

Briefing

Overview

The UK is currently a high-value, low-risk destination for sex traffickers. That is because our laws fail to discourage demand for sexual exploitation and allow ruthless companies to facilitate and profit from this abuse. Pimping websites operate free from criminal sanction, enabling sex traffickers to quickly and easily advertise their victims to sex buyers; and the small minority of men who pay for sex do so with impunity, fuelling organised crime and causing untold harm to victims.

To stop sex traffickers, we have to bust the business model of sexual exploitation. That requires: deterring sex buyers by making it a criminal offence to provide payment or other benefit in exchange for sex acts; stopping pimping websites and other third-party exploiters fuelling sexual exploitation by making it an offence to enable or profit from the prostitution of another person; and supporting victims by repealing criminal sanctions for soliciting and providing a comprehensive, resourced network of support and exiting services.

What is sexual exploitation?

Exchanging money, accommodation, food, services or other goods in return for sex acts is sexual exploitation and abuse.

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 men. It is a form of violence against women.

Sexual exploitation in the UK

3.6% of men in the UK report having paid for sex in the previous five years, according to the the most recent National Survey of Sexual Attitudes and Lifestyles (Natsal-3)¹. 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 partners.

"Very pretty and young girl. ...If you want to try a fresh, young (says she is 18) and pretty girl is ok, but maybe as she just started to work, is

quite passive, scarcely kiss without tongue, doesn't want to be kissed on the neck or ears, can't do a decent blowjob and really rides badly on you, ...She really can't speak a wor[d] of english (is Romanian) so even [girlfriend experience] is a zero."

Online 'review' by a sex buyer. Amount paid: £70

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 Office².
- Up to 95% of women in street prostitution are believed to be problematic drug users³.
- A nine-country study found that 68% of people in prostitution met the diagnostic criteria for post-traumatic stress disorder, and 89% of people wanted to leave prostitution⁴.

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 Romania⁵.
- Northumbria Police visited 81 brothels between March 2016 and April 2018. Of the 259 women they encountered in the brothels, 75% were from Romania.
- The Police Foundation identified 65 brothels operating in Bristol over a two-year period. 83% of the women selling sex in the brothels were non-British nationals, and the most frequently recorded nationality was Romanian (43% of women)⁶.

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, with organised sexual exploitation taking place on an industrial scale⁷. 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 residences.

"Prostitution is what most people imagine it to be: violent and dangerous. In the six years that I was involved, I endured a gang rape and three separate rapes, including being raped twice on the same night, plus countless humiliations and

numerous physical assaults. There is no other "industry" where that level of violence would be tolerated. ...The only countries in Europe who are making a substantial impact in the fight against modern day slavery are the ones who have acknowledged and faced the cause: the demand."

Mia de Faoite, survivor of sexual exploitation8

Current legislation on sexual exploitation

In England, Wales and Scotland, 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.

What is demand reduction legislation?

Demand reduction legislation is designed to bust the business model of sex trafficking and sexual exploitation. This approach shifts the burden of criminality from those who are exploited in the sex trade - to those who perpetrate, facilitate and profit from this abuse. Demand reduction legislation deters demand, holds exploiters to account, and provides support – not sanctions – for victims of sexual exploitation.

Demand reduction legislation contains the following components:

- Providing money or other benefit (such as accommodation) in return for a person performing sex acts is a criminal offence
- Victims of sexual exploitation are decriminalised
- Support and exiting services are provided for individuals who have been sexually exploited

 Facilitating and profiting from the prostitution of another person is a criminal offence

Countries that have adopted demand reduction legislation include Sweden, Iceland, Ireland, Northern Ireland, Norway, Israel and France.

"Our girls can be bought for nothing and sold on your market. Your market is paying well for these 'goods'. ... The solution is simple: end demand in the UK.

"The UK can end demand and prosecute buyers of sex and close this so-called market."

Laura Albu, President of the Romanian Women's Lobby⁹

Why demand reduction legislation is needed

Giving or offering someone money - or accommodation, goods or services – in return for them performing sex acts is sexual exploitation and abuse. Commercial sexual exploitation is highly gendered and a form of violence against women¹⁰. At present, however, the minority of men who sexually exploit women by paying for sex do so with impunity - and the law fails to deter the demand from sex buyers that drives sex trafficking.

Reducing sex trafficking requires reducing demand for it

Without demand from sex buyers - and without their money - there would be no supply of women and girls through sex trafficking. The men who provide demand for the prostitution trade are the same men that provide the demand driving the trafficking of women into that trade. There is not a specific demand for trafficking victims¹¹. Therefore, reducing demand for sex trafficking

requires reducing demand for sexual exploitation in general.

Countries with legalised prostitution regimes experience significantly greater levels of trafficking¹². 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.

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%¹³. 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 Europe¹⁴.
- 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 men¹⁵. 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 sex¹⁶.
- 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."⁷⁷

Sexual exploitation is preventable

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 men¹⁸. Demand for sexual exploitation is preventable 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 someone for sex acts, and that decision-making process is influenced by a range of factors; in particular, the risk of criminal sanction¹⁹.

Victims of sexual exploitation should be supported, not sanctioned

Individuals who are sexually exploited should be supported, not sanctioned by the state for their own exploitation. Currently, however, victims of sexual exploitation in England, Wales and Scotland can face criminal sanction for soliciting in a public place. Having a criminal record for soliciting can be a significant barrier to seeking help, exiting and healing from sexual exploitation. Women exploited through the sex trade can face many other barriers to exiting and rebuilding their lives²⁰. These can include both practical and psychological barriers including housing, the effects of trauma, addiction, and coercion by third parties. It is therefore crucial that victims of sexual exploitation receive comprehensive support services, not sanctions for soliciting.

Pimping websites facilitate and incentivise sex trafficking

Highly lucrative pimping websites currently operate free from criminal sanction in England, Wales and Scotland. Sex trafficking gangs use these websites to advertise their victims to sex buyers. An inquiry by the Scottish Parliament's Cross-Party Group on Commercial Sexual Exploitation found that pimping websites are a major enabler of sexual exploitation and sex trafficking - making it quick and easy for traffickers and pimps to connect with sex buyers online²¹. Combatting sex trafficking requires preventing individuals and companies, including pimping websites, enabling and profiting from the prostitution of others.

The UK has international legal obligations to reduce demand for sexual exploitation

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

 Article 9.5 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."
- Convention on the Elimination of All Forms of Discrimination Against Women - Article 6 stipulates: "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."
- Council of Europe Convention on Action against Trafficking in Human Beings - Article 6 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".

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

Commercial sexual exploitation is highly gendered and a form of violence against women²². Most people exploited through the sex trade are women and girls, while the overwhelming majority of people who pay to sexually exploit them are men.

The psychological and physical harms resulting from sexual exploitation can be severe, wideranging and long-lasting. Combatting demand from men who exploit women by paying for sex is necessary for preventing abuse and promoting equality between women and men.

Myths and misinformation

Here we bust some common myths and misinformation about laws to combat sexual exploitation:

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

There is a logical fallacy underlying the claim that criminalising sex buyers would drive prostitution 'underground'. It implies that criminalising paying for sex would prevent police and support services from finding women who are being exploited, rather than stop sexual exploitation from happening. However, the prostitution trade relies on sex buyers being able to locate women to sexually exploit. If sex buyers can locate them, so can the police and support services. Law enforcement agencies can look at exactly the same adverts that sex buyers look at on websites, in newspapers and in phone boxes - and so locate women being sexually exploited, as well as 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, 2016²³

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

The fallacious claim that demand reduction legalisation drives sexual exploitation

'underground' 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.

Countries with legalised / fully decriminalised prostitution regimes - where pimping and brothel-keeping are legal - experience significantly higher rates of trafficking. A cross-sectional analysis of up to 150 countries found that reported trafficking flows are larger into countries where prostitution is legal²⁴. Similarly, a study of European countries using cross-country data found that sex trafficking was most prevalent in nations with legalised prostitution regimes²⁵.

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."²⁶

Fundamentally, there is no 'safe place' to be sexually abused and exploited in.

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 having less time to 'assess' or 'vet' potential sex buyers is generally meant to infer that women soliciting on the street would 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 buyer's

action. What demand reduction legislation would do is remove any risk that a woman soliciting on the street would face criminal sanction – as selling sex is decriminalised.

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 trade²⁷. 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. Sexual exploitation can never be made 'safe'.

"You can never accurately assess." In prostitution you are the one vetted, you are the one assessed, and you are the one hoping to come out of it unharmed that night. The reality is that there is no real way of differentiating between who is or is not 'more dangerous'. So many punters are the man next door, the mild mannered friendly guy who waves at his neighbours, pats his children on the head, finishes his nine-to-five and then drives over to the red light district, child car seats in the back. I have lost count of the violence doled out by 'regulars' reported to me by women."

Diane Martin CBE, survivor of prostitution and sex trafficking & founder of a support service for women involved in prostitution

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

There is not a specific demand for trafficked victims. Demand for sexual exploitation is indiscriminate. As an analysis of the gender dimension of trafficking, published by the European Commission, points out: "trafficked persons are located within existing sex industries ... there is no separate or specific market for trafficked persons"²⁸.

Countries with legalised and unregulated prostitution regimes have significantly larger sex industries²⁹, and they experience higher rates of sex trafficking³⁰. Reducing demand for sex trafficking requires reducing demand for prostitution.

"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."

The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation (Jakobsson & A. Kotsadam, 2013)³¹

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, addiction, force or threats from an organised crime group, childhood sexual abuse and neglect³². 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.

Sexual exploitation is highly gendered and underpinned by unequal power relations between women and men. It is overwhelmingly women and girls who are sexually exploited - by men - in brothels and hotel rooms across the UK and around the world. 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 exploited through the sex trade were highly vulnerable before their involvement and experience significant harms as a result. A nine-country study found that 68% of people in prostitution met the diagnostic criteria for post-traumatic stress disorder, and 89% of people wanted to leave prostitution³³. 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 Government³⁴, the Crown Prosecution Service³⁵ and the Mayor of London's Tackling Violence Against Women and Girls Strategy³⁶.

"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 exploitation³⁷

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'

State sanctioning prostitution as 'work' places legal obligations on women who sell sex, removes the logical impetus for governments to provide exiting services to help women leave the sex trade, and fundamentally fails to recognise or tackle the harm inherent to sexual exploitation.

Real-world 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 harms of sexual exploitation and sex trafficking.

"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."

The challenges of fighting sex trafficking in the legalized prostitution market of the Netherlands (Huisman & Kleemans, 2014)³⁸

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 with 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 one³⁹. Reasons women provided for not wanting an employment contract included concerns about the powers it would give brothel owners over them and not wanting to remain in the prostitution trade.

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 or 'fully decriminalised' regimes are themselves decriminalised. Legally recognising women who sell sex as workers, rather than victims of sexual exploitation, imposes legal obligations on women 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 health and safety and tax obligations. In New Zealand, where prostitution is recognised as 'work', an official

review of the country's prostitution laws found that the "standard position in the industry" is that individuals who are paid for sex in brothels are 'independent contractors', not employees. As a result, the review pointed 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." Furthermore, any person who sells sex in New Zealand can face criminal sanction for failing to adopt 'safer sex practices' 41.

Further reading

Full report: Bust the Business Model: How to stop sex trafficking and sexual exploitation in the UK, All-Party Parliamentary Group on Commercial Sexual Exploitation, 2021.

Available at www.bustthebusinessmodel.org

Endnotes

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- 17 Selected extracts of the Swedish government report SOU 2010:49: "The Ban against the Purchase of Sexual Services. An evaluation 1999-2008", Swedish Institute, November 2010, p.9.
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