Written evidence submitted by Kairos Women Working Together

Kairos Women Working Together (WWT) believes in the value and dignity of all women. We aim to support, empower, and give a voice to women at risk of or subject to sexual exploitation, including those caught up in prostitution, and those aspiring to leave it. We work in Coventry by providing safe spaces, a listening ear and opportunities for change and growth.

1. Executive Summary

1.1 This document addresses the following issues:
   - Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.
   - What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.
   - Whether further measures are necessary, including legal reforms, to:
     - Assist those involved in prostitution to exit from it

1.2 A focus on the legislation surrounding prostitution has been markedly absent in recent years. Despite frequent acknowledgement from numerous corners of the contradictory and problematic legislative environment, alongside the attendant and detrimental effect on the safety and wellbeing of women working in the sex trade, there has been little push for change.

1.3 The more recent shift in focus towards the safety of those involved in sex work, highlighted by the most recent government strategy and various policing strategies is welcomed but ultimately untenable in the current legislative environment.

1.4 Safety, legislation and policing practices are inextricably linked, and must be carefully and strategically planned in order to affect safety and increase the life-chances and choices of those caught up in prostitution.

1.5 KairosWWT is well placed to respond to this Inquiry and can give evidence and expertise from our placement as an organisation that responds to the individual needs and aspirations of those involved in on-street work whilst working alongside various state and voluntary agencies to remove barriers and facilitate autonomy.

1.6 Criminal sanctions towards women involved in prostitution can serve to trap and entrench them in a cycle of exploitation, offending and limited life chances.

1.7 The CPS definition of prostitution as violence against women is welcomed for its potential inclusionary effect, and as a tool to de-stigmatisre and obtain justice for women working in prostitution. However, the caveat that this position is rendered ineffective if coupled with current policing practices is emphasised.
1.8 In order to affect change for marginalised and exploited women we recommend the mandatory implementation of the National Policing Sex Work Strategy; consistent and stable funding for support services; the removal of criminal sanctions for those selling sex and robust, impartial research into the effects of criminalising the purchase of sex.

2. Introduction

2.1 KairosWWT provides multiple and individual solutions to support those caught up in prostitution and those vulnerable to it. Over the last 16 years, we have worked in Coventry with female on-street workers and young women at risk of sexual exploitation. Our approach focuses on:

- Safety: minimising harm for those most at risk
- Stability: addressing individual needs and barriers (such as housing, healthcare, substance misuse interventions)
- Self-belief: supporting women to develop the skills and confidence to make their own choices for the future

2.2 KairosWWT welcomes the Home Affairs Select Committee Inquiry into Prostitution with the particular focus on the way prostitution is treated in legislation. Prostitution policy and legislation has, in many senses, faded from the political agenda in recent times. Following the New Labour social policy reforms of the mid to late 2000s, which culminated in changes to the Policing and Crime Act 2009, there has been no move towards further legislative change. The strategy-based Home Office Review of 2011 did little to reform some of the more problematic aspects of previous policy (the residual effects of treating prostitution as 'anti-social behaviour' and the enforcement-based approach if opportunities to 'exit' are not taken) although it did, gratefully, shift the focus onto prioritising the safety of those working in prostitution: [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97778/responding-to-prostitution.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97778/responding-to-prostitution.pdf)

2.3 Prioritising, wherever possible, the safety of those involved in prostitution has long been at the forefront of support and advocacy-based organisations' work. Women in prostitution are greatly vulnerable to attack and abuse with research suggesting that they are at a higher risk of murder than other groups in the community (Salfati et al, 2008). Recent measures such as The National Ugly Mugs reporting scheme, guidance from the Association of Chief of Police Officers; (2011); the College of Policing (2014) and, most recently, the National Policing Sex Work Strategy (2016) prioritise the safety of women in prostitution, advocate a victim-centred approach and recognise the barriers to reporting. As an organisation that seeks to minimise harm, prevent exploitation and enable women to make autonomous life-choices, it is our hope that this Inquiry will look further into the current difficulties in prioritising safety over sanction and achieving redress for harms in an environment that continues to punitively sanction vulnerable women.

2.4 KairosWWT has a wealth of experience of supporting women subject to the legislative sanctions surrounding street-based prostitution. As part of our holistic, women-centred approach we endeavour to work as close as practicalities allow with local police forces, resident groups and other social/welfare agencies in order to foster stability, create
understanding and open up exit routes. This unique placement allows us to comment authoritatively on the extant effects of the current and contradictory policy and legislative environments on women engaged in street-based work. We have first-hand experience of the seemingly intractable burdens this environment places upon local police forces; caught between calls for victim-centred, welfare-based approaches and the practical and operational necessity of enforcement-based policing. We also have difficult but necessary evidence of the untenable position - caught uneasily between 'victim' and 'offender' - that this socio-legal climate places street-based workers in and how this can block access to justice and contribute to feelings of low self esteem, trauma and fatalism.

2.5 Accordingly, the following evidence submitted will focus on those policy and practice areas within which we have 'on the ground' expertise and perspective and which most closely align with both our organisational mission and overarching strategic vision. That vision is a world free from the exploitation and degradation of women – a transformative vision that may involve societal, legislative, political and structural change. As such we are, as an organisation, more pragmatic and conservative in our immediate mission – to enhance the well-being and life-chances and choices of those women involved in on-street prostitution. This pragmatism comes from a recognition that 'prostitution', as both subject of inquiry and object of legislation, is a deeply complex and multifarious issue, requiring correlatively complex solutions and working partnerships. We acknowledge the polarising nature of the issue and that the merging of the political, ideological and polemical that often characterises debate and inquiry into prostitution is necessarily inimical to swift 'solutions'. As such, the evidence we present and the recommendations we suggest will be based on our working knowledge of the vulnerabilities of women in prostitution and the many barriers that can preclude them from exiting, or from making autonomous, self-sustaining choices.

2.6 Although we recognise prostitution in its many forms, our evidence will necessarily be limited, and most readily applicable, to women involved in on-street prostitution and confined to the remit of our organisational experience and expertise.

3.1 Evidence

Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.

3.2 Criminalising women who, in legislative terms, 'loiter or solicit for the purposes of prostitution' only serves to reinforce the myriad barriers they face and often serves to exacerbate or entrench existing disadvantage. Extensive research has shown that women involved in on-street prostitution have backgrounds of multiple disadvantage, often marked by sexual and domestic abuse, poverty, homelessness, social exclusion and drug and alcohol misuse (Hester and Westmarland, 2004). Such lives of marginalisation, oppression and disadvantage are typical of the women who access KairosWWT. Our own research (2007) found amongst 74 Coventry street workers that 52% had episodes of care outside their family home, 60% experienced childhood sexual abuse, 93% experienced domestic violence, 71% were introduced to prostitution by others (including friends,
family members, other women in prostitution, boyfriends and pimps), 92% said they used drugs/alcohol and 85% had criminal convictions.

Criminalising these women, many of whom engage in on-street prostitution out of necessity, or as a consequence of prolonged structural disadvantage, serves merely to reinforce their marginalised status and apply punitive sanctions in an attempt to control the behaviour of often exploited and vulnerable women.

3.3 One of the few legislative changes in the last decade was the insertion via the Policing and Crime Act 2009 of the word 'persistent' to the Section 16 offence of 'loitering or soliciting...' and the creation of engagement and support orders through Section 17 of the Act. Prostitutes cautions, unlike other criminal cautions, do not require an admission of guilt and are often used as evidence of 'persistence' (Home Office Circular 006/2010). Engagement and Support Orders were added as an alternative to a fine and entail three mandatory meetings with a supervisor with the aim of 'helping them find a route out' (Home Office Circular 006/2010).

3.4 Criminal sanctions, such as 'Prostitutes cautions', ASBOs, CRASBOs and fines often serve to exacerbate the barriers to exiting and can entrench marginalisation and social exclusion. As an organisation, KairosWWT aims to address individual needs and barriers and foster stability in what are often complex and chaotic lives. Criminal records and fines can trap women within a cycle of prostitution and offending and block personal progress and autonomy. At KairosWWT we see this in the following ways:

- Women who incur fines for soliciting are forced to go back out on the streets in order to raise the money to pay the fine. This can mean working longer, and in more dangerous situations, and be self-perpetuating with the threat of further criminal sanction in the act of attempting to pay off the previous sanction.
- A criminal record/caution can preclude entry into voluntary work and formal employment. Also, cautions remain on record and will flag up on a Disclosure and Barring Service (DBS) check. Many women looking to exit are often drawn to caring professions but may be prevented from this due to former 'offences'.
- Prison sentences for breaches of Criminal Anti-social Behaviour Orders (CRASBOs) can result in the loss of both stable and temporary housing, leading to homelessness and the potential for drug and alcohol misuse to cope; all structurally coercive 'push' factors to 'partnering' with an exploitative or abusive 'companion' and/or engaging in prostitution.
- The stigma of carrying a record of offences relating to prostitution can have a hugely detrimental affect on self-esteem and confidence and can reinforce feelings of low self-worth, which act as a barrier to considering other choices or options.

3.5 Anti-social behaviour and criminal anti-social behaviour orders only seek to punish and divert women engaged in on-street prostitution and mark them out as a 'nuisance'; at odds with an holistic, victim-centred, welfare-based approach as recommended by good practice guidance (UKNSWP, Working with Sex Workers: Outreach, Working with Sex Workers: Exiting 2008; Home Office 2006 A Coordinated Prostitution Strategy; NPCC 2016 National Policing Sex Work Strategy). Such sanctions also carry with them a spatial element, ensuring women are displaced from familiar networks and areas of support.
Applying an ASBO does not remove the myriad of reasons why a woman enters prostitution and so does not remove their need to 'work'.

What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.

4.1 The CPS' decision to recognise prostitution as violence against women, although welcomed, necessitates a cautionary note as related to the current legislative environment. Recognising prostitution as violence against women is a step towards recognising some of the possible structural 'causes' of prostitution and as such an important step towards placing women as victims rather than offenders. However, as previously highlighted, recent social policy and policing strategy reforms have emphasised the need to take a welfare-based and victim-centred approach to prostitution; something uneasily at odds with current enforcement-based policing and criminal sanctions on those engaged in prostitution.

4.2 Although there are many merits to an approach that views prostitution as violence against women, it also serves to further enhance the hybrid nature of women in prostitution’s status in contemporary policing and criminal justice systems; suspended precariously between 'victim' and 'offender' and often pushed towards the latter through local policing policies in residential areas. For prostitution to truly be recognised as violence against women, the criminal sanctions around soliciting and loitering would need to be removed.

4.3 Due to a combination of intersecting factors such as mistrust of the police, stigma, fear of criminal sanction and of not being believed, few women engaged in prostitution report crimes against them to police. Rape, theft, verbal and physical abuse and 'lower' level acts such being pelted with eggs and drink bottles are common occurrences for women working the streets. Very few such incidents are reported to the police. Many women, subject to daily occurrences of discrimination and stigmatisation, working under a system which penalises what are often acts of survival as 'criminal' or 'anti-social', feel this is part of their 'lot' in life and no one would care even if they did report it. To trust the institution that also has the power to displace, arrest and fine you is a large ask of women who are disenfranchised, disempowered and discriminated against.

4.4 Violence is endemic to on-street prostitution and any approach that characterises prostitution as violence against women may serve to give women greater credibility within the criminal justice system and greater confidence to report crimes against them. This perceived legitimacy may erode such erroneous notions as that 'rape is an occupational hazard of prostitution' and give women greater confidence to pursue attacks against them through the criminal justice system.

4.5 National Ugly Mugs, the anonymous third party reporting and alert mechanism for crimes against women in prostitution is often the only route some victims feel able to take, and is an important source of intelligence for police and a way for others to protect themselves against potential perpetrators of harm. The very fact such a system needs to exist highlights the barriers the women face when reporting offences to the police. KairosWWT is a member of National Ugly Mugs and we encourage our service users to
use the reporting system. However, many women often do not want to report offences, do not have the time or stamina to follow through with reports, or do not think anything will come of it. Many of the women who access our drop in service express resignation and sometimes normalised attitudes towards the violence, intimidation and harassment they face; both a hard-worn survival mechanism and an indictment of the failures of previous policies and strategies to adequately protect them.

4.6 The safety of those involved in prostitution should be paramount, and although we recognise that police have a responsibility towards communities where prostitution takes place, feel that enforcement-based attitudes towards those involved in prostitution are detrimental to the health, well-being and life-chances of this particular group. We feel that current approaches to prostitution are contradictory and that a coherent, holistic, collaborative and consistent strategy for protecting both those involved in prostitution and the communities within which prostitution exists need to be developed.

Whether further measures are necessary, including legal reforms, to:

Assist those involved in prostitution to exit from it

5.1 As an organisation, KairosWWT aims to increase the life-chances, choices and wellbeing of women engaged in prostitution, or at risk of sexual exploitation. As such, and although not fundamentally driving our mission, we place emphasis on widening the opportunities for women to exit, should this be the right choice for them at any given time; and to equip them with the tools and help them address persistent barriers in order to make such decisions autonomously. Consequently, we would welcome any measures that sought to assist exit from prostitution, as long as those measures were not a further form of coercion in lives already marked by coercion, exploitation and lost autonomy.

5.2 We would like to recommend the following measures to assist women to make the choice to exit prostitution:

- That the National Policing Sex Work Strategy (2016) is enforced across all Police Forces as mandatory. This Strategy takes a victim-centred approach, placing paramount importance on the safety and reduction of harm to those involved in prostitution, fully supporting robust and strategic partnership work to address the holistic needs of individuals
- That Support Services, such as KairoWWT, are fully funded to provide prevention work, harm reduction and exit support. Most organisations that provide support to women in prostitution are subject to time-limited and inconsistent funding streams. Despite the fact such organisations are uniquely placed to gain the trust of both marginalised workers and organisations within the community and criminal justice system in order to facilitate holistic, co-operative working, there are no consistent funding streams available. Trust and consistency are vitally important if women are to be reached and assisted effectively. Time-limited, patchy and inconsistent funding can lead to gaps in service provision, breaking the trust and consistency many women so desperately need to move on with their lives.
- That enforcement measures for those being sexually exploited are eliminated: the effective decriminalisation of those selling sex on-street. We have made our reasons for such a recommendation explicit throughout this submission.
• More robust, empirical, non-ideological and non-politically motivated research into the effects of increasing sanctions on the purchase of sex. Evidence as to the effectiveness of such a measure remains contradictory and whilst we are avowedly not adverse to such measures, the inferred intention of this Inquiry to 'shift the burden' of sanctions from 'sellers' to 'buyers' merits further research before implementation is suggested.