



Re: Eaves for Women response to Amnesty Consultation on prostitution

Dear Friends,

Eaves for women welcomes the opportunity to contribute to this consultation and is happy to work with you in any way you may find helpful to inform your consultation process with your UK and international members.

About Eaves for Women

Eaves for women is a secular charity that was established in 1977 originally as a housing based project for women fleeing male violence. We rapidly evolved and over time have focussed on women with multiple and complex disadvantages and women whose needs are poorly met or unmet. We offer frontline support as well as advocacy, campaigning and research across all forms of VAWG and related complex need.

Our current services:

The Poppy project: This was the first UK service for trafficked women and held the government contract for 9 years. While the contract now sits with the Salvation Army, we continue to support women who have been trafficked for sexual violence or domestic exploitation. The Poppy project also undertakes legal challenges of poor state decisions and practices and is an expert source of advice. We are currently campaigning for better implementation of existing standards and we now receive 25-30% of all our referrals from immigration and prison which is evidence of the failings of the system.

The Beth Centre: This is a new service as of January 2014 whereby Eaves and Women in Prison jointly run a women's centre for women and girls affected by or at risk of being affected by the Criminal Justice System. Evidently, a significant proportion of such women and girls are involved in prostitution. This is a holistic women's centre with access to workshops and specialist workers covering issues such as prostitution, gangs, parenting, mental health, domestic violence, substance issues as well as probation.

London Exiting Action: This is a specialist project for women and girls involved in prostitution but who are wishing to exit. This project also delivers joint training with the research team for statutory and non statutory agencies who may find they are working with women in prostitution.

Lifeskills: This is a project that supports women affected by male violence and facing related complex needs such as financial and housing crises in particular. The project advocates for enforcement of women's rights with the relevant statutory services and provides a range of targeted skills, workshop and training

with women in this situation. A proportion of women in this situation are affected by such issues as no recourse to public funds and near destitution.

Sexual violence: All our work has crossovers with sexual violence but two dedicated projects include the Independent sexual violence advocate working with women and girls age 13 and over who are victims of current or historic rape and sexual abuse. The other project is a unique peer mentoring and befriending service whereby women survivors of sexual violence befriend and support new referrals for sexual violence in a very specific and carefully managed pairing following intensive training (54 hours). A proportion of these sexual violence experiences may include prostitution experiences.

Research and development: This team is responsible for identifying gaps, identifying, trialling and evaluating new methodologies and approaches, designing and delivering specialist training, undertaking research on all forms of VAWG. Some of this research is undertaken with academic institutions others we do ourselves. We currently have live research projects looking at the impact of the no recourse rule and the new destitution domestic violence concession, looking at the impact of criminalisation on women in prostitution and thirdly looking at the barriers to integration of third country national women on spousal visas.

We have current training programmes on supporting women in prostitution, on supporting women to exit prostitution, on trafficking, on domestic violence and on supporting women with no recourse.

Our previous research relevant to prostitution which we have undertaken includes the following (N.B. each of these contains extensive bibliographies for the statistics and references):

Breaking Down the Barriers: a Study of how Women Exit Prostitution Forthcoming undertaken jointly with London South Bank University

Capital Exploits: A Study of Prostitution and Trafficking in London 2013

Cycles of Harm: Problematic Alcohol Use among Women Involved in Prostitution 2013

Men Who Buy Sex : Who they Buy and What they Know A study of 103 men in London's buying behaviour

Evaluating Lambeth Borough's approach to tackling demand for prostitution

And older reports include *Mail Order Brides, Sex in the City, Streets Apart*, collaborated with London School of Hygiene and Tropical Medicine in study on trafficking *Stolen Smiles*, Provided 40 Nigerian trafficking case studies to IPPR report on irregular migration

We also provide evidence and contribute to consultations all over the UK and abroad on prostitution policy and practice

Available at www.eavesforwomen.org.uk

Eaves positioning

Eaves for women is quite clear that we do not wish to see women criminalised. This is essential to reduce stigma against women and to maximise women's ability to feel confident in accessing justice and other support services and to exiting prostitution and building a new life. We value harm minimisation programmes that can help to support women in prostitution but we also strongly feel that there needs to be specialist support for women wishing to exit.

Our position on prostitution is not related to any moral or religious approach but is about human rights and specifically women's human rights and is informed by our work with women in prostitution and exited women in particular. We work from the principle that prostitution is not compatible with women's dignity and equality and is indeed symbolic of women's inequality and continued discrimination.

Specifically in view of the high levels of harm women experience entering and in prostitution and given the gendered nature of prostitution, we consider prostitution as compatible with the 1993 Vienna Declaration, as

“gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women.” We consider that our approach on prostitution reflects CEDAW article 6 and a number of related declarations and recommendations that it is a form of discrimination that ‘impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions.’

A vision that seeks to ensure equality of access to human rights would include a vision that seeks to provide viable alternatives to women and girls than entering and remaining in prostitution. This does not preclude, at the same time, acknowledging the continued existence of prostitution and being also able to provide support to women in it. Eaves is known for challenging men’s demand to prostitution, indeed for challenging the demand for cheap “products and services” also in labour exploitation. We feel that it is not possible to work towards a vision of a society that is free from exploitation without challenging demand.

Questioning choice and consent.

We feel strongly that concepts of choice and consent need to be carefully interrogated when applied to prostitution and other imbalances of power. A choice out of limited options sometimes is no choice at all, in other situations it may still be some sort of choice but it has to be viewed in its context. Similarly consent is equally subject to its context. Choice and consent are undermined to varying degrees (in extremes to render them meaningless) where there is a power imbalance including where one individual or indeed class/group is able to buy it from another individual or class//group. The fact that it is overwhelmingly men who are able to choose to pay to buy sex from others, predominantly women and girls, is material to any analysis of prostitution. These are not merely individual acts, this is an organised industry that privileges wealth, power and men.

There is a range of statistics that highlights the high levels of entry into prostitution under the age of 18. Our own research (*Breaking Down the Barriers 2013*) of 114 women found 72% had experienced childhood abuse; just under one third had entered under age 18 and 50% experienced direct coercion to sell sex. There are a range of statistics about the scale of violence at the hands of pimps, punters and partners whilst in prostitution. Our own research (*Breaking Down the Barriers*) found 86% experienced physical, sexual and/or emotional violence from any or all of punters, pimps and partners. The murder rate for women in prostitution is 12 times the average (*HO Paying the Price 2004*). There is a range of statistics highlighting substance addiction and mental health problems for women in prostitution. There are an array of statistics demonstrating homelessness, destitution and poverty as relevant in women’s prostitution narratives. There is also a hugely variable narrative between women in prostitution and women who have exited (*Moran R. Paid For, My journey through Prostitution 2013*). Whilst in prostitution your “livelihood” depends on upholding the illusion that you are in it because you enjoy it and can make lots of money at it. This is part of what the men are paying for – service with a smile that makes the men feel guilt free whereas otherwise they often feel ambiguous about prostitution (*Men Who Buy Sex 2009*). Moreover while in prostitution, you cannot easily speak negatively of the harms of the industry because obviously this requires you to confront your unhappiness and do something about it but for many women they do not see how to even consider any alternative. It’s a survival strategy and coping mechanism. Once exited, women are much more likely to focus on the negatives of prostitution and to view the whole industry as abusive and exploitative and harmful.

EVAW is a coalition of over 50 women’s organisations working on violence against women and girls; I have had sight of their submission and support it. I cite their response here:

“Women’s choices should not be measured simply by where they end up (in prostitution), but by the circumstances in which these choices must be made. Choices made in conditions of being unequal cannot be considered ‘free’. Recognising the discrimination and inequality of the system of prostitution means that

it can be viewed as a violation of women's human rights because it is built on and perpetuates women's social, economic and cultural inferiority to men. Accepting the inevitability of prostitution means accepting the fiction that it is natural for men to buy access to women and children's bodies for sexual release. The longevity of the institutions of prostitution should not be confused with inevitability. As the great liberal writer John Stuart Mill recognised 150 years ago, prostitution is not a profession but a system of violence and inequality, which is analogous to slavery, and is sustained by the acceptance of male sexual entitlement as natural.¹

“Decriminalising, and thus legitimising, the purchase of access to women's bodies sends a powerful social message to women and girls that they are sexual commodities. The consequences of such a move affect the status of all women and girls”.

On street, Off street and Trafficked

There is a long standing tradition of trying to separate out trafficking from prostitution as though one is harmful and the other benign at best or harmless at least. This is misleading. There are differences of course but there are also huge similarities. The factors that make women vulnerable to trafficking (anti trafficking monitoring group report 2012 *All Change*) are similar to those making them vulnerable to prostitution in many cases (poverty, violence, lack of opportunities as indicated above). The factors that make it hard for women to move on and rebuild their lives (Breaking down the Barriers 2013) are similar (gaps in CVS, lack of education and training, stigma, legacy of trauma and abuse, financial need, lack of emotionally supportive networks, mental health and substance abuse). The attitudes of the buyer (Men Who Buy Sex 2009) are equally similar – they wish to purchase sex, they prefer to think that she may not be trafficked (sometimes) but they don't know and they don't seek to ascertain this fact and it is quite hard for them to ascertain it. The number of punters who have helped trafficked women in the Poppy project is 1% and even then they had used the woman first. Moreover in many cases they “help” the woman by taking her into their own home where they continue to (ab)use her for sex.

Similarly there is a very determined effort to separate on street and off street prostitution again in the hope of suggesting one is benign or harmless and the other is harmful. Again the factors concerning entry, exit and buyers remain similar (Breaking down the Barriers 2013). There are of course some differences in some ways but they share many similarities as well. For example on street may be more likely to have addictions to crack and heroine and to cheap end alcohol, but off street have addictions too, albeit to prescriptions medicines, cocaine and high end alcohol. Both are prone to addictions. Women in off street prostitution and women in on street may face mental health issues particularly around dissociative disorders. The two groups are increasingly fluid (Capital Exploits: A study of prostitution and trafficking in London 2013) going between on and off street locations so much harder to define as separate anyway. Both groups have reasonably high levels of poor self esteem and body image through to childhood neglect and abuse and of violence whilst in prostitution.

Even in a best case scenario of the much-loved and sought after “belle de jour” variety, if there are women who are totally fine then good for them but society needs to aim for the best for all its people and that particularly means proactively identifying and supporting, legislatively and through other means, the most vulnerable.

¹ Pringle, H. (forthcoming 2014) 'Equality of Rights in Civil Life: Mill and the Prostitution of Women' in Biswas, S. & Mallick, S. (eds) *De-Coding the Silence! Reading John Stuart Mill's the Subjection of Women* Jaipur: AADI Publishers; McGlynn, C. (2012) John Stuart Mill on Prostitution: Radical Sentiments, Liberal Proscriptions *Nineteenth-Century Gender Studies* 8(2)

Prostitution and human rights

It is the case that it is likely that the main human rights instruments did not directly, if at all, have women in prostitution in mind when they were drafted. Consequently, they do not explicitly address the issue and often reference it in a wider context of follow up declarations and recommendations particularly by women's rights experts in later years trying to ensure that these standards work for women. This has resulted in different experts with different agenda or perspectives interpreting the standards rather differently though there are ample examples of those who situate prostitution as VAWG, inequality and discrimination.

The European Parliament drew on a range of human rights instruments in its adoption of a resolution on sexual exploitation and prostitution leading them to frame prostitution as inequality and violence and to seek to promote a "Nordic model" (EP resolutions 2 and 26 February 2014). The 1949 UN Convention on The Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others, UN General recommendation 19 on VAW, CEDAW and DEVAW, the UN Special Rapporteur on Trafficking, Beijing Platform, Palermo Protocol are all examples of an interpretation that supports the view that prostitution is symbolic of continued inequality and discrimination and in some cases expressly calling on states to address demand. All of these references have challenged the concepts of choice and consent that surround women's actual choices and opportunities that are relevant in the context of women's journeys into prostitution. In certain cases they also make a direct link to the wider sex industry and a climate conducive to sexism and abuse – pornography, commercial exploitation of women as objects, media representations of women etc.

Rights defenders, particularly women, in the past have helped human rights practitioners to recognise state responsibility for non state actor abuse (Human Rights of Women: National and International Perspectives 1994 Cook R.J. Ed) in the case of LGBT, vawg and minority rights. Women's rights activists helped to shape the Rome Statute establishing ICC to properly recognise rape in conflict drawing up the widest definition of rape of any civil or criminal regime (Bedont B. et. al. 1999, Ending Impunity for gender Crimes under the ICC, The Brown Journal of World Affairs, Vol. VI, Issue 1: 65-85).

In the same way rights activists today are constantly trying to ensure rights instruments help the most vulnerable and marginalised individuals. An interesting development posits prostitution as a harmful, traditional practice. (Jeffreys S. 2004, *The Legalisation of Prostitution: A Failed Social Experiment* <http://sisyphe.org/spip.php?article697>)

This is normally perceived as relating to honour based violence, forced marriage, FGM but as the "oldest profession in the world" prostitution clearly reflects harmful, traditional practices. Such a lens helps to bring "western" and "non western" abuses closer together, confronts the so-called "inevitability" of prostitution and recognises the harms and traditional attitudes at play. Human rights are not static – they have to and can meet and reflect violations, trends and experiences whether old or new, known or previously unknown.

It is also notable that there is now widespread recognition of the interlocking nature of ICCPR and ICECSR especially for the poor, the excluded and the discriminated against.

<http://www.ohchr.org/EN/Issues/ESCR/Pages/AreESCRfundamentallydifferentfromcivilandpoliticalrights>)

This is evident in Amnesty's own poverty and human rights campaign which we welcome. It is evident in CEDAW recommendations to the UK that call on the UK to make more progress in making ICECSR a reality. We see this at Eaves on a daily basis where a woman is referred to us for sexual or domestic violence and would like to prosecute her perpetrator but in fact we never get round to working with her on those issues. We spend all our time working on her access to foodbanks, to finances, DWP claims, housing claims, fighting eviction, getting rehoused, having access to her children. These are her immediate priorities (ECSR) and until these are resolved she cannot begin to access her right to justice (CPR). Evidently such an analysis applies to prostitution where factors such as poverty, trauma and abuse relate directly to

women's involvement. How then do we talk about "a right to choose" when in fact we are dealing with survival in so many cases?

Sex as a right

While people (male or female) may desire sex and indeed while there is evidence that a healthy sexual relationship (it is questionable if this is a valid term for buying sex but that aside) can have beneficial effects on the emotional well-being and mental health of humans, this is a very different proposition than one which seeks to claim a right to sex at all let alone a right to buy it from a (often vulnerable) third party!

Safety, stigma and harm

We are familiar with arguments that criminalisation even only of demand may make women less safe, displacing them, driving it underground and/or increasing stigma. We engage seriously with this concern as it is also our avowed aim to help support women and to ensure they can equally access safety and justice. This is why we firmly call for the decriminalisation of women who sell sex and for a range of support – prevention, harm minimisation for those in it, exiting and alternative viable options. However, it is a fact that the pimps need to be able to market their wares and the punters need to be able to find them. As long as this is the case, it is never that far "underground" irrespective of the state of the legislation.

Undoubtedly there is terrible stigma against women in prostitution. Indeed there is great stigma about women and their sexuality generally. Women are told their greatest asset is their sexual appeal (to men) yet when they try to live up to this they are called sluts, cougars or any number of terms and blamed for their own rape. If there were ever to be any reduction in stigma against women's sexuality and specifically women in prostitution, which is questionable, it could be obtained through the decriminalisation of women in prostitution and shifting "blame" to the buyer.

Similarly, it is the case that women in prostitution are 12 times more likely to be murdered (HO Paying the Price 2004) than women in the general population, but it is the case that the rate of violence against women in prostitution is consistently high irrespective of the legislative regime. A system that decriminalises the women and shifts blame to the men can contribute to the desired aim of encouraging women to report though there will always be barriers again irrespective of the regime. However it is notable that only one woman is known to have been murdered in prostitution in Sweden since 1998 (Northern Ireland Assembly Hansard report of the Committee hearing evidence Human Trafficking and Exploitation Bill January 2014) whereas rates remain higher than this in other regimes. However, we accept that more effort and resources need to be invested in tracking what happens to women who have exited prostitution but of course there would be little call for this in a legalised regime. More fundamentally though, it is inherently harmful to women. That includes issues of safety as the parents of Marnie Frey (one of several women in prostitution murdered by Robert Pickton in Canada say; "To think the best we can do for these women is giving them a safe place to sell their bodies is a joke. There is no such thing as a "clean, safe place" to be abused in". It also includes broader societal harm which again needs more research for direct causal links but for instance, even men who buy sex will recognise that prostitution is harmful to how men view women and to male/female relations (Men Who Buy Sex 2009).

Defining terms: Decriminalisation/sex workers

There is a huge lack of clarity as to what is meant by the terms involved in this debate and this lack of clarity can be misleading at best and actively exploited at worst unless addressed head-on. Decriminalisation is sometimes used to mean the decriminalisation of women but is often also used to mean the decriminalisation of the entire industry including the pimps, managers and buyers. When using any of these terms it is important to spell out what is meant or else the lay reader risks not engaging on equal terms and with full knowledge in the debate. Similarly, people will mean different things by a "sex worker". For some they may assume this is a woman (or person) involved in prostitution. For others,

however, they mean a range of roles within the sex industry including dominatrixes, lap-dancing, pole dancing, web-cam, phone chat, “maids” in brothels, drivers for women in prostitution, managers and pimps. There may be some problems with any or all of these roles but there are huge variations in them, if a lay person is thinking of a woman in prostitution but a policy maker is thinking of the manager of an escort agency (pimp) then this again is not engaging in the debate in a fair and informed manner.

Implications of decriminalisation of the entire industry

Decriminalisation of the whole industry normalises and legitimises prostitution and the commercial sexual exploitation and objectification of women. Experiences in the Netherlands and in Germany (Newsnight 21/02/14) and other recent research has found increased human trafficking inflows in countries which have legalised prostitution regimes (Cho, S-Y, Dreher, A. Neumayer, E. 2012 Does legalised prostitution increase human trafficking? *World development* 41 pp 67-82). We also know that UK men actively choose to purchase sex (Men Who Buy Sex 2009) in legalised regimes and having done so are much more likely to feel happier about buying women in prostitution.

An approach that decriminalises and/or legalises the entirety of the industry would not have any cause to invest in identifying whether women wish to exit or not and in supporting them to do so. Nor would it have any cause to identify those at risk of entering prostitution and seek to provide viable alternatives that may prevent them from entering. Likewise such an approach would not encourage any research in tracking women’s routes in and out of prostitution, how to support women and in what becomes of women after “exit” or in the wake of legislative change.

On the contrary, the logical progression would be to make work in the sex industry mainstream which could lead to women and girls being required to enter prostitution or face benefit sanctions. Indeed, we already see job centres advertising such roles and only if it is challenged is it then withdrawn as an “error.”

<http://www.recruiter.co.uk/news/2014/03/dwp-sidesteps-answer-to-foi-request-about-sex-workers-and-jobcentres-and-work-programme/>. Currently the DWP work programme includes subsidies to employers who take on young unemployed and these young people may be “sanctioned” if they refuse to take up such options. <http://www.benefitsandwork.co.uk/news/2567-youths-can-be-forced-into-dwp-subsidised-adult-industry> Already the roles that it is acceptable to require young people to accept include working on that which is peripheral to the sex industry and a known gateway to it – e.g. they can be camera and set crew on porn films, they can be bar, cleaner and door staff in sex venues. There is a “conscientious objection” option but little publicised and not something that many young people might think to exercise especially when such work is normalised and portrayed as glamorous and sexy and risqué and cool as it usually is an objections to it are ridiculed as prudish, frigid and moralising.

Law can also be a powerful tool to help shape attitudes as to what is normal and acceptable. The number of people who view prostitution as acceptable in Sweden has dropped significantly since the introduction of the model which decriminalises women and challenges demand (Waltman, M. 2011 *Sweden’s Prohibition of the Purchase of Sex: the Law’s Reasons, Impact and Potential*, Women’s Studies International Forum 34 pp 459-460

Conclusion

We are grateful for a chance to contribute to this consultation; we would urge Amnesty to retain in their considerations some key points:

- That the narratives of women in prostitution and the narratives of exited women will differ and will reflect the degree to which a woman is actually (rather than feels) free to speak her mind.

- That the concepts of consent and choice cannot be absolute as they are hugely constrained and undermined by inequality, discrimination, wealth and power.
- That the evidence demonstrates very high levels of abuse and harms before and in prostitution.
- That evidence suggests legalised regimes result in a growth of trafficking and prostitution and normalisation of commercial sexualised exploitation and objectification of women.
- That terms such as decriminalisation and sex worker need to be thoroughly defined for people to engage effectively in this debate.
- That there remains near unanimity that this is not something we (male or female) would willingly accept for ourselves, our sisters, daughters, mothers, wives and girlfriends and consequently it is not something we should be accepting for any woman.
- That an approach that only focuses on the fact that prostitution exists is a massive poverty of ambition and abdication of responsibility to the women and girls around the world who may look to women's human rights activists not only to try to help them while in it but actually to fight for their rights to better options.
- That a human rights approach should be building and enforcing equal access to education, training, freedom of movement, financial autonomy, lives free from violence and the threat of it which is not dependent on prostitution. A human rights approach claims to speak truth to power – that means challenging demand for prostitution and attitudes to women, not reinforcing them.



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