



Celebrating success - section 14 of the Policing and Crime Act 2009

Feminist organisations like Rights of Women have consistently argued that prostitution, like trafficking for the purposes of sexual exploitation, should be recognised as a form of violence against women. There is no legal definition of what conduct or forms of harm constitute violence against women in the law of England and Wales. However, the *UN Declaration on the Elimination of Violence against Women (1993)*¹ defines violence against women in Article 1 as: “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. It is upon this definition that the Government’s definition of violence against women is based².

Prostitution (often referred to euphemistically as ‘sex-work’) is normalised by those who seek to legalise the sex industry as a form of entertainment, with sexual acts exchanged for payment with both the prostituted woman³ and the purchaser able to make free and meaningful choices. The evidence from prostituted women themselves tells another story. Research carried out on the harm caused by prostitution in nine countries found that:

- 71% of women interviewed had been physically assaulted;
- 63% had been raped;
- 68% met the criteria for post-traumatic stress disorder (this figure is in the same range as that for soldiers seeking treatment following active service and for survivors of torture); and,
- 89% wanted to leave prostitution.⁴

The demand to purchase sex has consistently been linked to trafficking. Given the nature of organised crime, it is impossible to know how many women, children and are trafficked into the UK. Home Office research in 2003 estimates that up to 4,000 women are trafficked in the UK for the purposes of sexual exploitation every year. Given the growth in people trafficking since 2003, this figure is now believed to be a “significant underestimate”.⁵

¹ A/RES/48/104

² See www.homeoffice.gov.uk/documents/cons-2009-vaw for further information.

³ We use the term “prostituted woman” to indicate that what is actually being done is the prostitution of one person (usually a woman) by another person (usually a man) for commercial reasons.

⁴ Farley, M (2003) Prostitution and Trafficking in Nine Countries: An update on Violence and Posttraumatic Stress Disorder in the Journal of Trauma Practice.

⁵ Tackling the Demand for Prostitution: A Review (2008) Home Office.

It is against this background that Rights of Women, working with DEMAND CHANGE!, co-ordinated a coalition of 64 organisations to make it a criminal offence for someone to pay, or attempt to pay, for sex with someone who has been subjected to force. Alongside building support for section 14 with the coalition we spoke at numerous public and private meetings with Ministers, MPs, peers and journalists. We were successful and section 14 of the Policing and Crime Act 2009, which creates the offence, received royal assent on 12th November this year. Section 14 will reframe the debate on prostitution, focussing attention on those who purchase sexual services and deterring them from doing so. A man who is not deterred, who buys sex from a woman who has been forced to sell it by a trafficker or her violent pimp will risk prosecution. For the first time, the word that is so often used in relation to prostitution, “choice”, will come to mean something to all those women, children and men who are prostituted, as the men who choose to purchase what they have not chosen to sell risk being held accountable for the devastating consequences of their actions.

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