

Women and Equalities Committee Inquiry into prostitution/sex work.



Written evidence submitted by the Women's Budget Group

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The Women's Budget Group (WBG) is an independent network of leading academic researchers, policy experts and campaigners evaluating the impact of economics on women and men. We produce robust analysis and aim to influence the people making policy. We also work to build the knowledge and confidence of others to talk about feminist economics by offering training and creating accessible resources. The Women's Budget Group is independent and not-for-profit.

1. The Women's Budget Group welcomes the Women and Equalities Select Committee inquiry into prostitution/sex work.
2. We highlight the recommendations of UN CEDAW Committee following the UK's periodic review which included better employment opportunities, housing and social security for women in vulnerable situations so that they do not need to resort to prostitution/sex work or "sex for rent", and asked the Government to address the wider notions of subordination and objectification of women implicit in prostitution/sex work.¹
3. The vast majority of those selling sex are women and the vast majority of those buying sex are men.² Therefore we focus here on women who are selling sex, although we recognise that there are men and trans people involved in prostitution/sex work.
4. Terminology around prostitution/sex work is highly politicised. At WBG our starting point is to refer to people using the language they prefer to use when describing themselves. Some women with direct experience of selling sex and organisations that work with/represent them prefer the term 'prostitution' and refer to themselves/their clients or members as 'prostituted women'.³ Others prefer the term 'sex work' and refer to themselves/their clients or members as 'sex workers'.⁴ In recognition of these differences we have used 'prostitution/sex work throughout'. However, the term sex worker is also sometimes used to refer more broadly to pimps and managers of brothels.⁵ This can obscure the fundamental difference between those who are exploited and those doing the exploiting.
5. WBG does not use the terms 'child sex worker' or 'child prostitute': these children are victims of sexual exploitation and abuse.

¹ UN Committee on the Elimination of Discrimination against Women, Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, Para 36,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=en

² APPG on Prostitution and the Global Sex Trade (2014) Shifting the Burden Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales, (<https://bit.ly/25fj4f7>)

³ See for example Survivors of Prostitution Abuse Calling for Enlightenment (SPACE): (<https://bit.ly/2AZbsER>)

⁴ See for example International Union of Sex Workers (IUSW): (<https://bit.ly/30VcjB9>)

⁵ Membership of the International Union of Sex Workers GMB branch for example is open to 'everyone working in the sex industry and adult entertainment' including 'managerial, auxiliary and support staff'

6. When considering legal responses, the committee should examine existing research evidence of outcomes in other countries with different legal models, including the impact on levels of trafficking and levels of violence against women working in prostitution/sex work.
7. The Committee should also hear directly from women in prostitution/sex work and from women who have left prostitution/sex work (often referred to as exited women) as well as the organisations working with these women.

Harms of prostitution/sex work

8. The majority of women in prostitution/sex work experience multiple harms including:
 - **High levels of violence** including sexual violence. A nine-country study found that 73% had been physically assaulted, 64% had been threatened with a weapon and 57% had been raped. Of those who had been raped more than half (59%) had been raped more than six times.⁶
 - Evidence to a 2014 inquiry by the APPG on Prostitution and the Global Sex Trade included a research from a frontline services provider which found that 93% of clients had experienced violence, another which found that 57% had experienced violence and research in Tyne and Wear with women in prostitution/sex work where two thirds of those questioned reported a 'bad' or 'violent' experience with a client.⁷
 - Women in prostitution/sex work in the UK are 12 times more likely than the general population to be murdered.⁸
 - **Mental health problems including PTSD.**⁹ A 2017 literature review found that mental health problems were particularly associated with: exposure to violence and trauma; being forced into prostitution/sex work by social disadvantage; trafficking and exploitation; bad working conditions; stigma; low autonomy; and lack of social support.¹⁰
 - **Increased risk of sexually transmitted diseases** including HIV/AIDS.¹¹
 - **Drug and alcohol problems.**¹²

⁶ Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., et al (2004) Prostitution and Trafficking in Nine Countries (<https://bit.ly/1kboxdl>)

⁷ All-Party Parliamentary Group on Prostitution and the Global Sex Trade. (2014). Shifting the Burden. Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales (<https://bit.ly/2lxKecl>)

⁸ Salfati, C.. (2009). Prostitute Homicide: An Overview of the Literature and Comparison to Sexual and Non-Sexual Female Victim Homicide. (<https://bit.ly/2VoiT6d>)

⁹ Farley, M., Cotton, A., Lynne, J., Zumbek, S., Spiwak, F., et al (2004) Prostitution and Trafficking in Nine Countries (<https://bit.ly/1kboxdl>)

¹⁰ Sanders, P., Cunningham, S., Platt, L., Grenfell, P., Macioti, P. (2017) *Sex work and mental health*, A briefing paper published by the Wellcome Trust, University of Leicester and London School of Hygiene and Tropical Medicine (<https://bit.ly/2H4Glwd>)

¹¹ Mc Grath-Lone L, Marsh K, Hughes G, et al (2014) The sexual health of female sex workers compared with other women in England: analysis of cross-sectional data from genitourinary medicine clinics (<https://bit.ly/2onN8da>)

¹² For a compendium of evidence see Centre for Applied Social Research (2012) Women involved in prostitution and problem substance use Rapid Evidence Assessment, University of Greenwich (<https://bit.ly/2AFJPre>)

9. Intersecting inequalities of gender and race/ethnicity/migration status/indigeneity are also hugely significant in women's experiences of the sex industry. Global studies consistently demonstrate the overrepresentation of women and girls from minority communities and with uncertain migration status in prostitution/sex work and particularly in the most abusive or exploitative contexts¹³. Women without documentation are at particularly high risk of abuse, exploitation and violence from both the sex industry and the state.
10. Other factors that are associated with the most exploitative forms of prostitution/sex work include homelessness; financial hardship; child trauma and sexual abuse; adult sexual and domestic abuse; substance misuse and mental health problems.¹⁴
11. Many of these harms in turn act as barriers to exit. Research into women wishing to exit prostitution/sex work found that problematic substance use, housing problems, financial issues (debt and lack of disposable cash), coercion, physical and mental health problems, lack of qualifications, criminal records, childhood violence and age of entry were all barriers to exit.¹⁵

These harms are exacerbated and barriers to exit are created by:

The Social Security System

12. The Work and Pensions Select Committee has collected extensive evidence of the multiple ways problems with Universal Credit have pushed women into 'survival sex'.¹⁶ These include the five week wait for the first payment of UC and subsequent delays, the single monthly payment that makes it hard to budget, childcare payments being paid in arrears, the requirement to make on-line applications which exclude those without access to or the skills to use on line forms and deductions in order to pay back advance payments.
13. In addition, the Committee received evidence of wider problems with the social security system which had pushed women into 'survival sex'. These problems included the freeze to working age benefits, the two child limit, the bedroom tax, the cut to local housing allowance rates so that Housing Benefit no longer meets actual rents, the benefit cap, cuts to disability benefits and the punitive sanctions system.
14. Front line services reported an increase in not only 'survival sex' (directly exchanging sex for food or shelter) but also prostitution/sex work as a result of these problems.¹⁷ For example, Beyond the Streets reported that their affiliate organisations, providing front line support to

¹³ See Farley, M. Lynne, J & Cotton, A. (2005) Prostitution in Vancouver: Violence and the Colonization of First Nations Women (<https://bit.ly/33baEZN>); Sepowitz, D.E. (2012) Juvenile Entry Into Prostitution: The Role of Emotional Abuse Violence Against Women (<https://bit.ly/30T9gJT>)

¹⁴ APPG on Prostitution and the Global Sex Trade (2014) Shifting the Burden Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales, (<https://bit.ly/25fj4f7>)

¹⁵ Bindel, J., Brown, L., Easton, H., Matthews, R. and Reynolds, L. (2013) Breaking down the barriers: A study of how women exit prostitution. (<https://bit.ly/33eB3Gc>)

¹⁶ See submissions to the Work and Pensions Committee inquiry into Universal Credit and Survival Sex (<https://bit.ly/31TdkLn>)

¹⁷ See for example submissions from Changing Lives (<https://bit.ly/2LNHeLr>); Beyond the Streets (<https://bit.ly/2Alxa04>) and; Women at the Well (<https://bit.ly/2pNtTud>)

women working on the streets, had seen an increase in women selling sex on the streets and in brothels in the past year.¹⁸

15. Beyond the Streets also reported that barriers to claiming benefits made it harder for women to exit prostitution/sex work. Many of the women they supported did not have a permanent address, could not provide the evidence needed to claim benefits, had no access to a computer to make a claim or keep claims updated, found it hard to make a claim on their phone, and had no access to a bank account.

The housing crisis

16. The UK is facing a crisis of housing affordability and availability. Women are doubly impacted by the housing crisis as a result of their disadvantaged economic position and their disproportionate responsibility for care work. The majority (67%) of statutory homeless people are women.¹⁹
17. Domestic abuse is a significant cause of family homelessness – and this is reflected in the disproportionate number of homeless single mothers who have experienced violence or abuse.²⁰
18. Cuts to local housing allowance have broken the link between housing benefit rates and actual rents with 90% of private renters on housing benefit in 2015 facing shortfalls between the housing benefit they receive and their rent.²¹
19. Problems with finding suitable, affordable accommodation has increased the time it takes for women to move on from domestic abuse refuges to a home of their own, further increasing pressures on the sector.²²
20. The housing crisis, combined with a lack of refuge provision and cuts to the social security system, means that women are facing the choice between staying in a violent relationship and homelessness. This increases their vulnerability to exploitation within sex work/prostitution and makes it harder to leave prostitution/sex work.²³
21. Women who have worked in prostitution/sex work are highly likely to have suffered from male violence and may require women only accommodation because mixed sex accommodation may trigger traumatic stress. However, there is a shortage of single sex homeless accommodation in many parts of the country.²⁴

¹⁸ Beyond the Streets, 2019, Submission to the Work and Pensions Select Committee, (<https://bit.ly/2Alxa04>)

¹⁹ WBG (2019) A home of her own: housing and women <https://bit.ly/2Gv1Kh1>

²⁰ MHCLG (2019) Causes of Homelessness and Rough Sleeping – Rapid Evidence Assessment (<http://bit.ly/2P1gU0c>)

²¹ IFS (2017) The cost of housing for low-income renters (<http://bit.ly/2uUVj0t>)

²² WBG (2019) A home of her own: housing and women <https://bit.ly/2Gv1Kh1>

²³ WBG (2019) A home of her own: housing and women <https://bit.ly/2Gv1Kh1>

²⁴ WBG (2019) A home of her own: housing and women <https://bit.ly/2Gv1Kh1>

Cuts to funding for specialist violence against women services.

22. Women in prostitution/sex work not only face higher levels of violence and abuse than the general population, they are also more likely to have had a history of violence and abuse before entering prostitution/sex work.²⁵ This means that they are more likely to need the support of specialist VAWG services that specialise in addressing trauma as a result of violence and abuse.
23. Cuts to public spending have reduced funding available for women's organisations. For example, a survey in 2017 of 84 local authorities across England found council funding for refuges across England had dropped from £31.2m in 2010/11 to just £23.9m in 2016/17.²⁶
24. These cuts have come at a time of increased demand for specialist services leading to longer waiting times and women being turned away. The waiting list at Rape Crisis England and Wales grew 50% from 2017 to 2018.²⁷ Women's Aid reported that on a single day in 2017 158 women with 143 children were turned away from refuges because of lack of suitable space.²⁸

Lack of funding for specialist services for women in prostitution/sex work

25. Women in prostitution/sex work may find mainstream public or voluntary services are difficult to access or find the services do not have the expertise required to deal with their sometimes multiple and complex needs.²⁹
26. However, cuts to funding for the women's voluntary sector have also affected specialist services for women in prostitution/sex work. For example, funding for Open Doors, an NHS service in east London was cut by 43% in one year alone.³⁰
27. Specialist support for women who want to exit prostitution/sex work has been found to be a cost-effective way of preventing further physical or emotional harm. Specialist organisations provide a mixture of practical support with benefits, housing and access to services and psychological and emotional support.³¹
28. Despite the success of specialist services to support women existing prostitution/sex work, provision is patchy. Services report a pattern of under-funding, and insecure funding leading to a postcode lottery of support.³²

²⁵ APPG on Prostitution and the Global Sex Trade (2014) Shifting the Burden Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales, (<https://bit.ly/25fj4f7>)

²⁶ The Bureau of Investigative Journalism, (2017), Thousands of vulnerable women turned away as refuge funding is cut (<https://bit.ly/2yPBRpV>)

²⁷ WBG (2018) Life-Changing and Life-Saving Funding for the women's sector (<https://bit.ly/2PxV6YH>)

²⁸ Women's Aid (2017) Survival and Beyond, the domestic abuse report 2017 (<https://bit.ly/2OmZZHq>)

²⁹ WBG (2018) Life-Changing and Life-Saving Funding for the women's sector (<https://bit.ly/2PxV6YH>)

³⁰ The Guardian (2016), Cuts to NHS services for sex workers 'disastrous' say experts (<https://bit.ly/2b2BMVw>)

³¹ Bindel, J., Brown, L., Easton, H., Matthews, R. and Reynolds, L. (2013) Breaking down the barriers: A study of how women exit prostitution (<https://bit.ly/33eB3Gc>)

³² Commonweal Housing (2016) Evidence to the Home Affairs Select Committee, Investigation on Prostitution, (<https://bit.ly/359qnKQ>)

Cuts to mental health services

29. Women in prostitution/sex work are more likely to suffer from mental health problems. Historically, mental health has been chronically underfunded, accounting for 28% of the burden of disease in the UK but only 13% of the total budget allocated to Clinical Commissioning Groups (CCGs).³³ According to a 2016 report by the National Audit Office only 25% of people needing mental health services have access to them.³⁴

Cuts to sexual health services

30. Genito-urinary medicine (GUM) services that provide sexually transmitted infection (STI) testing and treatment in hospitals and local clinics have experienced cuts to budgets and rising demand.³⁵
31. The Kings Fund has reported that this has led to cuts to 'outreach services that target high-risk groups such as sex workers and men who have sex with men; and to sexual health advice, promotion and prevention services' as well as the closure of clinics or reduction in their opening hours.³⁶

Cuts to drug and alcohol services

32. Analysis by the BBC found that £162m (18%) was cut from drug and alcohol treatment budgets in England between 2013-14 and 2017/18, contributing to a 26% increase in drug related deaths.³⁷
33. Since women in prostitution/sex work experience higher levels of drug and alcohol problems³⁸ these cuts will have disproportionately affected them.

Immigration and asylum legislation

34. Women with insecure immigration status, women with no recourse to public funds (NRPF) and asylum-seeking women are all vulnerable to sexual exploitation from landlords and others, and to involvement in prostitution/sex work because of a combination of low, no or insecure income and fear of public authorities.³⁹
35. Women with NRPF, are not entitled to housing support, social security benefits or tax credits. This includes women who enter the UK on a spousal visa and are dependent on a partner for their income, housing and financial security.

³³ British Medical Association (2018) Lost in transit? Funding for mental health services in England (<https://bit.ly/2EcUAPq>)

³⁴ NHS Providers (2016) The State of the NHS Provider Sector (<http://bit.ly/2iosQtS>)

³⁵ Kings Fund (2017) What do cuts in sexual health services mean for patients, <https://bit.ly/2nWs2Qc>

³⁶ Kings Fund (2017) What do cuts in sexual health services mean for patients (<https://bit.ly/2nWs2Qc>)

³⁷ BBC (2018) Drug and alcohol services cut by £162m as deaths increase (<https://bbc.in/2NgldXP>)

³⁸ Centre for Applied Social Research (2012) Women involved in prostitution and problem substance use Rapid Evidence Assessment (<https://bit.ly/2AFJPRE>)

³⁹ Shahvisi A, Finnerty F. J (2019), Why it is unethical to charge migrant women for pregnancy care in the National Health Service, Journal of Medical Ethics 45 <https://bit.ly/2VTXTQR>

36. Women with NRPF will have few options if they need to flee a violent partner. They can't claim housing benefit, so most refuges will not be able to accommodate them. In 2017, only 5.4% of refuge vacancies could consider NRPF women.⁴⁰
37. This leaves women in such circumstances in an extremely vulnerable position. The charity Street Talk, which works with women in street-based prostitution/sex work, as well as with women who have escaped from traffickers has reported an increasing number of women with NRPF accessing their services.⁴¹
38. Asylum seekers are also in a vulnerable position because of the low levels of financial support to which they are entitled and because money for food and other necessities is provided in the form of a pre-charged card that can only be spent in certain shops. A person waiting for their asylum claim to be assessed cannot work to earn their own income. Refugee Action has reported on the long delays of several months that many asylum seekers face in accessing the support to which they are entitled, leaving them homeless or struggling to feed their families. In some cases, this has led to clients resorting to prostitution/sex work in order to access cash and alleviate poverty.⁴²
39. WBG is also concerned about the cases highlighted in the submission to this inquiry from Maternity Action of women who have been trafficked into the UK for prostitution/sex work, become pregnant as a result and are facing charges for maternity services. Although victims/survivors of trafficking should be exempt from these charges, the women contacting Maternity Action are reluctant to disclose that they have been trafficked and are therefore facing charges.

Legal status of prostitution/sex work

40. The APPG on Prostitution and the Global Sex Trade in its 2014 report on the legal status of prostitution/sex work in England and Wales described the law as complex, confusing and incoherent.
41. In England and Wales, selling or buying sex is not illegal but many activities associated with it are. These include keeping or managing a brothel and loitering or soliciting.
42. In recent years Anti-Social Behaviour Orders (ASBOs) have been issued to women for loitering and soliciting. These are civil orders that may involve a ban on entering a particular geographical area. Breach of an ASBO can be a criminal offence.⁴³ In addition the terms anti-social behaviour or 'public nuisance' reproduce stigma and harm.

⁴⁰ Women's Aid (2017) data from Routes to Support, the UK violence against women and girls database of service and refuge vacancies (<https://bit.ly/30TW3Aw>)

⁴¹ Homeless link (2017) Women experiencing homeless with no recourse to public funds (<https://bit.ly/333MOPr>)

⁴² Refugee Action (2017) Slipping through the Cracks: How Britain's asylum support system fails the most vulnerable (<https://bit.ly/3344Ktj>)

⁴³ Harvey, H., Brown, L., Young, L., (2017) "I'm no criminal" Examining the impact of prostitution-specific criminal records on women seeking to exit prostitution (<https://bit.ly/31L4RK6>)

43. Loitering and soliciting do not attract custodial sentences, but women may still receive short term custodial sentences for the persistent breach of previous orders or conditions, for example breaching ASBOs and non-payment of fines.
44. Short term prison sentences have an extremely disruptive impact on the lives of women (and their children) including increased risk of homelessness, loss of family ties and loss of custody of children.⁴⁴
45. Criminal convictions for offences related to prostitution/sex work can act as a barrier to employment or training, and lead to stigma and discrimination. All of these create further barriers to exiting prostitution/sex work.⁴⁵
46. Organisations representing and or working with women in prostitution/sex work report problems with police behaviour. These include dismissive attitudes and victim blaming when women report violence to the police, women being taken into custody after raids on brothels without being allowed to get fully dressed and women being treated as immigration offenders rather than victims of trafficking.⁴⁶
47. Although there is considerable disagreement among women with direct experience of the sex industry and organisations working with them about legal and policy responses to prostitution/sex work, there is widespread agreement that women selling their own sexual services should not be criminalised and that criminal records and criminal justice measures have a negative impact on their lives.⁴⁷

Public Sector Equality Duty

48. Many of the harms associated with sex work/prostitution could be avoided with proper adherence to the Public Sector Equality Duty (PSED).
49. The PSED, contained in the 2010 Equality Act requires public authorities to have due regard to how their policies or decisions affect people who have a ‘protected characteristic’ under the Act.
50. Since the majority (95%) of prostitution/sex workers in the UK are women,⁴⁸ the legal and policy framework surrounding prostitution/sex work disproportionately affects women.
51. ‘Due regard’ means recognising that policies that appear (or claim) to be gender neutral, can impact differently on different groups. One of the main ways of uncovering different impacts is through Equality Impact Assessments.

⁴⁴ Corston, J. (2007). The Corston Report: a review of women with particular vulnerabilities in the criminal justice system: (<https://bit.ly/2OtBRTc>)

⁴⁵ Harvey, H., Brown, L., Young, L., (2017) “I’m no criminal” Examining the impact of prostitution-specific criminal records on women seeking to exit prostitution (<https://bit.ly/31L4RK6>)

⁴⁶ SWARM (2017) No silence to violence: a report on violence against women in prostitution in the UK <https://bit.ly/2M5e1vA>

⁴⁷ See for example the evidence submitted to the Home Affairs Select Committee inquiry into prostitution (<https://bit.ly/2Vg6pcu>)

⁴⁸ APPG on Prostitution and the Global Sex Trade (2014) Shifting the Burden Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales, (<https://bit.ly/25fj4f7>)

52. However WBG has observed a pattern of poor quality impact assessments and, in some cases, a failure to carry out impact assessments at all.⁴⁹
53. Criticisms of impact assessments carried out by the Department of Work and Pensions, for example, include that they are simplistic, contain limited detailed evidence; are surprisingly political, build arguments on controversial (non-evidenced) assumptions and fail to understand equality impact.⁵⁰ Better impact assessments might have avoided the sort of social security policies discussed above that have increased the numbers of women in survival sex and prostitution/sex work.
54. Similarly, many of the policies of other departments that have exacerbated the harms of prostitution/sex work or created barriers to exit could have been avoided if due regard had been properly paid to the impact of these policies on equality and policies amended accordingly.
55. Meaningful equality impact assessments of existing and proposed policies should be part of any strategy to reduce the harms of prostitution/sex work. Good impact assessments require both a full assessment of empirical evidence and engagement with stakeholders.
56. Such engagement should recognise the widespread disagreements between women with direct experience of prostitution/sex work and should not assume that there is a single representative position or experience.
57. When considering legal responses, the government should closely examine the evidence of outcomes in other countries with different legal models, including the impact on levels of trafficking and levels of violence against women working in prostitution/sex work.

Conclusions

58. Prostitution/sex work is associated with multiple serious harms. These are exacerbated by policies and practices in a wide range of areas including cuts to social security, cuts to funding for critical services and the criminal justice system.
59. Many of these problems could be avoided if meaningful assessments of the equality impact of policy were carried out and acted upon. These should include a full assessment of the empirical evidence and engagement with a wide range of stakeholders.

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⁴⁹ WBG (2018) Submission to the Women and Equalities Select Committee Inquiry into Enforcement of the Equality Act, (<https://bit.ly/2Oo62vk>)

⁵⁰ WBG (2019) 'Gender-neutral': Universal Credit Equality Impact Assessments (<https://bit.ly/2S1Koer>)

