

Prostitution Review

Response from the Christian Institute

The Christian Institute is a registered charity which seeks to uphold the truth and standards of the historic Christian faith. Our work is supported by individuals from across the Christian denominations. Our public policy work has included research in the fields of family policy, religious liberties, sexual offences, and education.

Throughout history, Christians have always opposed turning sex into a commodity. Prostitution is morally wrong¹ and is also degrading for both parties involved.² The historic biblical Christian position is that the only acceptable context for sexual activity is within marriage.³

In response to the consultation The Christian Institute calls upon the Government to maintain and strengthen the laws relating to prostitution.

The proposals for tolerance zones in Chapter 9

Our response focuses on chapter 9 of the consultation.⁴

It is evident that there has been a collapse in the number of convictions and cautions for procuring, soliciting and brothel keeping. As Annex B states this is not because of “a fall in the level of criminality in this area” rather it is because of “changes in policing practice”.⁵

In our view given this background the Chapter 9 proposals involve the effective decriminalisation or legalisation of prostitution *within* certain tolerance zones. There would inevitably be a huge effect *outside* the designated zones. Combined with the collapse in prosecutions over the past decade the new proposals would lead to the *de facto* total decriminalisation of prostitution.

The proposals are highly controversial. In our view they would have devastating implications for the neighbourhoods involved. They would powerfully validate prostitution. Rather than offering an escape route, they would lead to more women becoming trapped in prostitution.

Overall these proposals would make the situation far worse, not better.

Tolerance zones were accepted Government policy between 1864 and 1883. The regime then in place involved forced medical examinations, but in other respects there are striking similarities between the current proposals and those which operated in the Victorian era.

Many aspects of our current laws governing sexual offences still bear the influence of Josephine Butler, a Victorian evangelical from the North East of England. The Home Secretary has commended her as an example of the compassion that he wishes to emulate.⁶ She opened up her home to care for sick and dying prostitutes; she exposed the international trade in women abducted for prostitution. Many feminists applaud the heroic compassion of Josephine Butler. But Josephine Butler’s compassion drove her to break with the consensus of the time and vigorously oppose the tolerance laws. She sought the complete repeal of the laws which from 1864 legalised prostitution in certain garrison towns and ports.

¹ 1 Corinthians 6:16-18

² Leviticus 19:29; Proverbs 6:26

³ See Genesis 2:24. The Apostle Paul quotes this verse in his denunciation of prostitution in 1 Corinthians 6:15-20. The Seventh of the Ten Commandments prohibits adultery: Exodus 20:14; Deuteronomy 5:18.

⁴ *Paying the Price: A Consultation Paper on Prostitution*, Home Office, July 2004, pages 81-87

⁵ *Ibid*, page 91

⁶ *The Guardian*, 30 December 2003 and 7 July 2004

The *Contagious Diseases Acts* of 1864, 1866 and 1869 (“The CD Acts”) were finally suspended in 1883 following her 19-year campaign.⁷

As well as repealing these laws, as a direct result of her efforts, Parliament raised the age of consent from 12 to 16, the same age that we have today. Josephine Butler ran similar campaigns in other European Countries. These campaigns had mixed success. Today there are still some European nations with a basic age of consent of 12.

Current laws criminalise activities *associated* with prostitution. The law is not neutral on prostitution. The law is clearly against prostitution, but it also recognises that prostitutes are exploited. The law was framed in this way was for good reasons:

- Prostitutes are not criminalised for being a prostitute. Rather it is for public actions associated with prostitution (soliciting or loitering).
- In the Victorian era there was Police corruption which protected brothel owners. The Police often refused to act when allegations of abuse and abduction were brought to them. Because pimps often escaped the reach of the law, subsequent legal reforms directly tackled pimping. The law recognises that prostitutes are exploited by the pimps who profit from them.
- In respect of young people the law recognises that prostitutes are exploited by those who use them. The exploitation of child prostitutes was a main reason why the age of consent was originally raised to 16. Those aged 16 and 17 are now covered by the new offence of paying for sexual services of a child.

Key Concerns

The Institute’s responses to the questions posed in Chapter 9 are:

- **Q32. “Should our response to street-based prostitution involving adults accept or challenge its existence?”**

Under no circumstances should prostitution be accepted. Prostitution is intrinsically wrong and, as with other harmful vices such as drugs, must be prohibited by law. Any policy that directly or indirectly accepts the existence of prostitution will both normalise and give legitimacy to an activity that exploits, abuses and degrades women. Prostitution should be challenged through a ‘zero tolerance’ approach.

- **Q33. “Is there a case for designating managed areas at a local level?...”**

No. ‘Tolerance zones’ are indefensible, unworkable and unsuccessful. Whilst intended to provide protection and regulation, they fail to prevent exploitation and instead permit the abuse to continue. Thus the Association of Chief Police Officers⁸ and local councils, including Birmingham⁹ and Derby¹⁰ are strongly opposed to tolerance zones. Instead they advocate a policy of zero tolerance. Significantly, in 2003, the Scottish Parliament heavily rejected proposals for tolerance zones, following strong opposition from police and councils across Scotland.¹¹

- **Q34. “Is it acceptable for sex to be sold from private premises? If so, what safeguards should be put in place?”**

⁷ The Acts were repealed in 1886.

⁸ Association of Chief Police Officers, Press Release, *ACPO Respond to Home Office Consultation Paper on Prostitution*, 16 July 2004

⁹ Birmingham City Council, Press Release, *Birmingham City Council Responds to Government Paper on Prostitution*, 9 November 2004; *Birmingham Post*, 8 November 2004; *Evening Mail*, 16 November 2004

¹⁰ *Derby Evening Telegraph*, 3 November 2004

¹¹ *The Herald*, 28 February 2003; see also Prostitution Tolerance Zones (Scotland) Bill, SPICe Briefing, 02/138, 2002, page 12; see also <http://news.bbc.co.uk/1/hi/scotland/2017413.stm> as at 16 November 2004

No. Brothels are never acceptable. The Association of Chief Police Officers is opposed to legalised brothels, stating “[licensed brothels] continue to permit the abuse and exploitation of women”.¹² Furthermore, allowing legalised brothels would escalate rather than ‘control’ prostitution. In the four years following the legalisation of brothels in Sydney, Australia, in 1995, the number of brothels more than tripled.¹³ Australia also shows how the existence of legal brothels does not reduce the problem of street prostitution.¹⁴ They have, however, been linked to high levels of child abuse through prostitution and increased trafficking of women.¹⁵

• **Q35. “Would registration help safeguard public health?”**

No. Since up to 95% of street prostitutes are believed to use ‘heroin and/or crack’,¹⁶ how could someone with an addiction pass any genuine health criteria, or be willing to come forward to register? Countries that have adopted such schemes have ended up with a two-tier system of registered and unregistered prostitutes, with those unregistered having very little access to healthcare.¹⁷ Also, promiscuity is inherently unhealthy. As with taking illegal drugs, it can never be healthy.

What should be done?

There has been a great escalation in the problems associated with prostitution. The police have not been adequately enforcing the law. Such has been the collapse in prosecutions that if tolerance zones were to be established, there would be effectively be the decriminalisation of prostitution across the whole of the country.

In 2003, as the consultation paper notes, Parliament significantly increased the penalty for keeping a brothel to seven years.¹⁸ Parliament makes law and it has recently increased the penalty. Surely it is brothels where the most serious abuse of women takes place. It is for the Police to enforce the law. This has not been happening. As a direct result young women have been exploited and the trafficking of women for prostitution has dramatically increased. This has been highlighted in a recent book by Victor Malarek. He concludes that the problem is the refusal by the authorities to enforce the law. There is a striking parallel with the “White slave trade” exposed by Josephine Butler in Victorian England. Malarek states “...what good are tough laws when enforcement is woefully lacking?”¹⁹

The state must not condone prostitution. 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.

This can be achieved by:

- Maintaining and enforcing the existing laws against prostitution.
- Increasing penalties for ‘kerb crawlers’, ‘pimps’, and for advertising prostitution.
- Strengthening police resources and prioritising fighting prostitution.
- Increasing funding for organisations that seek to help women *leave* prostitution, not those which facilitate prostitution.

Conclusion

Prostitution, 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. The evidence of legalisation or decriminalisation abroad, such as in Australia, clearly shows that such an approach leads to a proliferation of prostitution, whilst doing little to protect those involved.

¹² Association of Chief Police Officers, *Op cit*

¹³ *The Sydney Morning Herald*, 31 August 1999

¹⁴ *The Age*, 2 March 1999 (Australian newspaper affiliated with the *Sydney Morning Herald*)

¹⁵ *Paying the Price: A Consultation Paper on Prostitution*, *Op cit*, page 85

¹⁶ *Ibid*, page 11

¹⁷ *Ibid*, page 87

¹⁸ *Ibid*, page 90

¹⁹ Malarek, V, *The Natashas – The New Global Sex Trade*, Vision Paperbacks, 2004, page 273

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