

Eaves information sheet – prostitution

December 2008

Part 1 – introduction and background

Part 2 – the debate

Part 3 - facts and figures

Part 4 – UK law and policy

Part 5 – Eaves' view

Part 6 – FAQs

Part 7 – what you can do

Part 1 – introduction and background

“It is men, only men, from the beginning to the end that we get to deal with. It was in order to make a man happy that I sinned for the first time. Since then I have gone from man to man. The police come and lay their hands on me. And it is men who investigate us, cure us, soil us all over again. And again in the institutions it is men who come and read the bible to us, pray for us. We never get out of the hands of men.”

Words of a women victim of the Contagious Diseases Acts, taken from the Shield journal, May 1870

- The [Contagious Diseases Acts](#) (CDAs)¹ of the 1860s were intended to curb the rampant spread of sexually transmitted infections among military personnel. The CDAs targeted single women around garrison towns, which were populated by constantly shifting populations of soldiers and sailors (who were forbidden to marry) intent on obtaining “rest and relaxation”. Rather than regulating the behaviour of the Army and Navy, the CDAs focused only on so-called “unchaste” women, who were subjected to invasive internal examinations and imprisoned in “lock hospitals” until deemed ‘clean’².
- [Josephine Butler](#) (1828-1906)³ was the first person to stand up and label the CDAs as state-controlled enslavement of women. Butler declared that prostitution was a form of slavery, using the brutal provisions and implementation of the CDAs as evidence which rendered its subjects “no

¹ The three CD Acts came into force in 1864, 1866 and 1869. For discussion: <http://www.victorianweb.org/gender/contagious.html>

² For a detailed analysis of the CDAs and the surrounding events, refer to ‘Josephine Butler’ a biography by Jane Jordan.

³ 2006 marked the centenary of Butler’s death which was commemorated by ‘Prostitution: What’s Going On?’ - a major exhibition at the Women’s Library in London, UK. <http://www.londonmet.ac.uk/thewomenslibrary/whats-on/prostitution.cfm>

longer women, but only bits of flesh, flung by the government into a public market”⁴.

- The [Sexual Offences Act 1956](#)⁵ introduced provisions that, for the first time, legally recognised that women in prostitution were not shameless harlots fixated on corrupting their innocent brothers⁶. However, measures which decriminalised homosexuality took centre stage and the impact of the provisions relating to prostitution was lost in the controversy.
- The UK government employs a “pragmatic fudge” approach of avoiding measures which might expand the sex industry (legalisation), tolerating some illegal aspects (tolerance zones; brothels which operate with “discretion”) while criminalising anti-social behaviour related to prostitution (such as persistent kerb-crawling, loitering and soliciting).
- There are many “sex work” projects in the UK, which provide a range of services, from needle exchange and condoms, legal advice and counselling to housing and exiting support. Some projects prioritise “harm minimisation” – measures to make the lifestyle more comfortable and to reduce risks for the continuation of prostitution; other projects promote exiting – routes out of prostitution, providing an holistic framework of specialist services to assist women who want to leave the lifestyle.
- Note on numbers: due to the clandestine and controversial nature of prostitution it is a particularly difficult area to research with accuracy. Since samples tend to be small, involving the study of hard-to-reach population groups, all statistical data must be approached with caution.

Part 2 – the debate

There is consensus that people in prostitution should not be criminalised i.e. women must not be fined, arrested or imprisoned for offences committed as a result of selling sex.

However, there is entrenched disagreement about whether the purchase of sex should be criminalised or entirely decriminalised (including pimps, brothel managers and traffickers) or regulated (with taxation, registration, insurance, health checks and brothel licensing).

Jurisdictional Approaches

The [Netherlands](#) legalised prostitution in 2000. Since then, it has proven to be a failed social experiment. Exploitation and organised crime has rocketed, to the point where Amsterdam started closing down its brothels in December 2006. Increasingly wide-ranging measures to tackle exploitation, reduce organised crime and regenerate Dutch city centres were launched in

⁴ ‘Paper on the Moral Reclaimability of Prostitutes’ by Josephine Butler, LNA, London (1870).

⁵ Followed by the eponymous Acts of 1967 and 2003.

⁶ For relevant definitions:

http://www.legalappeal.co.uk/pages/sexual_offences/definitions_of_sexual_offences_1956.php

December 2007 and throughout 2008. Latest plans focus upon closing down businesses with links to organised crime, including brothels, marijuana cafes, sex shops and strip shows, along with €50m cultural investment (£45m). The Dutch government is also considering major policy reversals, including proposals to criminalise the purchase of sexual acts from unlicensed people (about 95% are unregistered), and to raise the minimum age for selling sexual acts from 18 to 21 years old.

[Sweden](#) criminalised the purchase of sexual acts in 1999, while decriminalising the sale of sexual services. Estimated numbers of people in prostitution consequently fell from around 25,000 to a current estimate of 2,500 (Linden, 2007). In July 2008, the Swedish government announced 210m Kroner (£20m) new funding for support provision, including the expansion of direct support services and public sector training. Public opinion in support of the law has increased from 49% before the 1999 Act to over 75% in the years since.

Other Scandinavian countries (which consistently top global polls on human rights and quality of life) are following suit. [Finland](#) has introduced an offence of paying for sex with a trafficked victim, whereas [Norway](#) has followed Sweden's lead by criminalising the purchase of all forms of sexual services as of January 2009. Denmark is debating the issue.

[New Zealand](#) legalised prostitution in 2003 after a vote in parliament; however, votes in favour of legalisation numbered just one more than those against. Some "empowered sex workers" say they have benefited from working on the streets or at home without criminalisation, but there have been significant negative effects. Pro-sex work lobbyists were instrumental in the production of a recent review of the Prostitution Reform Act (PRA), which seeks to maintain a political climate conducive to continued legalisation ([Prostitution Law Review Committee](#), 2008). However, the review does recognise the need for greater focus on exit strategies, which contradicts labour normalisation of prostitution. The PRA contains clauses which rightly state that sex workers can refuse to service any client, at any time, for any reason. No other "labour provisions" in existence contain such caveats.

Local critics and numerous media reports indicate growing numbers of [children exploited](#) through commercial sex, an abject failure to address street prostitution adequately and dramatic increases in the number of [paedophiles being arrested](#) (*New Zealand Herald*, 2008; Radio New Zealand, 2008). Three million New Zealanders (total population 4m) live in a region similar in size to Britain (population 60m), hence the home market for prostitution is limited and thinly spread over large areas. Combined with New Zealand's isolated geographical position, the risk of attracting an influx of foreign sex tourists is negligible compared to that of Britain. Much of UK pro-sex work lobbying focuses on the situation on New Zealand, which is interpreted as a success story, whereas countries much closer to home – where legalisation has led to severely aggravated human rights abuses and social problems – are routinely ignored.

Part 3 – facts and figures

London

- Four out of five women working in London brothels are believed to be foreign nationals (POPPY Project, 2004)⁷.
- Almost 10% of the adult male population in London is thought to have paid for sex at some point (Imperial College, 2005)⁸.
- Women in prostitution in London suffer from a mortality rate that is 12 times the national average (Home Office, 2004)⁹.

UK

- It is estimated that around 80,000 women are in prostitution in the UK (Kinnell, 1999)¹⁰.
- Up to 70% of women in prostitution spent time in care, 45% report sexual abuse and 85% physical abuse within their families (Home Office, 2006).
- More than half of UK women in prostitution have been raped and/or seriously sexually assaulted. At least three-quarters have been physically assaulted (Home Office, 2004a).
- Up to 95% of prostituted women are problematic drug users, including around 78% heroin users and rising numbers of crack cocaine addicts (Home Office, 2004b)¹¹.
- 68% of women in prostitution meet the criteria for Post Traumatic Stress Disorder in the same range as victims of torture and combat veterans undergoing treatment (Ramsay *et al*)¹².
- 75% of women involved in prostitution began when they were under 18¹³.
- 74% of women cite poverty/the need to pay household expenses and support their children as a primary motivator for entering prostitution¹⁴.

Global

- The majority of women in prostitution want to exit the lifestyle. One research study found that more than two-thirds of women sought to exit in every continent, from 68% in Mexico to 99% in Zambia (Farley *et al*)¹⁵.

⁷ Dickson (2004). *Sex in the City: Mapping Commercial Sex Across London*. London: Eaves Housing for Women.

⁸ Ward, H. et al (2005). *Who Pays for Sex? An analysis of the increasing prevalence of female commercial sex contacts among men in Britain*. *Sexually Transmitted Infections* 2005;81:467-471; doi:10.1136/sti.2005.014985.

⁹ Home Office (2004a). *Solutions and Strategies: Drug Problems and Street Sex Markets*. London: UK Government.

¹⁰ Kinnell, H. (1999). *Survey of Sex Work Characteristics and Policies in the UK, Netherlands, Belgium, France, Ireland & Luxembourg*. EUROPAP.

¹¹ Home Office (2004b). *Paying the Price: a consultation paper on prostitution*. London: UK Government.

¹² Ramsay, R. et al (1993). *Psychiatric Morbidity in Survivors of Organized State Violence Including Torture*. 162:55-59, *British Journal of Psychiatry*.

¹³ [Women's Resource Centre](#).

¹⁴ *Ibid.*

¹⁵ Farley, M. (2003). *Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder*. *Journal of Trauma Practice*, Vol. 2, No. 3/4, 2003, pp.33-74. Philadelphia: The Haworth Press Inc.

- Nine out of ten prostitutes surveyed would like to exit prostitution but feel unable to do so (Farley *et al*)¹⁶.

Part 3 – UK law and policy

- The act of prostitution (directly buying or selling sexual services) is legal in the UK. However, because of the associated harm, exploitation and links to organised crime, many related activities are criminalised under the [Sexual Offences Act 2003](#), e.g. keeping a brothel (s. 55); child pornography/prostitution (ss. 47-50); causing, inciting or controlling prostitution for gain (ss. 52-53).
- In July 2004, the Government published [Paying the Price](#), a consultation paper on prostitution, followed in January 2006 by the UK's first coordinated [Government strategy on prostitution](#), which recognised prostitution as a form of violence against women¹⁷.
- In December 2006, five young women were brutally murdered in Suffolk. All were in street prostitution with drug addictions, and all the women regarded the murderer as a 'safe, ordinary' punter ([Ipswich murders](#)).
- In 2007 legislative attempts to introduce compulsory rehabilitation orders – as an alternative to prison or a fine – and measures to remove the archaic statutory term 'common prostitute' were postponed due to disputes.
- In May 2008, the Home Office piloted a poster campaign whose message was, '[Walk in a punter. Walk out a rapist.](#)' Whilst this message underlined that a sex buyer should not be tasked with the specialised and complex responsibility of identifying a trafficked victim, it erroneously implied that the negative aspect of paying for sex was the risk of links to trafficking, rather than inherent exploitation.
- In September 2008, the Home Secretary announced [proposals](#) to: criminalise kerb crawling as a first-time offence, to allow police and councils greater powers to close down brothels and to prosecute men who buy sex from exploited women.
- In November 2008, the Home Office published a [report](#) of its six-month review into demand for prostitution. The report recommended introduction of a strict liability offence of paying for sex with someone exploited for gain by a third party. In other words, ignorance that a woman has been forced or coerced into providing sexual services should be no defence.

¹⁶ *Ibid.*

¹⁷ Home Office (2006). *A Coordinated Prostitution Strategy & Summary of Responses to 'Paying the Price'*, London.

Part 4 – Eaves' view

- Prostitution is often a choice made through lack of choice. If somebody doesn't want to provide sexual services, they should not have to, irrespective of their situation. Prostitution can be many things, but most commonly it is a form of violence against women.
- Every woman who wants to leave prostitution should be empowered to do so, through the provision of free, safe and effective holistic support. The failure to provide adequate access to exit schemes violates the human rights of victims under numerous pieces of domestic legislation and international instruments to which the UK is party.
- Legalisation increases abuse and exploitation by fuelling demand and endorsing the activities of pimps, traffickers and other organised criminals, which fosters related crime and expands sex industries by attracting sex tourists. Demand for prostitution is consequently stimulated, abuse and exploitation rises, the local supply of women is exhausted by an influx of new punters (local, regional and global) and a vacuum opens up for traffickers.

Part 5 – FAQs

- Isn't prostitution a fun and easy way to make lots of money?
Media glamorisation of prostitution is irresponsible and misleading. *Pretty Woman* syndrome – whereby girls and women view commercial sexual exploitation as [aspirational](#) in order to attain a fairytale lifestyle – is perpetuated by a plethora of dramas and documentaries which rarely focus on the dangerous and debilitating realities of prostitution.
- Selling sex is an expression of modern female empowerment isn't it?
Men who pay for sex tend to view it as an [entitlement](#), 'assisted masturbation with no strings' with women who are 'abnormal' or 'dirty' to whom they can do anything without penalty. The fact that some women can earn more providing sexual services than by doing other activities represents the persistence of gender inequality and reinforces [pay discrimination](#) between the sexes.
- Nowadays, isn't prostitution a free choice?
The act of prostitution hasn't suddenly modernised – it is the same centuries-old exploitative exchange of sexual services for something of value, whether money, drugs, shelter, food, clothes or other items. For most women, poverty, marginalisation and vulnerabilities trigger entry into prostitution for their own survival or for the benefit of others.
- Wouldn't legalisation make things safer for women?
Legalisation does not work, as demonstrated in the Netherlands, where the infamous red light district has been virtually shut down; Germany, where the government has admitted that statutory aims to improve working

and living conditions have not worked; New Zealand, where increasing numbers of young people have been drawn into prostitution; and states in Australia, where the illicit industry – far from being eliminated through legalisation – has flourished untaxed alongside the regulated sector.

- Wouldn't the stigma be removed if prostitution was legalised?
In numerous countries where prostitution has been legalised, the stigma remains and the vast majority of people in prostitution do not register. Far from making sex industries transparent, legalisation increases the layers of operation and expands exploitative profiteering from the grey economy into the mainstream.
- How does tackling demand for prostitution help, if global poverty is the underlying cause of supply?
It is a laudable aim to end global poverty. Realistically, the pool of potential victims of sexual exploitation is limitless. It is the increasing number of UK sex buyers with disposable income (however large or small) that makes the sale of sex economically viable, usually for third parties such as pimps, brothel managers and owners, and traffickers, rather than for the women themselves.
- What's the difference between 'sex work' and 'prostitution'?
They mean the same thing, but express different positions on the issue. Using the term "sex work" suggests that you think it is a "job like any other" which should be regulated, with labour rights and taxation, for example. Using the term "prostitution" recognises the harm and exploitation inherent within the industry, the vulnerability of those selling sex, and the exploitative nature of paying for sex.
- Isn't it just prudes and religious fanatics who don't approve of prostitution?
Eaves is a secular organisation which believes in healthy, happy sex for adults. Prostitution is an extremely high-risk activity, both in terms of physical harm, gynaecological injury, STIs and psychological trauma (such as dissociation), all or any of which can lead to lifelong mental and physical health problems.
- Doesn't prostitution help reduce rape?
What an insult to the vast majority of men who do not rape and who do not pay for sex. Having sex is not a human right, and sexual desire is not uncontrollable. Men with sociopathic tendencies may suffer from an inability to recognise their susceptibility towards the social construct of paying for sex with women. Their motivation lies in desires to consume, to boast, to confess, not in some obscure biological excuse for abuse.
- Is it safe to sell sex as long as it is off the street?
No, prostitution can never be safe.

Part 6 – what you can do

- Volunteer, campaign for and/or donate to organisations which assist women in exiting prostitution.
- Write to your local MP calling for new funding and development of exit strategies in your area at www.theyworkforyou.com/
- Join the campaign against the exploitation of women in prostitution at www.fcap.btik.com.
- Petition for better legislation at www.ipetitions.com/petition/prostitutionreform/index.html.