

## Prostitution Law Reforms – Briefing from The Christian Institute

The Government has recently outlined plans to weaken the law on prostitution. Reforms outlined in the Criminal Justice and Immigration Bill will undermine efforts to reduce prostitution. Instead of facing punitive fines, convicted prostitutes will be faced merely with compulsory counselling sessions. This comes just a matter of months after steps were taken in Scotland to strengthen the law against prostitution. We are encouraged by recent statements by Harriet Harman that the Government is considering criminalising paying for sex.<sup>1</sup> However, at present the only amendment to do this is a backbench amendment. We support this approach, but cannot support other measures in the Bill which weaken the law.

### Current situation

The current law is not neutral on prostitution. While the act of prostitution itself is not a criminal offence, current laws criminalise activities *associated* with prostitution. By framing the laws in this way, opposition to prostitution is made clear, whilst at the same time recognising that prostitutes are often exploited.

- Prostitutes are not criminalised for being a prostitute per se, but rather for public actions associated with prostitution, such as soliciting or loitering.
- Prostitutes are often exploited by the pimps who profit from selling them. In the Victorian era, police corruption protected those who ran brothels. Often the police would refuse to act when allegations of abuse and abduction were brought to them. As a result, subsequent legal reforms directly tackled pimping, recognising the exploitation in law.

### The proposed changes

The measures taken against convicted prostitutes are to be weakened. Instead of issuing a fine, a judge will be able to issue an order that an individual caught in persistent prostitution must have counselling sessions, meeting with a supervisor three times within six months of the conviction. The Regulatory Impact Assessment of the Bill claims that these three counselling sessions will lead to a reduction in street prostitution and an improvement in communities affected by street prostitution. It is unlikely, however, that three counselling sessions will be sufficient to address the often deep-rooted causes of prostitution. In all likelihood they will be seen by prostitutes as nothing more than a minor inconvenience and certainly they will be a lesser deterrent than a fine. By removing any real punishment the Government is trivialising the offence.

The Bill also removes the term ‘common prostitute’ from the Street Offences Act, aiming to reduce the social stigma attached to those who are often very vulnerable people. However, not all stigmas are bad, since the stigma itself will act as a deterrent. Removing the term ‘common prostitute’ is a further step towards making prostitution socially acceptable.

The proposed laws will do nothing to reduce the numbers involved in prostitution. The weakness of the new sentencing is a green light to pimps and others who exploit prostitutes. It will do nothing to stem the tide of human trafficking.

However, several MPs, most notably Philip Hollobone and Fiona McTaggart, have indicated their intention to press for amendments which would criminalise the purchase of sexual services. Such an approach follows the success of similar laws in Sweden, where demand for prostitution has declined. When the Act Prohibiting the Purchase of Sexual Services came into force in 1998, there was an immediate reduction in the prevalence of street prostitution.<sup>2</sup> Street prostitution “has remained at a constant level since the reduction that occurred directly after the new law went into effect”.<sup>3</sup> The Swedish Ministry of Justice concluded that there has been “a dramatic drop in the number of women in street prostitution, according to information provided by the police and social

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<sup>1</sup> Harriet Harman, Deputy Leader of the Labour Party and Leader of the House of Commons speaking on BBC Radio 4, *The Today Programme*, 20 December 2007

<sup>2</sup> The Act Prohibiting the Purchase of Sexual Services was revoked in 2005 and replaced with a wider law, integrated into the Swedish Penal Code, which also applies to a person who takes advantage of a sexual service paid for by another. *New Legislation on Sexual Crimes*, Fact Sheet, Ministry of Justice, Sweden, June 2005, page 3

<sup>3</sup> *Prostitution in Sweden 2003*, National Board of Health and Welfare, October 2004, page 23

services. The number of men who buy sexual services has decreased, as has the recruitment of women into prostitution.”<sup>4</sup> It has been claimed that the new law against purchasing sex has led to an increase of Internet-mediated prostitution. However, “since a similar increase has also occurred in other countries which lack such a law, it would appear that this increase is due to the availability of new information technology rather than to new legislation”.<sup>5</sup> The Net Sex Project at the University of Gothenburg, a research project that studies the use of the Internet for sexual purposes, concludes in its report that the number of Swedish women who are prostituted via the Internet remains stable at around 80 to 100 women.<sup>6</sup> According to the National Criminal Investigation Department, the Act deters traffickers from establishing in Sweden.<sup>7</sup>

## What should be done

Exchanging sex for money is fundamentally wrong. The state must not encourage or condone prostitution; it should be challenged with a ‘zero-tolerance’ approach. It should ensure that activities associated with prostitution are firmly prosecuted as criminal offences, whilst ensuring that there is proper help and support for prostitutes wanting to leave a life of vice. One thing which became clear from the media coverage of the tragic Ipswich murders is that a high proportion of prostitutes are selling themselves to fuel a drug addiction. Indeed Government funded research has found that around 95% of those involved in street prostitution are problematic drug users.<sup>8</sup> Tackling the drugs problem may be the best way to help tackle prostitution in the UK. Compulsory rehabilitation for drug addicts, including prostitutes, would be more effective than the proposed counselling sessions.

It is also quite clear that the Government should be making greater efforts to deter and punish those who use prostitutes. The Scottish Parliament has recently extended its laws to criminalise kerb-crawling (which was not previously a specific offence in Scotland) and rejected calls to allow ‘tolerance zones’; Westminster should not at the same time be relaxing its laws.

The Government could tackle prostitution by:

- Maintaining and enforcing the existing laws against prostitution.
- Criminalising paying for sex.
- Increasing penalties for ‘kerb crawlers’, ‘pimps’, traffickers and for those who advertise prostitution.
- Significantly increasing the provision of residential drug treatment programmes.
- Strengthening police resources and prioritising fighting prostitution.
- Increasing funding for organisations that seek to help women leave prostitution, particularly through rehabilitation from drug addictions.

## What the Bible Says

The Bible is clear that the only acceptable context for sexual activity is within marriage.<sup>9</sup> Adultery is forbidden in the Ten Commandments.<sup>10</sup> Jesus explains the breadth of this: “...anyone who looks at a woman lustfully has already committed adultery with her in his heart.”<sup>11</sup>

The Bible explicitly condemns prostitution as degrading and wicked: “Do not degrade your daughter by making her a prostitute, or the land will turn to prostitution and be filled with wickedness.”<sup>12</sup> Parents and the state have a duty to protect vulnerable girls.

## Conclusion

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<sup>4</sup> *Prostitution and Trafficking in Human Beings*, Fact Sheet, Ministry of Industry, Employment and Communications, Sweden, April 2005, page 1

<sup>5</sup> *Prostitution in Sweden 2003*, National Board of Health and Welfare, October 2004, page 8

<sup>6</sup> Ekberg, G, “The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings”, *Violence Against Women*, Vol. 10, October 2004, page 1194

<sup>7</sup> *Prostitution and Trafficking in Human Beings*, Fact Sheet, Ministry of Industry, Employment and Communications, Sweden, April 2005, page 1

<sup>8</sup> *Paying the Price: A Consultation paper on prostitution*, Home Office, July 2004, page 8

<sup>9</sup> Genesis 2:24, quote by Paul in his denunciation of prostitution in 1 Corinthians 6:15-20

<sup>10</sup> Exodus 20:14; Deuteronomy 5:18

<sup>11</sup> Matthew 5:27-28

<sup>12</sup> Leviticus 19:29

Prostitution is not only immoral. By its very nature, is harmful and degrading to women. It is inextricably linked to drug abuse, exploitation and violence. The state should not condone or facilitate prostitution in any way. Evidence of the effects of legalisation abroad clearly shows that such an approach leads to a proliferation of prostitution, whilst doing little to protect those involved.<sup>13</sup>

Our present laws owe much to the courage and compassion of the 19<sup>th</sup> Century evangelical, Josephine Butler. She opened up her home to sick and dying prostitutes. It may be claimed that compulsory counselling is emulating the compassion of Butler. However, her great compassion led her to fight for stricter laws against prostitution and much stronger laws to protect vulnerable girls through raising the age of consent from 12 to 16. In 1883, after Josephine Butler's 19-year national campaign, Parliament overturned the Victorian tolerance zones which legalised prostitution. We must not allow the laws on prostitution to be weakened again.

The Christian Institute  
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<sup>13</sup> *Paying the Price: A Consultation Paper on Prostitution*, Home Office, July 2004, page 85, para. 9.19