Written evidence submitted by Women at the Well

Response from women@thewell to the inquiry into the way prostitution is treated in legislation. In particular, the inquiry assesses whether the balance in the burden of criminality should shift to those who pay for sex rather than those who sell it.

1. Introduction
1.1. women@thewell welcomes the opportunity to respond to this inquiry. We have responded to the terms of reference in the areas where we have experience and relevant evidence. We envision a society in which all women are empowered to achieve their full potential free from discrimination, abuse and neglect. Further information on our work is available on our website www.watw.org.uk.

2. What we do:
2.1. women@thewell provides a creative and supportive space for women whose lives are affected by prostitution, based on Gospel values; we provide an evidence based, holistic response to their needs. Acknowledging the trauma experienced by women exploited by their involvement in prostitution we aim to empower them to achieve their full potential free from exploitation and abuse, by providing opportunities that enable them.

2.2. We support 250 women each year with nearly 100 new clients presenting in 2015. A quarter of our clients disclose being involved in prostitution, but we know there are many more that choose not to disclose.

2.3. The women who use our services are among the most discriminated against and unfairly stigmatised people in our country. This is particularly true of women who are or have been involved in street based prostitution. women@thewell was founded to work with these women and aims to develop and implement an effective, integrated service model that helps them to exit prostitution and supports them through the transition as they develop and sustain an alternative way of life.

2.4. The difficulties involved in leaving prostitution should not be underestimated. Women involved in prostitution often have a history of experiencing violence or abuse. Working through these traumas involves confronting memories of childhood sexual abuse, sexual violence experienced through prostitution, substance misuse, the loss of children, premature deaths of partners, family members and friends through drug abuse or violence.

2.6. Many of the women we see express feelings of stigma, shame, guilt and self-blame in relation to their involvement in prostitution and drug misuse. Women who have left or are trying to exit prostitution also experience ongoing mental trauma. Other issues women face can include poor family relationships, social isolation and severe mental health problems including depression, anxiety and self-harm.
2.7. Women with a prolonged history of involvement in street prostitution will have a range of needs requiring responses from a number of specialised services. These needs vary and the complexity is such that there can be no 'one size fits all' approach. Effective services must work from a “trauma informed” stance.

2.8. A key aspect is a supportive relationship with a 'named worker' who ensures that all the required services are in place. Effective counselling within a “trauma informed” framework is required to deal with past experiences whether from recent involvement in street prostitution or earlier and to help women recognise and develop personal skills, confidence and self-esteem which builds the resilience required to move forward.

2.9. Exit can only be facilitated, not forced. The first step is to open up discussion about exit as a realistic and achievable option. Women can only begin to conceive of a different lifestyle if they can see that it is a realistic choice and begin to hope and believe that it is a choice that is possible for them.

2.10. Facilitating exit involves a significant amount of awareness-raising. Generic services, law enforcement and specialist services working with women involved in prostitution all need to understand the realities and complexities of prostitution. Generic services must be supported to identify and channel women into appropriate support.

2.12. Attitudes need to change. There is a real need to educate the public about the abuse of women involved in prostitution and about the role of demand in driving prostitution. The impact of our current legislation is part of what prevents women from exiting prostitution. E.g. some localities rely on the overuse of ASBO’s to police prostitution. One of our clients was released from prison into homelessness was subject to an ASBO preventing her from being in her borough of connection. She found herself unable to access any services, including health services, unable to meet with her solicitor and unable to access her methadone script. This resulted in her having a significant delay in receiving an appropriate support. Our advocacy was able to get her access to support in an alternative London borough. The impact of this on the clients health and wellbeing and her current and future ability to feel she can trust statutory services has been significant.

2.13. We favour the Nordic Model of policing prostitution within which the selling of sex is decriminalised and the focus of any enforcement activity shifted towards those who coerce others to sell sex and those who purchase it. We also believe that it is important that women’s convictions related to their involvement in street based prostitution are deleted from their criminal records in order to allow this group of women to gain alternative employment and move on with their lives.

2.14. Strategies aimed at enforcement in relation to prostitution should focus on the perpetrators, those who coerce women into and/or control women involved in prostitution for gain rather than punishing the victims.
3. Response

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

3.1.1. The current legal situation is failing to protect the most vulnerable and failing to prosecute perpetrators for example, in 2013-14 over double the number of people were charged with soliciting/loitering than kerb-crawling. We are currently in a position which simultaneously condones and condemns prostitution.

3.1.2. Given the hidden, stigmatised and fluctuating nature of prostitution it is not easy to state with confidence the numbers involved or any gender disaggregated data. However, it is estimate that 40-42 million people are involved in prostitution. That 80% of these are female and three quarters are between ages of 13 and 25.

3.1.3. Women are disproportionately criminalised for prostitution related offences. While there are prostitution specific offences that can target both men and women, historically, there has been much less of an emphasis on targeting and arresting those buying sex.

3.1.4. Police acknowledge that the driver to arrest is often community complaints about visible on-street prostitution and that targeting the women is quicker and less resource intensive than targeting the men. Section 14 of The Policing and Crime Act 2009 amended various offences and made it a criminal offence to purchase sex from an individual who has been subjected to force, fraud or coercion by a third party. Despite this, statistics show that since 2007 there has been a year by year decrease in the number of convictions for kerb crawling offences. Evidence has highlighted that current action which addresses demand is still not standard practice across geographical areas. There is also little knowledge of the new Section 14 offence and CPS data shows that between 2013 and 2014 there were no prosecutions. Although the CPS remains supportive of the intentions of the offence it has been noted that there are challenges to ensuring it is effectively enforced.

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

3.2.1. Legislation based on the Nordic Model needs to be adopted in order for prostitution-related offences to reflect the fact that prostitution is violence against women. Women in prostitution can expect to experience a high level of harm, often subjected to physical violence, sexual abuse, emotional control, and suffering poor physical and mental health. By failing to account for the imbalance of harm within the prostitution transaction the law enables the acceptability of violence against women and girls.

3.2.2. By failing to address demand, the law inadvertently sanctions sexual exploitation of women by men. The imbalance of the law and its enforcement serves to communicate that it is acceptable to demand, but unacceptable to provide sexual services. The law condones a power imbalance in prostitution that does not exist in non-commercial sexual transactions:
despite receiving payment the cost to the seller is much greater than to the buyer in terms of violence, poor mental and physical health. The failure of legislation to reflect the gender imbalance within prostitution encourages assumptions that men have a ‘right’ to purchase sexual services from women. In this way the law is detrimental to other strategies that promote gender equality.

3.3. What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.

3.3.1. Tackling demand for prostitution is critical to ending the trafficking of women and girls into the sex trade. The Modern Slavery Act fails to address the demand from sex buyers which drives the trafficking of women and girls into prostitution. The failure of the Modern Slavery Act to address demand for sex trafficking was "a very serious oversight given that, according to the NRM figures, sexual exploitation is consistently the most prevalent form of human trafficking in England and Wales." Legislation based on the Nordic model must be adopted to discourage demand in order to end trafficking for purposes of prostitution.

3.4. Whether further measures are necessary, including legal reforms, to:
- Assist those involved in prostitution to exit from it
- Increase the extent to which exploiters are held to account
- Discourage demand which drives commercial sexual exploitation

3.4.1. Those that are exploited through prostitution by being paid for sex should be decriminalised. Having a criminal record for soliciting can be a significant barrier to exiting. Adopting legislation based on the Nordic Model would send a clear message to local authorities and agencies that prostitution is a form of violence against women and they have a duty to support women to exit commercial sexual exploitation. The government should also produce an adequately funded national strategy for the delivery of comprehensive exiting services for people exploited through prostitution.

3.4.2. The nature of prostitution is such that it is likely that women will have several criminal records. Some of these may be for shoplifting, anti-social behaviour, vandalism, public nuisance, drunk and disorderly – often related to her experiences in prostitution. Offences for prostitution affecting women “loitering for prostitution” traditionally come under Street offences act 1959 and Sexual offences act 1992, Sexual offences act (Northern Ireland) 2008. Laws relating to prostitution have evolved over time and have fluctuated between public health, vagrancy, moral and criminal legislation and frameworks. Legislation more recently has attempted to be less punitive and stigmatising of women involved in prostitution but many women have been involved for many years.

3.4.3. In a recent research study\textsuperscript{ix} criminalisation was found to be a serious barrier to exiting prostitution, with nearly half (49%) of all women in the study reporting a criminal record for prostitution-related offence.
3.4.4. Under disclosing and barring regulations some offences are spent after a set period of time and some records of offences committed under age 18 are sealed and would not normally be disclosed. Even such convictions, however, must be disclosed in certain circumstances. For instance this may include where the same offence is severally repeated or where the offence comes under legislation that is on a specific list that require offences under that legislation be disclosed and where an enhanced DBS check is required as it is in certain areas of work or relationships as prescribed by DBS regulations (such as social work, work with vulnerable people, police, care work etc).

3.4.5. The inability to escape the past as a woman involved in prostitution has detrimental effects on all aspects of their lives. Criminal records are a bar to education, training, internships, volunteering and employment, especially as so many women wish to work in sectors that require an enhanced DBS. Women also find that they are afraid to stand for public office for fear their record will be disclosed so they are excluded from much civic participation, they are afraid to apply for roles such as trustee, school governor or to support a school trip as a helping Mum. Indeed it is not uncommon that where women have attempted to engage in their child’s school, church or brownie/guides/cubs/scouts in some way, they have had an enhanced DBS check and been barred from premises.

3.4.6. Legislation based on the Nordic Model should be adopted to send a clear message to police and enforcement agencies that prostitution is commercial sexual exploitation. As the All-Party Parliamentary Group on Prostitution has noted, at present “the law is incoherent at best and detrimental at worst. The legal settlement around prostitution sends no clear signals to women who sell sex, men who purchase it, courts and the criminal justice system, the police or local authorities.” Adopting legislation based on the Nordic Model would give police the powers to hold sex buyers to account for exploiting women in prostitution. At present, police are unable to do this because paying for sex is legal.

3.4.7. Legislation based on the Nordic Model should be adopted because it is a legal framework designed to discourage the demand that drives commercial sexual exploitation. There is significant evidence showing that criminal sanctions are a key method of deterring demand.

4. Case study
4.1. In the lead up to the Olympics there were concerns regarding the expected rise in women being trafficked into prostitution to ‘service’ the attendees of the London Olympics. The only premise this was based on was major football events but this would not necessarily translate into the mixed attendees of an Olympic Games. Albeit there was evidence that the numbers of flats and sauna’s had increased prior to the Games in a more gradual and less visible way to service the work forces around the Olympic sites.

4.2. women@thewell put support services in place alongside the Specialist Trafficking Team of the Metropolitan Police. We explored language and a common understanding of a “victim” essential for police authorities in terms of looking at prostitution through the lens of violence against women. We explored the best way to both enable a less aggressive police response whilst at the same time providing a supportive reception centre such as we
already provided in an ad hoc way during the Met police’s surveillance led operations to apprehend traffickers.

4.3. The Mayor’s Office and Police Commissioners signed up and agreed that for the period of the Olympics and Paralympics all women in London involved in prostitution including on the streets would be treated as victims. We prepared to provide a 24 hour reception centre with access to emergency accommodation and health services. We planned for the police trafficking unit to be based in our building, we recruited and trained staff and volunteers, and arranged specialist partner agencies to be available.

4.4. Many women decided to carry information about our 24 hour opening, ready to give to any unsuspecting police officer who might try to arrest them. The project ran smoothly and no women were arrested on the streets during the period. Perhaps most importantly we ensured that no women were arrested for street based prostitution offences during the period nor did any additional trafficking operations needed to be effected.

4.5. During the Olympics we met with the Brazilian Government Ministers and other officials who came to view the project and share our learning with a view to developing an approach for the Football World Cup and the 2016 Olympics.

5. Summary
5.1. The burden of criminality should weigh heaviest on those who purchase sex – who create demand – and not on those who provide sexual services.

5.2. Given the harm experienced by women involved in prostitution, it is entirely legitimate to seek to reduce instances of the sale of sexual services.

5.3. The law should help, not hinder, the efforts of those who wish to exit prostitution.

5.4. Prostitution is incompatible with attempts to tackle gender inequality, and inconsistent with measures to tackle human trafficking.

5.5. It is critical that all past offences are wiped from the record in order to enable to exit and rebuild their lives.

5.6. To discuss our response, or find out more about our work please contact Caroline Hattersley – Head of Services. We would also be pleased to provide oral evidence to the Committee on this inquiry.

References
iv Home office (2004) Paying the Price
Reductions in the number of prosecutions are in line with CPS policy guidance and may partly be the result of the police being able to charge for a range of offences without having to refer to the CPS, as well as changes in policing priorities (CPS, 2014).

Home office (2011) Review of effective practice

CPS annual report (2014)


Brown, L., Young, L. (forthcoming 2015)