Q1. Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex or those who buy sex?

1.1 I would advocate the introduction of the ‘sex buyer law’ model to criminalise those who buy sex. In reality the ‘sex buyer law’ would go towards diminishing the abuse of power, exploitation, control and gender inequality and harm. It is also well understood that a criminal sanction on a sex worker would only serve to reduce the chances of them seeking support to help exit sex work or to work with agencies to understand and better manage personal health and safeguarding issues.

1.2 There is no distinction between forced and so-called ‘free’ prostitution. All prostitution is exploitative of the person prostituted, regardless of the context, or whether that person is said to have consented to the prostitution, in no other area would we criminalise a victim of such circumstances.

1.3 In addition, and in advance of any decision to change the current law, we should consider that section 53A of the Sexual Offences Act 2003, contains the offence of paying for the sexual services of a prostitute subjected to force. Police and prosecutors should be more aware of this offence and consider it as an option to prosecute those who buy sex under these circumstances.

Q2 What the implications are for prostitution related offences of the CPS recognition of prostitution as violence against women and girls.

2.1 Northumbria police have a policy not to prosecute those who are selling sex, which aligns with the CPA recognition of prostitution as violence against women and girls. The focus, here in Northumbria, is on support for sex workers on the basis that anyone abused and exploited through prostitution needs help and long term support to find routes out of sex work and also guidance and advice on immediate safeguarding needs.

2.2 Northumbria Police has a dedicated strategic lead in relation to sex work and as part of the PCCs Violence against Women and Girls Strategy there are Dedicated Sex Worker Liaison Officers at each Area Command who work closely with sex workers and partners also involved in their support. The aim is to build relationships giving sex workers confidence and trust to access support to exit the industry, and importantly to give them confidence to report when they are victims of crime.

2.3 As PCC I have worked with Changing Lives and provided funding for two development workers who support both female and male victims of sexual exploitation and those who are involved in survival sex work in the force area. Changing Lives work within a multi-agency framework with Northumbria police and other partners and have supported victims and witnesses and reached people who may have been exploited, many of whom were identified through Project Sanctuary which was launched to investigate a series of serious sexual offences and exploitation of vulnerable people occurring predominantly in the west end of Newcastle.
2.4 Changing Lives is a specialist service for women and men exposed to sexual exploitation and engaged in what is described as ‘survival’ sex work; exchanging sex for immediate needs such as addiction, homelessness and poverty. The team have developed a 3-stage pathway for service users:

- **Stage 1 Intensive Engagement** – building trusted relationship with keyworker; breaking down barriers to engagement; support to access services to meet immediate needs e.g. register with GP, access accommodation.
- **Stage 2 Resilience and Recovery** – therapeutic group work to address mental wellbeing and emotional impact of repeated traumas associated with childhood and adult sexual exploitation. The programme uses DBT techniques which is recognised by NICE as effective in addressing abuse and trauma particularly for women.
- **Stage 3 Community Integration** – ensuring that service users have a supportive and pro-social community to support sustained change and are able to access existing community resources to meet their needs. Particular focus is given to opening up opportunities for peer mentoring, education, training and employment.

Outcomes for this model consistently demonstrate that 18% of service users during any quarter will exit from survival sex work and much higher numbers reduce risk of sexual exploitation.

Q3 The impact of the Modern Slavery Act 2015 has had on trafficking for prostitution purposes.

3.1 PCCS nationally are being led by the PCC for West Yorkshire to develop a modern slavery network. This will provide a national strategic framework for PCCs to meet and focus on modern slavery issues. This will facilitate the sharing of best practice, monitor trends and needs, develop information sharing protocols and support the development of proactive strategies. The forum will also be important in enabling PCCs to hold their forces to account more effectively on their overall response to modern slavery crime.

3.2 Here in Northumbria we have seen an increase in reporting of sexual exploitation following the launch of operations investigating a series of serious sexual offences and exploitation of vulnerable people.

3.3 Whilst Northumbria Police have recently carried out a number of significant investigations in relation to sexual exploitation of vulnerable people in the area under Operation Sanctuary, in these cases charges were made under the Sexual Offences Act due to the historic nature of the crime. Northumbria Police like most other forces are in the early stages of understanding what the Act can do for them and future plans include:

- The building up of intelligence locally around slavery and trafficking and close working with the UKBA.
- Fore policies and strategies have been developed and the future activity includes training of frontline officers
- Use of investigative teams across the force which have experience of dealing with victims of trafficking and sexual exploitation, some gained from the Project Sanctuary work.
- Strengthening of partnership working with other agencies, particularly those in the voluntary sector.
Q4 What further measures are necessary, including legal reforms to:

a) Assist those involved in prostitution to exit from it.
4.1 Consideration should be given to legislating for the deletion of previous convictions/cautions for prostitution to be removed from record as these are a significant barrier to exiting prostitution or gaining employment as the research Eaves for Women found. Breaking down the barriers: A study of how women exit prostitution by Eaves for Women found that involvement in the criminal justice system is a significant barrier for women in prostitution in terms of both seeking help and exiting – criminalisation stigmatises the women, acts as a barrier to finding employment, disrupts their lives and families, and creates debt. Fifty six (49%) of women in the sample had a criminal record directly relating to prostitution (specific prostitution offences) and 76 (67%) for non-prostitution related offences.

4.2 Changing policy or legislation to prevent the use of use of Anti-Social Behaviour Orders (ASBOs) to manage women’s involvement in prostitution would also remove another barrier to exiting prostitution. ASBOs often mean that women are excluded from the very support services that they require, as these are often located within ‘red light’ districts.

4.3 Whatever legislative changes are made the Government must acknowledge the need for further funding to provide outreach workers to support sex workers ensuring provision of health and social care and support to exit pathways.

b) Increase the extent to which exploiters are held to account

4.4 Northumbria Police are in early stages working with the Modern Slavery Act and are pleased that the Act has opened up the opportunities to prosecute those who are trafficking people for the purposes of domestic servitude and forced and compulsory labour. At present it is too early for them to be able to determine whether there are robust enough mechanisms in the Act to hold exploiters to account.

4.5 However looking forward to the future Northumbria Police do consider that the Modern Slavery Act 2015 provide forces with a more holistic approach to trafficking for prostitution. In particular they welcome the addition of two sanctions for offenders:
   • The potential for significant redress under the proceeds of crime act making both the section 1 offence of slavery, servitude and forced or compulsory labour and the section 2 human trafficking offence ‘criminal lifestyle’ offences. POCA sets out the legislative scheme for recovering criminal assets, with criminal confiscation being the most commonly used power. The most robust regime relates to ‘criminal lifestyle’ offences. This permits the court to treat all the assets that the defendant has, or has had in the last 6 years, as the proceeds of crime.
   • Provision for the introduction of Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs). Orders that can be used to protect the public by preventing, restricting or disrupting a person’s involvement in slavery or human trafficking offences by imposing various restrictions on that person.

c) Discourage demand which drives sexual exploitation

4.6 Criminalising the buying of sex will contribute to discouraging demand.
4.7 For trafficking for prostitution offences it is essential that communities are able to see perpetrators being held to account and ensuring that justice is seen to be done. Close working with the criminal; justice system can ensure that this takes place.

4.8 Starting young, with the provision of Personal Social Health and Economic (PSHE) Education in schools to ensure that young people have an understanding of healthy relationships and an understanding that buying sex is about the abuse of power and gender inequality and that prostitution is violent and exploitative.

End