control, which drive the demand for the sexual exploitation of women and girls."*²⁸

● **Council of Europe Convention on Action against Trafficking in Human Beings**

Article 6 of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings requires of member states:

*"To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures"*²⁹.

COMBATTING COMMERCIAL SEXUAL EXPLOITATION

Legislative approaches

A range of legal frameworks exist or are promoted in relation to commercial sexual exploitation. Highlighted below are starkly contrasting approaches: *demand reduction* and *legalisation / full decriminalisation*. These approaches are underpinned by contradictory objectives and understandings of the matter they relate to.

The legal regimes commonly referred to as *legalisation* and *full decriminalisation* are very similar – both permitting brothel-keeping and pimping, for instance. However, these approaches are separated below to reflect their common separation in public discussions and to highlight variances that do exist in principle.

	Demand reduction	Legalisation	Decriminalisation / Full decriminalisation
Core components	<ul style="list-style-type: none"> • Third-party facilitation and profiting from the prostitution of others, such as pimping and brothel-keeping, is a criminal offence. • Paying for sex acts is formally recognised as sexual exploitation and is a criminal offence. • Individuals who are paid to perform sex acts are decriminalised and recognised as victims of sexual exploitation. Support and exiting services are provided. • This approach seeks to reduce and ultimately end demand for sexual exploitation. 	<ul style="list-style-type: none"> • Third-party facilitation and profiting from the prostitution of others, including brothel-keeping, is legal. However, the state imposes some laws restricting or regulating the sex trade³⁰. • Paying for sex is legal. • Individuals who are paid to perform sex acts are designated as 'workers', not victims of sexual exploitation. • This approach does not seek to reduce or ultimately end demand for the sex trade. 	<ul style="list-style-type: none"> • There are no criminal laws specifically restricting prostitution or connected third-party activities such as pimping and brothel-keeping³¹. • Paying for sex is legal. • Individuals who are paid to perform sex acts are designated as 'workers', not victims of sexual exploitation. • This approach does not seek to reduce or ultimately end demand for the sex trade.
Are brothel-keeping and pimping legal?	No	Yes ⁱ	
Are 'mega-brothels' legalⁱⁱ?	No	They can be	Yes
Can women be criminalised for selling sexual access to their own body?	No	Yes As 'workers', women who sell sex have connected legal obligations. In New Zealand, for example, anyone who sells sex is breaking the law if they fail to adopt 'safer sex practices' and faces a potential fine of \$2000 ³² .	
Is 'kerb-crawling'/ street prostitution legal?	No ⁱⁱⁱ	It can be	Yes
Is the legislation designed to end or reduce the scale of the sex trade?	Yes	No	



A mega-brothel in Germany

ⁱ The Netherlands lifted its general ban on pimping and brothel-keeping in 2000. The 'exploitation of involuntary prostitution' remained an offence. When Germany legalised the prostitution trade in 2001 it repealed the offence of the 'promotion of prostitution'. A new crime of 'exploitation of prostitutes' was introduced – designating a right and wrong way to organise and profit from the prostitution of another person. The wrong way, for example, could involve a pimp taking more than 50% of the earnings of a person paid for sex. [References: Prostitution in the Netherlands since the lifting of the brothel ban, A.L. Daalder, Research and Documentation Centre, 2007; Unprotected: How Legalizing Prostitution Has Failed, *Spiegel Online International*, 30 May 2013.]

ⁱⁱ 'Mega-brothels' are large-scale brothels that have become a notorious feature of Germany's legalised prostitution trade. In 2012, a mega-brothel was approved in New Zealand. However, in 2014 the *New Zealand Herald* reported that plans for the "15-floor super-brothel" had been abandoned by the brothel business owners due to a "liquor licensing battle". [Reference: Chows' super-brothel plan is off, *NZ Herald*, 29 March 2014.]

ⁱⁱⁱ Individuals who sell sex by soliciting in a public place are decriminalised. The criminal offences are restricted to paying for sex and third-party enabling or profiting from the prostitution of another person.

The need for demand reduction legislation

Demand reduction legislation aims to reduce and ultimately end the demand from sex buyers and third parties that drives the 'supply' of women into sexual exploitation and sex trafficking.

Demand reduction legislation contains the following components:

- Offering money or other benefit in return for a person performing sex acts is a criminal offence
- Victims of sexual exploitation are decriminalised
- Facilitating and/or profiting from the prostitution of others is a criminal offence
- Support and exiting services are provided for victims of sexual exploitation

Countries that have adopted demand reduction legislation include Sweden³³, Iceland³⁴, Ireland³⁵, Northern Ireland³⁶, Norway³⁷, Israel³⁸ and France³⁹.

Why demand reduction legislation is necessary

● Reducing sex trafficking requires reducing demand for it

Trafficking for sexual exploitation is a profit-driven crime, underpinned by the principles of supply and demand. The main profits obtained by sex trafficking gangs are from men who pay for the victims to perform sex acts on/with them. Without demand from sex buyers, there would be no supply of women and girls through sex trafficking. That is why the UK has multiple international legal obligations to reduce demand for sex trafficking (detailed on page 10).

The cohort of men who provide the demand for the prostitution trade is the same cohort that provides the demand driving the trafficking of women into that trade⁴⁰. There is not a specific demand for trafficking victims. Therefore, reducing demand for sex trafficking requires reducing demand for sexual exploitation in general.

"...trafficked persons are located within existing sex industries ... there is no separate or specific market for trafficked persons".

- Study on the gender dimension of trafficking in human beings, European Commission, 2016⁴¹

An international study by the Immigrant Council of Ireland on how to reduce demand for sex trafficking noted: *"simply allowing the prostitution industry to grow, increases the flow of trafficked people to that jurisdiction; conversely, addressing demand and reducing the size of the market for prostitution-related activities is an effective anti-trafficking measure"*⁴².

The greater the level of demand, the greater the scale of sex trafficking.

A significant factor in the level of demand, and the size of sex trades overall, is the legality of paying for sex and activities relating to it. Countries with legalised prostitution regimes experience significantly greater levels of trafficking. Reducing overall demand from sex buyers, and thereby reducing the size of the market, is crucial to reducing the scale of trafficking for sexual exploitation.

A cross-sectional analysis of up to 150 countries found that reported trafficking flows are larger into countries where prostitution is legal. The study's quantitative empirical analysis was corroborated by case studies of Sweden, Denmark and Germany.

Study: Does Legalized Prostitution Increase Human Trafficking? (S-Y. Cho, A. Dreher & E. Neumayer, 2013⁴³)

An analysis of European countries using cross-country data found that sex trafficking was most prevalent in nations with legalised prostitution regimes. The researchers concluded that *"slacker prostitution laws make it more profitable to traffic persons to a country."* In addition to their quantitative analysis, the researchers reported: *"Case studies of two countries (Norway and Sweden) that have criminalized buying sex support the possibility of a causal link from harsher prostitution laws to reduced trafficking."*

Study: The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation (N. Jakobsson & A. Kotsadam, 2013⁴⁴)

● Demand reduction legislation works

Sweden was the first country to adopt demand reduction legislation when it introduced the Sex Purchase Act in 1999, affording over two decades of evidence of its effectiveness. Research on the impact of the Sex Purchase Act reveals:

- **Demand has dropped:** Surveys conducted in 1996 and 2008 found that the proportion of men who reported paying for sex reduced from 13% to 8%⁴⁵. The most recent research on prevalence rates found that 7.5% of men had paid for sex. Just 0.8% of these men had paid for sex in the previous 12 months - the smallest proportion recorded in two decades and the lowest level in Europe⁴⁶.
- **Public attitudes have transformed:** In 1996, prior to the law's adoption, 45% of women and 20% of men in Sweden expressed support for criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men⁴⁷. The most recent statistics reported by the Stockholm County Administration in 2015 revealed that 85% of women and 60% of men (72% overall) were in favour of the law criminalising the purchase of sex⁴⁸.

- **Traffickers are being deterred:** The Committee of Inquiry to Evaluate the Ban against the Purchase of Sexual Services, a committee headed by Sweden's Chancellor of Justice, evaluated Sweden's demand reduction legislation in 2010. The Committee reported: *"According to the Swedish Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers who are considering establishing themselves in Sweden."*⁴⁹

An analysis published by the European Commission of Sweden's demand reduction legislation concluded: *"Credence can also be afforded to the claims that the law has curtailed the growth of the sex industry, which is considerably smaller than that in neighbouring countries with smaller populations and compared with many other EU Member States. This, alongside pro-active policing, has created a less conducive context for trafficking."*⁵⁰

The Norwegian Ministry of Justice and Public Security published a review of its demand reduction legislation in 2014. Systematic field observations of the street prostitution market in Oslo revealed it had reduced by 40%-65% since the legislation was adopted. In relation to the law's impact on sex trafficking, the review concluded: *"A reduced market and increased law enforcement posit larger risks for human traffickers. The profit from human trafficking is also reduced due to these factors. The law has thus affected important pull factors and reduced the extent of human trafficking in Norway in comparison to a situation without a law."*⁵¹

In 2020, researchers at University College Dublin evaluated the impact of Ireland's demand reduction legislation, introduced in 2017. They concluded: *"at just over three years old, the official statistics, reports from women, service providers and the GNPSB presented in this research indicate that the initial outcomes of the 2017 law reform are very promising. These indicate a major shift in the burden of criminality in the right direction – from the seller, who is now decriminalised, to the buyer who is criminalised for fuelling the demand for women that sustains the sex trade."*⁵²

The evaluation of Ireland's legislation also reported *"an increased willingness amongst women to report crimes committed against them and in their improved relationship with Gardaí overall"*⁵³.

● **Sexual exploitation is not inevitable and the Government has a duty to prevent it**

Demand for sexual exploitation is context dependent, not inevitable and unchanging. Levels of demand vary over time and place. For instance, surveys of 11,000 adults conducted in 1990 and 2000 found that the number of men in the UK who pay women for sex almost doubled from one in 20 to nearly one in 10 men⁵⁴.

Demand for sexual exploitation is context dependent because men who pay to sexually exploit women are not helplessly reacting to uncontrollable urges. They are engaged in an active decision-making process to pay for someone to perform sex acts on them, and that decision-making process is influenced by a range of factors – including the risk of criminal sanction.

- A study by the University of Leicester published in 2018 asked over 1200 sex buyers the following question: 'Would you change your behaviour if a law was introduced that made it a crime to pay for sex?' Over half of the respondents said they would 'definitely', 'probably' or 'possibly' change their behaviour⁵⁵.
- In a study of men who pay for sex, the Child and Woman Abuse Studies Unit at London Metropolitan University reported: "*legality contributes to normalisation, which in turn increases the likelihood of paying for sex*"⁵⁶.
- *Stop Traffick!*, a multi-country study on how to reduce demand for sex trafficking, found that strong deterrents identified by sex buyers were imprisonment, publicity in the local media or online and letters of disclosure sent to their family. The researchers reported: "*visibility and availability has a strong influence on the decision to purchase sex for the first time.*"⁵⁷

Sexual exploitation is a form of violence against women – and it is preventable. The UK has multiple international obligations to reduce demand, including under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, the Convention on the Elimination of Discrimination Against Women, and the Council of Europe Convention on Action against Trafficking in Human Beings.

● **Victims of sexual exploitation should be supported, not sanctioned**

Individuals who are sexually exploited should not be sanctioned by the state for their own exploitation. Instead, they should be supported to exit sexual exploitation and access practical and psychological support.

Women exploited through the sex trade can face significant barriers to exiting and rebuilding their lives. These can include both practical and psychological barriers, such as the effects of trauma, addiction, and coercion by third parties⁵⁸. Therefore, the availability of support services can play a critical role in whether a woman is able to exit.

At present, victims of sexual exploitation in England, Wales and Scotland can face criminal sanction for soliciting in a public place. A criminal record can add an additional barrier to exiting and healing from sexual exploitation.

Sanctions for soliciting can also be a barrier to victims of sex trafficking seeking help. Evidence obtained by the All-Party Parliamentary Group on Prostitution and the Global Sex Trade's 2018 inquiry into organised sexual exploitation revealed that some organised crime groups advertise to sex buyers by requiring victims to solicit on the street. Police reported how a trafficking ring convicted in 2017 forced women to solicit on the street and deliberately worked to transfer "*the sense of criminality and responsibility from the [organised crime group] onto the exploited women themselves, removing them farther away from being able to seek the help of the authorities.*"⁵⁹ If victims were arrested and fined for persistent soliciting, the organised crime group refused to give the women money to pay the fines.

The implementation of demand reduction legislation would entail the removal of soliciting offences and the provision of comprehensive support and exiting services, ensuring victims of sexual exploitation receive support, not sanctions.

● Pimping websites facilitate and incentivise sex trafficking

At present, lucrative pimping websites operate openly and free from criminal sanction in England, Wales and Scotland. The operators of these websites knowingly host and profit from advertising individuals for the purpose of prostitution. The use of pimping websites is now key to the typical business model used by sex traffickers in the UK⁶⁰. The Joint Slavery and Trafficking Analysis Centre - a multi-agency intelligence unit established by policing, Her Majesty's Government (HMG) and the National Crime Agency - have stated that these websites "*represent the most significant enabler of sexual exploitation in the UK.*"⁶¹

An inquiry by the Scottish Parliament's Cross-Party Group on Commercial Sexual Exploitation found that market-leading pimping websites centralise and concentrate demand online from sex buyers⁶². The websites incentivise and enable sex trafficking by making it quick and easy for traffickers and pimps to connect with sex buyers across the country. Combatting sex trafficking and reducing demand for sexual exploitation requires legislation and law enforcement action to stop third parties, including pimping websites, enabling and profiting from the prostitution of others.

● Demand for sexual exploitation is a barrier to women's equality

Commercial sexual exploitation is highly gendered and is a form of violence against women. It is both a cause and a consequence of historically unequal power relations between women and men.

The United Nations Convention on the Elimination of Discrimination Against Women (CEDAW) General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration states: "*Sexual exploitation persists due to the failure of States parties to effectively discourage the demand that fosters exploitation and leads to trafficking. Persistent norms and stereotypes regarding male domination and the need to assert male control or power, enforce patriarchal gender roles and male sexual entitlement, coercion and control, which drive the demand for the sexual exploitation of women and girls.*"⁶³

The Scottish Government recognises prostitution as a form of violence against women in Equally Safe - Scotland's strategy to eradicate violence against women⁶⁴. As the Government and COSLA state, "*Gender based violence is a function of gender inequality, and an abuse of male power and privilege. ...Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.*"⁶⁵

The introduction and enforcement of comprehensive demand reduction legislation is vital to combatting sexual exploitation and promoting equality between women and men.

Myths and misinformation

Demand reduction legislation is designed to reduce and ultimately end sex trafficking and sexual exploitation. In doing so, it seeks to end the enormous profits currently enjoyed by traffickers, pimping websites and brothel operators in the UK; as well as remove the legal impunity presently enjoyed by men who pay for sex.

Since Sweden became the first country to criminalise paying for sex and decriminalise victims of sexual exploitation in 1999, there have been organised attempts to discourage other governments from implementing demand reduction legislation. This has included the promulgation of misinformation.

In *Study on the gender dimension of trafficking in human beings*, published by the European Commission, a comprehensive assessment is undertaken of claims that Sweden's demand reduction legislation has had negative unintended consequences. Specifically, the research assesses claims including: 'Selling sex is now more dangerous'; 'There is increased stigma attached to women selling sex'; 'Women are less likely to seek help'; and 'Prostitution has been driven 'underground''. The analysis concludes: "Overall the evidence for the most cited unintended consequences is weak."⁶⁶

"Even the critics acknowledge that there are fewer customers [citations]. Furthermore, the latest research concludes that the law has had a normative effect on prospective buyers and thus had an impact on the extent of prostitution in Sweden [citation]. The evidence on demand reduction is, therefore, accepted by both sides of the debate."

- Study on the gender dimension of trafficking in human beings, European Commission, 2016⁶⁷

In whose interests? A case study

The Global Network of Sex Work Projects (NSWP) has led a campaign attempting to persuade countries to make brothel-keeping and pimping legal. The group campaigns for the removal of all criminal laws relating to the prostitution trade⁶⁸ (commonly referred to as 'full decriminalisation').

In 2015, the vice-president of NSWP, Alejandra Gil, was jailed for 15 years for sex trafficking⁶⁹.

Prior to its vice-president being found guilty of sex trafficking, NSWP had contributed to and co-authored publications published by influential organisations including the World Health Organisation (WHO) and UNAIDS. Indeed, Alejandra Gil is personally acknowledged in a 2012 WHO report on the sex trade as one of the "experts" who helped develop its recommendations⁷⁰.

While a range of myths have been promoted to discourage governments from implementing public policy to reduce and ultimately end commercial sexual exploitation, some of the most common claims are addressed individually below.

MYTH**'Criminalising paying for sex would drive prostitution underground'**

There is a logical fallacy underling the claim that criminalising sex buyers would drive prostitution 'underground'. This argument proposes that criminalising paying for sex would prevent police and support services finding women who are being exploited, rather than prevent sexual exploitation from happening. However, **the prostitution trade relies on sex buyers being able to locate women to sexually exploit. If these men can locate the women, then so can the police and support services.** Police officers can look at exactly the same adverts on websites, in newspapers and in phone boxes that sex buyers do and so locate women being sexually exploited - and the individuals exploiting them.

"Sex markets are reliant, by definition, on buyers finding spaces and places where it is possible to pay for sex. In this sense, the underground argument has a logical fallacy at its heart since some level of visibility is required."

- Study on the gender dimension of trafficking in human beings, European Commission, 2016⁷¹

Street-based prostitution and brothel-keeping are already illegal in England, Wales and Scotland. Demand reduction legislation would extend the existing offence of soliciting a person in a public place for the purpose of paying them for sex to apply to all settings. Importantly, the offence of soliciting as it applies to individuals who sell sex would be repealed. The legislation serves to deter demand, support victims and reduce the scale of sexual exploitation overall.

"I want to underline that prostitution activities are not and cannot be pushed underground. The profit of traffickers, procurers and other prostitution operators is obviously dependent on that men easily can access women who they wish to purchase for prostitution purposes. If law enforcement agencies want to find out where prostitution activities takes place, the police can."

- Detective Superintendent Kajsa Wahlberg, Sweden's National Rapporteur on Trafficking in Human Beings⁷²

Related to this myth is the claim that shutting down pimping websites would merely displace the advertising of sexual exploitation to the dark web, rather than substantially reduce its scale. However, the Organization for Security and Co-operation in Europe and Tech Against Trafficking point out: *"the use of the dark web for advertising human trafficking*



'Red light district' in Amsterdam

victims has its limitations. ...human trafficking is a financially motivated crime and traffickers seek as many clients as possible. This is best achieved by using the open web to which everyone has access. The dark web has several technological barriers that can reduce the overall marketplace, and thus it is not well-suited for increasing the numbers of clients, and is more geared towards buyers with niche interests, like in the cases of human trafficking for organ removal, and those trading in child sexual exploitation imagery.⁷³

Potential sex buyers, traffickers and pimps require no technical expertise to use legal, openly operating pimping websites. The substantial scale on which sex trafficking currently takes place is enabled precisely by how quick and easy these openly operating websites make it for traffickers to connect with sex buyers across the UK. Legally prohibiting pimping websites would remove this major enabler of sex trafficking.

Furthermore, if a substantial proportion of sex buyers can continue to locate adverts for sexual exploitation on 'less accessible' parts of the internet, so can law enforcement – and they would be empowered to take enforcement action against exploiters.

MYTH**'An 'overground' sex trade that is fully legalised or decriminalised is safer'**

The fallacious claim that demand reduction legalisation drives sexual exploitation 'underground' (and should be avoided at all costs) is juxtaposed with the myth that the sex trade can be made safe by moving it 'overground'. Referred to as *legalisation* or *full decriminalisation*, this approach makes pimping, brothel-keeping and other forms of third-party facilitation legal, in addition to buying and selling sex. **Far from erasing harms associated with the sex trade, legalising brothels, pimping and other third-party facilitation has been shown to magnify these harms. Crucially, there is no 'safe place' to be sexually abused and exploited in.**

A cross-sectional analysis of up to 150 countries found that reported trafficking flows are larger into countries where prostitution is legal⁷⁴. Similarly, a study of European countries using cross-country data found that sex trafficking was most prevalent in nations with legalised prostitution regimes⁷⁵.

Legalising or 'fully decriminalising' the sex trade increases the scale of sexual exploitation. In an analysis of prostitution regimes in nine countries, researchers at the Child and Woman Abuse Studies Unit at London Metropolitan University concluded: *"Both legalised and unregulated regimes have considerably larger sex industries."*⁷⁶

In an analysis of the Netherlands' legalised prostitution trade - known for its highly visible 'overground' window brothels - researchers at VU University Amsterdam concluded: *"The regulation has hidden the legalized sector from the view of the criminal justice system, while human trafficking still thrives behind the legal façade of a legalized prostitution sector. Brothels can even function as legalized outlets for victims of sex trafficking ... the legalization and regulation of the prostitution sector has not driven out organized crime. On the contrary, fighting sex trafficking using the criminal justice system may even be harder in the legalized prostitution sector."*⁷⁷

An evaluation of the Netherlands' legalised prostitution regime commissioned for the Dutch parliament, published seven years after the law was adopted, reports: *"the researchers observed that the great majority of window prostitutes works with a so-called boyfriend or pimp. ... In Eindhoven, most of the recently detected cases of trafficking in human beings are related to so-called lover boys. The process of humiliation and sexual abuse had often already taken place before the girl involved turned eighteen. Lover boys want to continuously keep an eye on their victim (or let someone else do it for them), and for this reason they often set her up behind a window, in the escort business, or at home."*⁷⁸

Germany's legalised prostitution trade is now worth an estimated €15 billion annually⁷⁹. The legalisation of the prostitution trade also led to a rise in 'mega-brothels'. In 2019, the owner of a high-profile chain of mega-brothels - including Stuttgart Paradise - was imprisoned for aiding and abetting trafficking.

“The jewel in the crown was the Stuttgart Paradise, opened in 2008 at a cost of more than €6m...The Paradise business model is the same as the hundreds of other “sauna clubs” across Germany – brothel owners provide the premises, and the women are self-employed. Yet Rudloff’s high-volume, low-cost model only works if the supply of women is enough to satisfy demand and bring enough customers through the doors. According to court documents, this became a problem for Paradise almost immediately. There weren’t enough women to fill the clubs. So Rudloff’s friends in the industry offered to help him out. ...In a trial lasting almost a year, testimony from the jailed pimps revealed that trafficking was crucial to the success of Rudloff’s business.”

- Trouble in Paradise: the rise and fall of Germany’s ‘brothel king’, the *Guardian*, 22 June 2019⁸⁰

MYTH

‘Women would be less able to assess potential sex buyers under demand reduction laws and would therefore be less safe’

The claim that criminalising paying for sex would result in women involved in sexual exploitation having less time to ‘assess’ or ‘vet’ potential sex buyers is generally meant to infer that women soliciting in a public place have less time to judge whether a sex buyer is going to be violent towards them, because the buyer would want any ‘negotiation’ to take place more quickly in order to avoid arrest. However, **it is already an offence to solicit a person in a public place in order to pay them for sex. Criminalising paying for sex would not alter the illegal status of the sex buyers’ actions.** What demand reduction legislation would do, however, is remove any risk that a woman soliciting on the street would face criminal sanction – as selling sex is decriminalised.

A similarly misleading claim has been made with respect to prohibiting pimping websites; that doing so would significantly decrease the opportunity to assess potential sex buyers, and that this would trump any potential safety benefits of closing them down. However, prostitution adverts hosted by pimping websites openly display the phone numbers of women being advertised on the sites. An inquiry into pimping websites conducted by the Scottish Parliament’s Cross-Party Group on Commercial Sexual Exploitation concluded: *“It is wholly implausible that the open, anonymised online access to the phone numbers of women being advertised for sexual exploitation (or the phone numbers of their pimps and traffickers) delivers any meaningful notion of ‘safety’ or ‘security’ to the individuals being advertised.”*⁸¹

The Cross-Party Group’s inquiry also found that pimping websites concentrate and centralise demand from sex buyers online, making it quick and easy for traffickers to advertise their victims to sex buyers. The inquiry concludes: *“This ready-made, instantly*

*accessible, open online marketplace incentivises sex trafficking. The websites substantially lower the practical, financial and technical threshold for individual exploiters and organised crime groups to engage in this highly lucrative crime. Quite simply, websites that incentivise and facilitate paid rape cannot be claimed to enhance women's safety."*³²

Fundamentally, this myth relies on the false assumption that a woman can reliably assess and predict whether a sex buyer is going to be violent towards her (in addition to sexually exploiting her) simply by looking at him or based on his previous behaviour. The murders of five women by a sex buyer in 2006 highlight why this assumption is dangerously misplaced. Steve Wright, who was eventually caught and convicted of the murders of five women involved in sexual exploitation in Ipswich, was a regular sex buyer and known to women involved in the local sex trade. One woman who was paid for sex by Wright described him as *"an average, normal punter"*³³.

It is simply not possible to reliably predict whether a sex buyer is going to commit (additional) acts of violence when he pays to sexually exploit a woman.

"Prior to murdering five women in Ipswich, Steve Wright was a regular sex buyer and familiar to women involved in prostitution locally. Because he was a regular, because he was familiar, some women felt it was safe to get in his car.

Men who sexually objectify and abuse vulnerable women by paying them for sex are not 'safe'. It is utterly ridiculous to imply that anyone could be expected to accurately assess in advance whether a sex buyer is going to rob, rape or murder them. To point out the obvious - there is no sign on their forehead declaring their intentions, no defining feature that can be looked for. The prostitution trade is inherently abusive and dangerous. As a society we must do everything in our power to end it – by sending out a clear signal in law that it is never acceptable to pay for sex, by holding perpetrators to account, and by supporting the vulnerable women they exploit."

- Alan Caton OBE
Former Detective Superintendent of Suffolk Constabulary

Sexual exploitation can never be made 'safe'. What enhances the safety of vulnerable women and girls everywhere is the reduction, and ultimate end, of demand for sexual exploitation.



'Red light district' in Amsterdam

MYTH

'Sex trafficking is a completely separate issue from prostitution and can be tackled independently'

Demand for sexual exploitation is indiscriminate – there is not a specific demand for trafficked victims⁸⁴. Reducing demand for sex trafficking requires reducing demand for paying for sex overall.

The cohort of men who constitute the demand for the prostitution trade is the same cohort that constitutes the demand driving the trafficking of women into the prostitution trade. A European Commission analysis of the gender dimension of trafficking points out: *"...trafficked persons are located within existing sex industries ... there is no separate or specific market for trafficked persons"*⁸⁵.

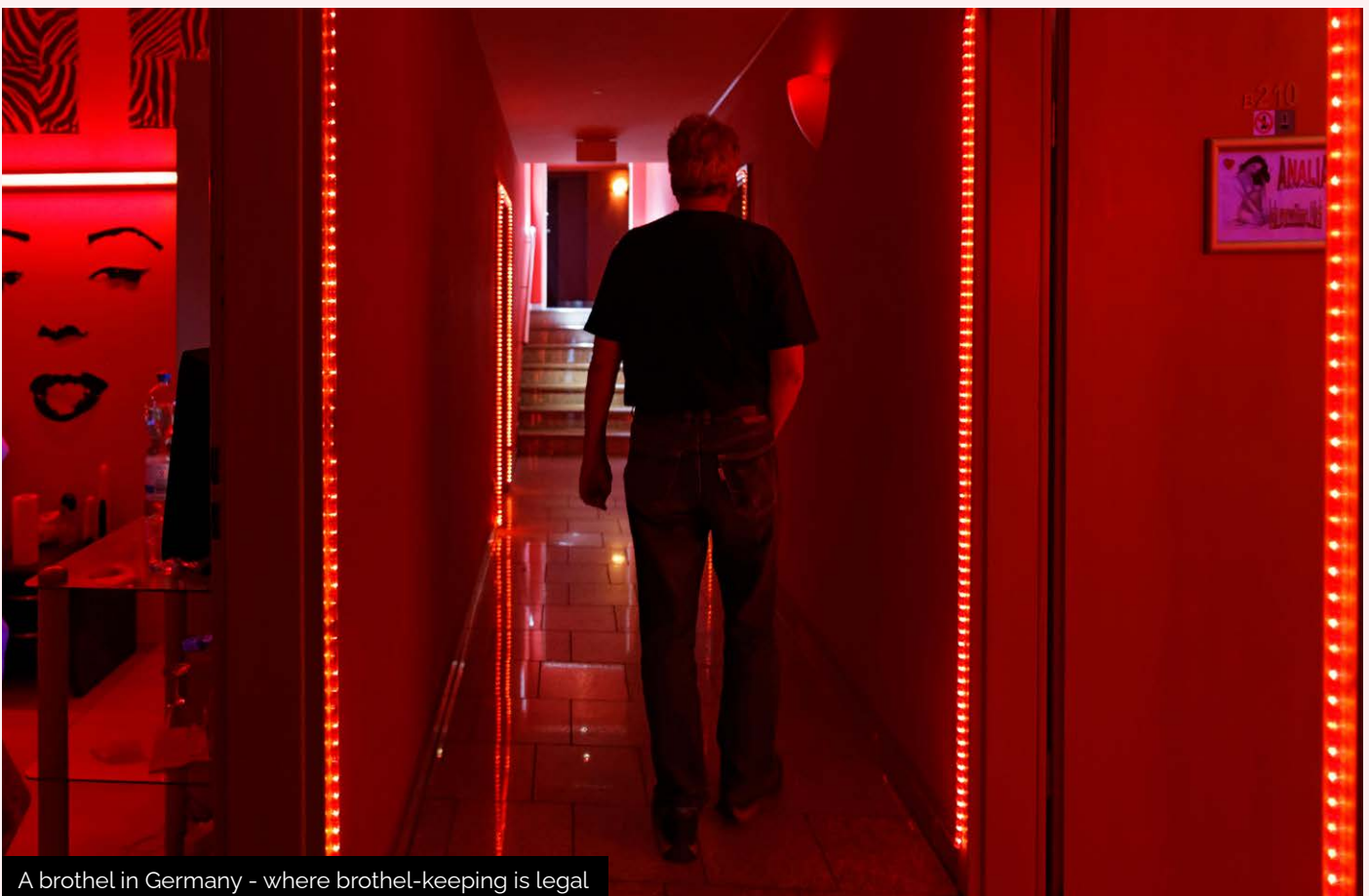
Prostitution laws have a substantial impact on the scale of demand and the rates of sex trafficking. Countries with legalised and unregulated prostitution regimes have significantly larger sex industries⁸⁶, and they experience higher rates of sex trafficking (see page 14).

“The profitability of trafficking to a given country hinges on the characteristics of that country’s market for commercial sex. A crucial factor for the profitability of commercial sex is the legal framework surrounding it.”

“...there are indications that traffickers consider the legal rules surrounding prostitution when choosing destination countries.”

- N. Jakobsson & A. Kotsadam (2013), The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation⁸⁷

Reducing demand for sex trafficking requires reducing demand for prostitution.



A brothel in Germany - where brothel-keeping is legal

MYTH**'To combat sexual exploitation you have to combat poverty, but not demand'**

While poverty and economic difficulties can be a significant factor in women's entry into sexual exploitation, so too can factors such as coercion by a partner, force or threats from an organised crime group, childhood sexual abuse and neglect. All such factors need to be individually addressed. However, none of these factors excuse or legitimise the actions of sex buyers and third parties who sexually exploit women. Without demand from the minority of men who pay for sex, vulnerable women and girls would not be 'supplied' into the sex trade.

Men and boys also experience poverty, of course. Yet it is overwhelmingly women and girls who are sexually exploited - by men - in brothels and hotel rooms across the UK and around the world. Sexual exploitation is highly gendered and underpinned by unequal power relations between women and men.

Sexual exploitation can also compound financial difficulties, rather than solve them. An economic analysis of women's involvement in the sex trade in Canada conducted by Professor Linda DeRiviere concluded: *"the findings debunk the perception of lucrative monetary rewards in the sex trade"*⁸⁸. The study noted that women in prostitution experienced *"significant lifetime productivity losses of formal labor market earnings"*, as well as *"debilitating addictions and health conditions that are symptomatic of the stress and danger of engaging in this lifestyle."*⁸⁹

Demand is preventable – and sexual exploitation and abuse is not a solution to poverty.

MYTH**'Being paid to perform sex acts is ordinary work'**

Men who exchange money – or food, or services, or accommodation – in return for sex acts are not 'consumers' innocuously availing 'workers' of their services. They are committing sexual exploitation and abuse.

Most women in the sex trade were highly vulnerable before their involvement and experience significant harms as a result. Up to 95% of women in street prostitution are believed to be problematic drug users⁹⁰. Approximately 50% of women in prostitution in the UK started being paid for sex acts before they were 18 years old, according to a report by the Home Office⁹¹. A nine-country study found that 68% of people in prostitution met the diagnostic criteria for post-traumatic stress disorder⁹², and 89% of people wanted to leave prostitution⁹³.

The psychological and physical harms resulting from sexual exploitation can be severe, wide-ranging and long-lasting. Prostitution is a form of violence against women – as recognised by the Scottish Government⁹⁴, the Crown Prosecution Service⁹⁵ and the Mayor of London's Tackling Violence Against Women and Girls Strategy⁹⁶.

MYTH

'Legally recognising women who sell sex as workers - rather than victims, and regulating the prostitution trade as a legitimate business - rather than sexual exploitation, leads to women having greater rights and protections'

Attempts to boost the welfare of women involved in the sex trade by legally recognising them as workers, rather than victims (and recognising brothel-keepers as 'employers') have not only failed to deliver the promised protections in practice, these **legalised prostitution regimes have magnified the scale of sexual exploitation and sex trafficking. In addition, state sanctioning prostitution as 'work' places legal responsibilities (and potential sanctions) on to women who sell sex, removes the impetus for governments to provide exiting services to help women leave the sex trade, and fundamentally fails to recognise or reduce the harm inherent to sexual exploitation.**

Trafficking

Legalised and unregulated prostitution regimes - which recognise women who sell sex as 'workers' - have significantly larger sex industries.⁹⁷ They also experience significantly higher rates of sex trafficking. A cross-sectional analysis of up to 150 countries found that reported trafficking flows are larger into countries where prostitution is legal⁹⁸. Similarly, a study of European countries using cross-country data found that sex trafficking was most prevalent in nations with legalised prostitution regimes. The researchers concluded that *"slacker prostitution laws make it more profitable to traffic persons to a country."*⁹⁹

Designating women who are paid to perform sex acts as 'workers' does not expunge the inherent harm of sexual exploitation and abuse. On the contrary, legally sanctioning brothel-keeping as a legitimate business - and paying for sex as a legitimate consumer activity - fuels demand and incentivises sex trafficking, magnifying the scale of sexual exploitation.

Support services

If the law recognises women who sell sex as 'workers', rather than victims of sexual exploitation, this removes the logical impetus and obligation for state agencies to provide exiting services to help women leave the sex trade. This logic has been reflected in practice.

New Zealand's Prostitution Law Review Committee noted in its official review of the country's prostitution legislation, which recognises prostitution as 'work', that when it comes to supporting people to exit prostitution, *"adequate resourcing is vital to ensure good service provision"*¹⁰⁰. They stated: *"the very fact of decriminalisation may make funding [for exiting services] harder to get."*¹⁰¹ The Committee asked New Zealand's 84 local authorities whether they had done anything to assist individuals to exit the sex trade. Only two said yes¹⁰².

When the Netherlands legalised brothel-keeping and pimping in 2000, decisions on precisely how to regulate the sex trade were devolved to local municipalities. When the national parliament assessed the law's operation seven years later, it found that just 6% of municipalities' local prostitution policies addressed *"the possibilities to leave the prostitution business"*¹⁰³.

Rights and responsibilities

Previous attempts to deliver employment-based rights to women who sell sex by legalising (or 'fully decriminalising') the prostitution trade have been largely predicated on these rights, such as sick pay, being accessed via employment contracts issued by brothels. However, when the German Government evaluated its legalised prostitution regime six years after it was passed, an empirical study found just 1% of people in prostitution who were surveyed had an employment contract - and only 6% definitely wanted one¹⁰⁴. Reasons women provided for not wanting an employment contract included concerns about the powers it would give brothel owners over them, fears it would compromise their anonymity, and not wanting to remain in the prostitution trade.

The evaluation of Germany's legalised regime noted that "*Hardly any*"¹⁰⁵ people in prostitution had registered as an employee with a social insurance agency and concluded: "*The Prostitution Act has thus up until now also not been able to make actual, measurable improvements to prostitutes' social protection. ...As regards improving prostitutes' working conditions, hardly any measurable, positive impact has been observed in practice.*"¹⁰⁶

When the New Zealand Government commissioned an evaluation of its legalised prostitution regime (often referred to as a 'fully decriminalised' regime), it found the "*standard position*" was that women in brothels were 'independent contractors'¹⁰⁷. The evaluation observes: "*The distinction is crucial. Only an employee can take a personal grievance action to the Authority or Court, and only an employee is automatically guaranteed minimum rights such as holiday pay, sick pay and others. An employee has tax deducted automatically from their earnings, and no Accident Compensation Corporation (ACC) or Goods and Services Tax (GST) obligations. An employee has different rights and fewer responsibilities under the HSE Act than an independent contractor*"¹⁰⁸.

Similarly, a Government-commissioned review of the Netherlands' legalised prostitution regime, seven years after it came into force, reported that brothel owners and individuals who sell sex "*stubbornly maintain*" that the latter are self-employed¹⁰⁹. The review concluded: "*labour relations in the licensed businesses have scarcely changed; there has been no significant improvement.*"¹¹⁰

A major ramification of women who sell sex being legally designated as self-employed workers, rather than victims of sexual exploitation, is that this legal status imposes significant legal obligations on women. For instance, New Zealand's Prostitution Law Review Committee noted that a failure by women who sell sex to fulfil their obligations under health and safety law could result in "*serious financial consequences*"¹¹¹.

MYTH**'Women who sell sex are decriminalised under 'legalised' / 'fully decriminalised' prostitution regimes'**

It is inaccurate to claim that women who sell sex under 'legalised' / 'decriminalised' regimes are themselves decriminalised. Legally recognising women who sell sex as workers, rather than victims of sexual exploitation, imposes legal obligations on them which, if not met, can result in criminal sanction.

If women who are paid to perform sex acts are legally recognised as workers, legal requirements placed on them can include tax and health and safety obligations. In New Zealand, where those who sell sex are recognised as workers, an official review of the country's prostitution legislation by the Prostitution Law Review Committee found that the "*standard position in the industry*"¹¹² is that individuals who are paid for sex in brothels are 'independent contractors', not employees. As a result, they point out, "*She or he has significant responsibilities under HSE [Health and Safety in Employment Act 1992], and failure to take action to meet these may have serious financial consequences.*"¹¹³

Furthermore, any person who sells sex in New Zealand can face criminal sanction for failing to adopt 'safer sex practices'¹¹⁴ (see below).

Section 9 of the New Zealand Prostitution Reform Act 2003¹¹⁵

'Sex workers and clients must adopt safer sex practices'

(1) A person must not provide or receive commercial sexual services unless he or she has taken all reasonable steps to ensure a prophylactic sheath or other appropriate barrier is used if those services involve vaginal, anal, or oral penetration or another activity with a similar or greater risk of acquiring or transmitting sexually transmissible infections.

(2) A person must not, for the purpose of providing or receiving commercial sexual services, state or imply that a medical examination of that person means that he or she is not infected, or likely to be infected, with a sexually transmissible infection.

(3) A person who provides or receives commercial sexual services must take all other reasonable steps to minimise the risk of acquiring or transmitting sexually transmissible infections.

(4) Every person who contravenes subsection (1), subsection (2), or subsection (3) commits an offence and is liable on conviction to a fine not exceeding \$2,000.

Giving someone money - or accommodation, goods or services - on the condition that they perform sex acts is sexual exploitation and abuse. Individuals who are sexually exploited should not face criminal sanction for their own abuse. That is why demand reduction legislation must be introduced - in order to prevent legal obligations and sanctions being applied to individuals who are being sexually exploited.

RECOMMENDATIONS

The UK Government and Scottish Government should urgently adopt comprehensive demand reduction legislation in order to prevent sex trafficking and sexual exploitation, hold perpetrators to account, and support victims of sexual exploitation to recoverⁱⁱⁱⁱ.

The core components of a demand reduction framework are set out below.

- 1** Criminalise the act of offering or providing money or other benefit (including accommodation) in return for a person performing sex acts.
- 2** Remove criminal sanctions currently applied to sexual exploitation victims for soliciting in a public place.
- 3** Criminalise the acts of enabling and profiting from the prostitution of another person.
- 4** Provide a comprehensive, resourced network of support and exiting services for victims of sexual exploitation.

Further reading

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- *Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales*. All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2014. [Access online](#).

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