Executive Summary

1. Key points:
   - Beyond the Streets believes that the UK Governments best approach in tackling prostitution lies in recognising prostitution as a form of Violence Against Women (VAW) and therefore the best action would be to combine with wider Violence Against Women (VAW) strategies.
   - Beyond the Streets believes that the sector needs significant and sustainable funding in order to bring systemic change. This includes ensuring the NRM is fit for purpose for women who are trafficked into sexual exploitation and adequate resources made available for exiting support services.

About

2. Since 1995 Beyond the Streets has played a key role across the UK in helping those involved in prostitution. Our vision is ‘to see a world where people are free from exploitation, and where those involved in prostitution have the option to pursue genuine alternatives, free from constraints such as drug use, abusive relationships and poverty’. Our vision is delivered through three main areas:

   - direct support for women – through telephone and face-to-face support in London and Southampton.
   - developing and equipping projects – through training and facilitation a national network of projects.
   - changing the context – through education, awareness and policy engagement.

   Our work brings us into direct contact with women who have a wide experience of prostitution and are at different stages of looking to leave prostitution behind. We also receive considerable anecdotal evidence from projects within our network and from women who journey alongside us who would see prostitution as being a destructive part of their life journey. We appreciate that we cannot speak on behalf of all and there are a multitude of views but we have attempted to gather a fair representation based on the majority view.

Evidence relating to the inquiry’s terms of reference

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. The vast majority of women Beyond the Streets have worked with (over the last 18 years) are involved in prostitution due to a wide range of factors. Very few would identify themselves as having chosen prostitution from a range of options. Instead, the background stories have many familiar and repeating themes. These include being groomed as a child; an abusive partner(s)
and serious self-harm. In those cases where drugs are used as a coping mechanism, a vicious cycle is created which often makes matters worse and change difficult. Prostitution is complex but what is clear is that criminal sanctions on those who sell sex does not help women to exit. Vulnerable women find themselves within the criminal justice system, which often sets them up to fail. For those who have been groomed and abused as children there would be the appearance of an “absence of justice” when they are convicted as adults for prostitution offences. Their adult life still in the shadows of their betrayed youth.

There has been much debate over the effectiveness of criminal sanctions on those who purchase sex. It would appear from our analysis of the research on the “Nordic model” that there is a significant bias amongst academics against the criminalising of the buyers. Much of this bias is seen through the research findings.

Whilst we recognise there are still questions to be answered around this legal approach, we do favour responsibility being placed upon the buyer. This is especially so when we look at the vulnerability, exploitation and violence that most of the women we work with face. We have also listened to women who have experienced prostitution/trafficking who favour this approach.

We have previously been a strong advocate of the ‘Nordic approach’. Our recent step back from actively campaigning on this issue has not so much been about a change of view, but instead an increasing demand from women seeking support. It is our concern that specialist support services are desperately needed at present and sustainable resources must be made available to assist those who do find themselves exploited.

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

4. Current legislation does not reflect the Crown Prosecution Service's recognition of prostitution as violence against women. Rather our current laws are in direct contradiction, framing prostitution as a public nuisance. Instead of acknowledging the abusive nature of prostitution and the violation of human rights that it can entail for those selling sex, our legislation allows those who sell sex to be prosecuted and face criminal sanction for soliciting. Moreover, it is those who sell sex who more frequently face prosecution. Recent correspondence between a member of our trustee board and a Project Officer of the Metropolitan Police Service highlighted the tendency within the police service for the burden of criminality to fall more heavily on those who sell sex. Enquiring about research on prostitution, the MET Project Officer acknowledged that 'research on prostitution as victims of crime [...] is clearly an area which has been consistently overlooked and marginalised throughout the police service' (private email correspondence, December 2015). This is not right.

As the CPS stance recognises, prostitution is markedly gendered and occurs within a context of material inequalities between women and men. Studies indicate that women who are most marginalised in social hierarchies are over-represented in prostitution, particularly in street prostitution, and adults and children in the sex trade are often ‘not two separate groups of people [but] the same group of people at two points in time’ (MacKinnon, 2011, p. 298).
Vulnerabilities that impact upon entry into prostitution are widely acknowledged along with factors sustaining continued involvement in the sex industry (for examples of recent work on these issues see Kennedy et al., 2007; Coy, 2008; Martin et al., 2010; Dodsworth, 2012; Roe-Sepowitz, 2012; McCarthy et al., 2014). The centrality of violence in the lives of many involved in prostitution is also well documented; though explanations of the cause of such violence remain disputed (see for example Farley, 2004; Raphael & Shapiro, 2004; Kinnell, 2008). Whilst Beyond the Streets acknowledges that individual capacity for decision-making is present to different degrees for those selling sex, the organisation of prostitution and its location within unequal gender orders reflects gender as a hierarchy and, we believe, undermines the wider movement towards gender equality (see for example the work of Coy, 2012). In order to address the exploitation that prostitution entails and to promote gender equality, our legislation needs to change so that those being paid for sex are decriminalised and those who pay for sex are the ones who face criminal sanctions.

The introduction of Section 14 of the Policing and Crime Act 2009 was arguably a halfway house towards such a position and made it illegal to buy sex from someone who has been coerced. However, this legislation is largely ineffective as it has been difficult to enforce because it requires proof of coercion as well as proof of an attempt to buy sex. It also requires prosecution to take place within a tight timeframe, which has been difficult to achieve. Consequently, the CPS reported that there were no prosecutions at all for the section 14 offence in 2013-14. Whilst Beyond the Streets applauds the intent behind this piece of legislation, it appears that it is not sufficient and that a more robust legislative approach is required.

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.

5. We feel it’s really important to recognise the gender based nature of those affected by prostitution/sex trafficking and ensure that specialist services address that gender inequality is both cause and consequence of the issue. Therefore in order to move forward, trafficking for sexual exploitation needs to be recognised as a form of Violence Against Women and Girls (VAWG) and resourced as such in order for ‘victim centred care’ to be effective. Specialist services that recognise the continuum of trafficking/exploitation/prostitution /domestic violence are more useful to ensuring women find routes out, rather than the connection with other forms of trafficking (forced, domestic, agricultural labour, organ removal etc). Many of our service users have also faced domestic and sexual violence or stalking and harassment making them more appropriate for VAWG specialist services. Added to this, more needs to be done for minors especially as assessing the age of young girls is so problematic.

The National Referral Mechanism (NRM) is the main framework for identifying victims of Human Trafficking under the Council of European Convention on Action against Trafficking in Human Beings. This has been extended to incorporate all victims of modern slavery in England and Wales, following the implementation of the Modern Slavery Act 2015. However, since its creation in 2009, the numbers of successful referrals have represented a small proportion of
victims of trafficking and sexual exploitation. The strategy of ‘one-size fits all’ appears to be flawed, as it cannot adequately support the needs of all forms of modern slavery. The NRM process would be more useful if it was a separate system which focused on providing specialist and appropriate support to those experiencing sexual exploitation, as these women constitute the most common form of exploitation according to the NCA in 2015 (35%).

Beyond the Streets and its affiliated projects have had significant problems with accessing the NRM on behalf of the women we support. Firstly, the criteria for achieving a ‘Conclusive Decision’ is vague and some First Responders can rely on stereotypical notions of trafficking for sexual exploitation rather than the nuanced reality that women face. Secondly, training on the realities of sexual exploitation and its indicators are often patchy for First Responders and other NGOS working with women in the sex industry. This leaves agencies unclear of how they can ensure successful referrals into the NRM. The varying understandings of what constitutes ‘reasonable grounds’ are subjective and open to interpretation and also complex to navigate for service providers and women alike. Thirdly, the length of time regarding decision-making is unacceptable for those who are facing such issues, especially as the window for escape is often small. Finally, added to this, are the issues around the lack of services in the post 45-day reflection period. This remains a gap, despite NGO’s and Safe Houses raising these issues. The vulnerability to re-trafficking for those who have been through the NRM system remains evident.

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

- **Assist those involved in prostitution to exit from it**

6. If the UK wants to see a change in the normalisation of buying sex, then awareness of the harms caused by prostitution and the financial cost to society at large needs to be recognised. A recent study by the Movement du Nid and Psytel (2015) estimated the cost of prostitution on French Society to be 1.3 billion Euros per year. However, these calculations are based on an estimated 37,000 individuals involved in prostitution, whereas the much-cited UK figure of 1999 is closer to 80,000 (Kinnell, 1999).

If the UK wants to enable those who are exploited through prostitution to exit, then the provision of support services is essential. Without such provision, changes in legislation alone could leave some women in an even more vulnerable position. Whilst it is only in recent years that scholars have begun to explore the dynamics of how individuals leave prostitution, multiple studies attest that many women involved in prostitution have a strong desire to exit. In a survey of 854 people in prostitution in nine countries, 89% told the researchers they wanted to leave prostitution but had no alternative means for economic survival (Farley, 2004, p. 1095). A Canadian study found that for most of the respondents, of whom 61.2% were currently or had last been involved in indoor commercial sex venues, the sex industry ‘was not their ideal career’ (Benoit & Millar, 2001, p. 60). Furthermore, 141 of the 201 respondents (70.6%) ‘had exited the sex trade at least once over their careers and more than half had exited three or more times’ (2001, p. 60). The profiles of 186 women engaging with UK intervention projects showed that 69% (n = 128) were ‘trying to exit prostitution or had tried to in the past on one or more occasion’ (Hester & Westmarland, 2004, p. 85). Similarly, in a review of three
studies conducted with women involved in both indoor and on-street prostitution in the UK, O'Neill and Campbell argued that ‘an important finding is that sex workers, regardless of their own personal circumstances, services needs and preferences, do on the whole think exit routes and support should be there for those who need them’ (O’Neill & Campbell, 2011, p. 184).

Amongst researchers there is also consensus that individuals seeking to exit prostitution face multi-faceted barriers (Månsson & Hedin, 1999; Sanders, 2007; Baker et al., 2010; O’Neill & Campbell, 2011; Bindel et al., 2012). Central amongst the structural barriers identified is the issue of employment, particularly limited employment opportunities and/or formal qualifications, training and job skills, and the challenge of adjusting to the differential in earnings (Dalla, 2006; Baker et al., 2010; Bindel et al., 2012; Ingabire et al., 2012; Bowen, 2013; Cimino, 2013; Hickle, 2014; Klubben, 2014). Exasperating this barrier is the stigmatisation faced by those involved in prostitution. Concerns surrounding disclosure of previous involvement in prostitution recurs frequently in the studies, with individuals expressing fear that a public disclosure will be used against them or will result in unrealistic expectations being placed on them (Benoit & Millar, 2001; Baldwin, 2004; Rabinovitch, 2004; Sanders, 2007).

Recent doctoral research by Katie Thorlby (2015), one of our trustees, has confirmed the multiple barriers women face when seeking to leave prostitution and has also highlighted the combination of support that needs to be in place in order for women to make the transition.

- Increase the extent to which exploiters are held to account

7. We feel its important for clear statements to be made about what is acceptable in society. The last few years have seen a number of high profile child sexual exploitation cases in Oxford, Rochdale etc and we are pleased to see an increased awareness of and response to this issue. In the early days of our work in this field, we regularly found the police response to children on the streets in the red light district was one of disinterest and no awareness of the exploitation taking place. In the recent cases it is well documented that some of the key statutory services perceived the children as having ‘chosen it’ and/or being ‘that type of girl’. These views can often run deep within our serviced and in society at large and this is important that we make a clear statement through increased penalisation of exploiters and those who show ambivalence towards the exploitation that happens in the UK.

-Discourage demand, which drives commercial sexual exploitation

8. There is a widely held misunderstanding within the UK that the purchasing of sex is a human right that should be available to all. There is further ignorance of the damaged caused. Whilst there can be complexity in enforcing some laws, it is recognised that a legal stance communicates intent. It is important that the current acceptance is challenged and the needs of those exploited.

Declaration of Interests

None other than we are a charity working with women affected by this issue.
References


