

Paying the Price: Consultation on Prostitution

Response from the British Humanist Association

The British Humanist Association

The British Humanist Association (BHA) is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society.

The BHA's policies are informed by its members, who include eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns. These include a Humanist Philosophers' Group, a body composed of academic philosophers whose purpose is to promote a critical, rational and humanist approach to public and ethical issues.

Our response to the *Paying the Price* consultation

We welcome the realistic and intelligent presentation of the situation and policy options in the consultation paper *Paying the Price*. We cannot offer any practical expertise on the subject, but we do wish to make some observations on general approaches.

Prostitution without doubt will never be eliminated and it is sometimes (if rarely) a free and successful choice. It is usually, however, the result of poverty, drug addiction, homelessness, lack of alternative employment and the other factors set out in the paper, and its incidence can be reduced, as the paper recognises, by tackling these underlying problems.

The major harm associated with prostitution, however, is incidental to the prostitution itself, although there are of course some health consequences that cannot be avoided. The harm lies in:

- exploitation and violence by pimps / partners
- association with drug use
- association with serious criminality
- child abuse / exploitation of minors
- people trafficking
- nuisance to residents

We agree strongly with the proposals to minimise entry into prostitution and to help children who have become involved in it, and believe that both these require more resources. We feel that more and better informed public discussion of prostitution, the

involvement of children, and the life experiences that lead children into prostitution, would also be helpful. It is important that children involved in prostitution are perceived as victims rather than perpetrators. (This also applies to very many adults involved in prostitution, of course, many of whom, as the consultation paper emphasises, will have entered prostitution as children.)

We support the steps being taken against people trafficking (question 29) but note that despite the need to encourage those trapped in enforced prostitution to give evidence there is no clear statement that those illegally in the UK will not be deported against their will. Without such assurances, and also protection for witnesses, it will be very difficult to obtain the evidence required to prosecute traffickers.

We support also moves to minimise nuisance to those uninvolved and to help people who are involved to move on - but these moves must not be at the expense of efforts to reduce the harm done by a practice that will never be eradicated.

This suggests that a key requirement is to separate prostitutes from organised crime and from criminals generally. Criminalising the necessary activities of prostitutes is therefore highly questionable and the onus should be on those seeking to maintain bans on (for example) soliciting or on brothels to justify the ban, not *vice versa*.

Our main comments therefore address questions 32-35. We see no reason why the use of premises by two or three prostitutes for their trade should not be legalised forthwith. It would be very likely to reduce the nuisance of street prostitution and improve the safety of the prostitutes.

If the further step of legalising brothels can reduce the overall scale of prostitution, divert trade from the illicit sector and minimise exploitation or make it easier to assist at least some of those involved in prostitution, there should be no hesitation in adopting such a step. The evidence quoted in the paper from abroad is ambiguous but the main disappointments appear to be associated with criminal ownership and exploitation of legalised brothels. Alternative approaches, for example requiring that brothels are run either by a cooperative of prostitutes or by voluntary organisations or by a public body, do not seem to have been tried, although the latter two options in particular would avoid the problems associated with criminal ownership.

Likewise, setting the entry conditions to legal brothels or managed areas too high will leave many prostitutes, and particularly the most vulnerable, with no option but to continue to work on the streets, potentially illegally and subject to exploitation. Brothels must be seen very clearly as a service to the prostitutes, not to their users, helping them avoid violence and exploitation. While there must be encouragement of safe practice and help with getting off drugs (or out of the business altogether), it must not be made a condition of prostitutes' use of the premises that they keep to standards that many of them will be unable to meet. It will also be important to recognise that even with appropriately set entry conditions, many prostitutes, including children and those who are not entitled to reside in the UK, will still be excluded. These prostitutes, who will inevitably continue to work outside the legal brothels, will continue to need protection

and help. There may even be a risk of these prostitutes becoming even more vulnerable if people assume that problems have been resolved by the introduction of legal brothels, or if the public demands a crackdown on prostitution outside the legal brothels (as seems very likely in those circumstances).

The evidence suggests that a series of carefully designed local experiments on a reasonably large scale for a period of a few years may be a good way to test the options.

The association of drugs and prostitution (question 15) is particularly difficult. As with all the other problems - including a high proportion of all the crime in the country - that are caused by illegal drug use, it will only be solved if drug use is decriminalised and drugs are made available free of charge under the NHS (and under close control) to registered addicts. This previously highly successful policy was unnecessarily abandoned, in an episode of moral panic, for punitive policies that have been entirely counterproductive. There is clear evidence that people can live satisfactory lives and maintain family life and employment while on maintenance doses of clean and legal heroin, for example, and even if this were not so the damage caused by legal supply would have to be impossibly large to come anywhere near the damage done by present policies.

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