

## Agenda's response to the Home Affairs Committee inquiry into Prostitution

18 February 2016

### Introduction

Agenda welcomes the opportunity to respond to this enquiry. Estimates suggest as many as 50-80,000 people in Britain are involved in prostitution each year, with women making up the vast majority<sup>1</sup>. Women involved in prostitution are among the most vulnerable people in society, and tend to have some of the most complex needs. Evidence suggests that prostitution is driven by economic disadvantage, often compounded by other forms of social exclusion<sup>2</sup>. Prostitution often goes hand in hand with other forms of violence, abuse and exploitation and is associated with significant levels of harm to women.

Agenda recommends:

- the selling of sex be decriminalised, to avoid penalising and criminalising vulnerable women. Instead, a support-based approach should be taken to women involved in prostitution.
- the UK criminalise those buying sex, helping end demand and making it easier to prosecute men who commit other crimes against women involved in prostitution
- specialist services for women involved in prostitution are prioritised, including support to help them exit
- gender and trauma informed approaches are taken by those likely to be responding to or supporting women involved in prostitution
- Local areas take a strategic approach to prostitution to ensure effective coordination between different agencies and organisations coming into contact with and supporting women

### 1. Histories and needs of women involved in prostitution

- 1.1 Women involved in prostitution almost always have complex needs, with extensive experiences of abuse and violence and very high levels of drug addiction and poor mental and physical health.
- 1.2 Violence and abuse are integrally linked with prostitution. Women often have extensive experiences of abuse before becoming involved in prostitution – with around half reporting experiencing childhood sexual abuse<sup>3</sup>. Some projects working with women involved in prostitution report that all of the women they work with were sexually abused as children<sup>4</sup>.
- 1.3 A very high proportion of women involved in prostitution have been in care: many because of previous experiences of abuse. Up to 70% of women involved in prostitution have a history in local authority care<sup>5</sup>.

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<sup>1</sup>Cusick, Campbell, Kinnell & Brooks-Gordon (2009) "Wild guesses and conflated meanings: Estimating the size of the sex worker population in Britain" Critical Social Policy

<sup>2</sup> Melrose, M. (2002), *Ties that bind - Young People and the Prostitution Labour Market in Britain* presented at Fourth Feminist Research Conference, Bologna: September 2000

<sup>3</sup> Benson, C. and Matthews, R. (1995), Street prostitution: Ten facts in search of a policy in International Journal of Sociology of the Law, Vol. 23, pp395-415

<sup>4</sup> Benson, C. and Matthews, R. (1995), Street prostitution: Ten facts in search of a policy in International Journal of Sociology of the Law, Vol. 23, pp395-415

<sup>5</sup>Home Office (2004). *Paying The Price*

- 1.4 85% of women involved in prostitution report having been physically abused by a family member<sup>6</sup>. Previous experiences of abuse can leave women with very low self-esteem and self-worth.
- 1.5 For some women involved in prostitution it is their partner who coerces them to become involved, profits from it as their 'pimp', and prevents their exit<sup>7</sup>.
- 1.6 Trafficking also forms one of the major routes into prostitution in Britain. The Metropolitan Police estimate 70% of women involved in off-street prostitution in London are foreign nationals, many of whom are thought to have been trafficked<sup>8</sup>. Trafficked women may be told by their exploiters that they will be deported if their immigration status comes to the attention of the authorities<sup>9</sup>.
- 1.7 In combination with experiences of gendered violence, a major driver of women's involvement in prostitution is poverty: 74% of women in prostitution identify poverty, the need to pay household expenses and support their children, as primary motivators for being drawn into and remaining in prostitution<sup>10</sup>.
- 1.8 Money is a key factor for trafficked women. Women who are trafficked can be told that they must sell sex to pay back the 'debt' they owe to their traffickers for bringing them into the country.
- 1.9 Between 80-95% of women involved in street prostitution are problematic drug users<sup>11</sup>, and for many women, prostitution is done in part in response to addictions: either by trading sex for drugs and alcohol or for money for drugs and alcohol<sup>12</sup>.
- 1.10 Such addictions often begin through women turning to drugs and alcohol as a coping mechanism in response to their previous traumatic experiences. Drugs and alcohol can also be used as a means of exerting control over women involved in prostitution.

## **2. Violence against women involved in prostitution**

- 2.1 Women involved in prostitution are at risk of very serious violence, particularly from the men who buy sex and from the men who may be exploiting or coercing them into it. Women in prostitution are 18 times more likely to be murdered than the general female population<sup>13</sup>.

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<sup>6</sup> *ibid*

<sup>7</sup> Independent Domestic Violence Advocates: information briefing. Prostitution and domestic violence' (December 2010) Published by AVA

<sup>8</sup> Home Office (2004). *Paying The Price*

<sup>9</sup> *ibid*

<sup>10</sup> Melrose, M. (2002), *Ties that bind - Young People and the Prostitution Labour Market in Britain* presented at Fourth Feminist Research Conference, Bologna: September 2000

<sup>11</sup> May, T. and Hunter, G. (2006). Sex work and problem drug use in the UK: the links, problems and possible solutions. In R. Campbell and M. O'Neill (eds.). *Sex work now*. Cullompton: Willan

<sup>12</sup> May, T. and Hunter, G. (2006). Sex work and problem drug use in the UK: the links, problems and possible solutions. In R. Campbell and M. O'Neill (eds.). *Sex work now*. Cullompton: Willan

<sup>13</sup> Salfati, C. G. (2009). Prostitute Homicide: An Overview of the Literature and Comparison to Sexual and Non-Sexual Female Victim Homicide

- 2.2 The majority (74%) of women involved in prostitution have experienced violence from men who buy sex, with more than half reporting having been raped or sexually assaulted<sup>14</sup>.
- 2.3 A quarter of women involved in prostitution who had been raped or sexually assaulted had experienced this violence at the hands of a pimp or partner<sup>15</sup>. These women described how violence from pimps and coercive partners presented a barrier to them leaving prostitution, as they feared further violence if they tried to exit.
- 2.4 Trafficking is also often very violent, and trafficking gangs often have strong links with other forms of organised crime, for example drug trading and terrorism, which may be used to intimidate the women and children they control<sup>16</sup>. Traffickers often use a combination of violence, deception, intimidation, and incarceration to control their victims<sup>17</sup>.
- 2.5 Men who commit violence against women in prostitution are more likely to escape criminal sanction. The conviction rate of 75% for murder drops to 26% when it comes to killings of women involved in prostitution<sup>18</sup>.
- 3.1 However, evidence suggests that criminal justice responses to prostitution and the women involved in it are 'unbalanced'<sup>19</sup>. In some areas, women selling sex are criminalised both through prosecution and the use of ASBOs and PSPOs. Too often however men committing violent acts against women involved in prostitution are treated as an 'occupational hazard' of prostitution by the police, and thus can commit serious crimes against women with impunity<sup>20</sup>.
- 3.2 Evidence to the APPG on Prostitution suggested that when women involved in prostitution experience and report violence to the police, they are at risk of being prosecuted themselves<sup>21</sup>. Perpetrators of violence are likely to target women in prostitution in part for this reason: they know their victims are often vulnerable and less likely to report.

### 3. The legislative framework

- 3.3 It is welcome that the CPS recognises prostitution as a form of violence against women, and notes the links between prostitution, child sexual exploitation, human trafficking, and other forms of violence against women and girls. It is inconsistent that the law still criminalises the actions of the victims of this form of abuse, while not criminalising the actions of the perpetrators: the buyers.
- 3.4 The legality of buying sex can 'normalise' this form of violence against women, and hide its links to other forms of violence and exploitation. Research shows a

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<sup>14</sup> *Tackling Street Prostitution: Towards an holistic approach*, Marianne Hester and Nicole Westmarland University of Bristol, Home Office (2004)

<sup>15</sup> *ibid*

<sup>16</sup> [http://www.cps.gov.uk/legal/h\\_to\\_k/human\\_trafficking\\_and\\_smuggling/](http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/)

<sup>17</sup> *ibid*

<sup>18</sup> Raymond, K., *Brothels and safe red light areas are the only way forward*, in *The Observer* December 17 2006

<sup>19</sup> *Shifting the Burden: All-Party Parliamentary Group on Prostitution and the Global Sex Trade* (March 2014) Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales <http://appgprostitution.org/report-2/>

<sup>20</sup> *ibid*

<sup>21</sup> *Ibid.*

very high proportion of men who have bought sex would be put off if they knew they could face prison time or a criminal sanction<sup>22</sup>.

- 3.5 The legality of buying sex can also obscure the links between child sexual exploitation and prostitution, when in reality the two are closely intertwined. Up to 75% of women entered prostitution before they were 18, with 15 years being the average age of entry<sup>23</sup>. Yet in some areas of the country, reports have been made of police dismissing victims of child sexual exploitation as 'prostitutes', and choosing not to prosecute their exploiters<sup>24</sup>.
- 3.6 Criminalisation can make it harder for women to access help, either to exit prostitution or with their other needs, for example around mental health, addiction, or homelessness. A criminal record can make it very difficult for women to get or keep a job or housing, for example. Some report that ASBOs can directly prevent them accessing support services, as those services are often located in 'red light' areas, which they are banned from entering by the terms of their ASBO<sup>25</sup>.
- 3.7 There is some evidence that laws which decriminalise the selling of sex and criminalise the buyers are effective at reducing human trafficking. An evaluation of the Norwegian sex buyers law reported: "A reduced market and increased law enforcement posit larger risks for human traffickers... The law has thus affected important pull factors and reduced the extent of human trafficking in Norway in comparison to a situation without a law."<sup>26</sup>
- 3.8 After the introduction of the sex buyer law in 1999, street prostitution in Sweden had halved by 2008 and there is no evidence women were displaced to indoor prostitution or prostitution advertised online. The number of men buying sex has significantly reduced, and the number of women and girls in prostitution has significantly declined<sup>27</sup>.
- 3.9 The law currently acts as a barrier to women seeking support with the multiple disadvantages they face. As people with very complex needs, and often victims of violent crimes, women involved in prostitution need support, not criminalisation. Agenda recommends that the selling of sex be decriminalised, to avoid criminalising a group of extremely vulnerable women and to make it easier to target the men who commit crimes against them.

#### **4. Accessing support: services**

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<sup>22</sup> Macleod, J., Farley, M., Anderson, L., & Golding, J. (2008) *Challenging Men's Demand for Prostitution in Scotland*, Women's Support Project. Available at:

<http://www.prostitutionresearch.com/pdfs/ChallengingDemandScotland.pdf> and 'Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Men who Buy Sex', Chicago Alliance Against Sexual Exploitation, May 2008. Available at: [http://g.virbcdn.com/\\_f/files/40/FileItem-149406-DeconstructingtheDemandForProstitution.pdf](http://g.virbcdn.com/_f/files/40/FileItem-149406-DeconstructingtheDemandForProstitution.pdf)

<sup>23</sup> Benson, C. and Matthews, R. (1995), Street prostitution: Ten facts in search of a policy in *International Journal of Sociology of the Law*, Vol. 23, pp395-415

<sup>24</sup> <http://www.dailymail.co.uk/news/article-2526896/Revealed-Catalogue-police-failures-let-Rochdale-sex-grooming-gangs-flourish-claims-damning-police-report.html>

<sup>25</sup> *Breaking down the barriers: a study of how women exit prostitution*, (2012) Eaves and London South Bank University

<sup>26</sup> 'Evaluering av forbudet mot kjøp av seksuelle tjenester', Rapport nummer 2014/30, VISTA ANALYSE

<sup>27</sup> English summary of the Evaluation of the ban on purchase of sexual services (1999-2008), Swedish Ministry of Justice, 2010. See also: Max Waltman, "Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law," 33 *Michigan Journal of International Law* 133, 133-57 (2011), pp. 146-148 and Waltman, M. (2011) Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential. *Women's Studies International Forum* 34: 449-474

- 4.1 Legal change is important but not sufficient to reduce the harm experienced by women involved in prostitution. The needs of this group are multiple and complex, and specialist support is essential.
- 4.2 Support focussed on exiting prostitution is important but there must also be support for women who are not ready or do not currently want to exit. They are still likely to need support around a range of issues including contraception and sexual health, sexual and domestic violence, addiction, help with finances, mental ill-health, homelessness and poverty
- 4.3 There are a number of service models for supporting women with complex needs, including those which work specifically with women in prostitution, but most struggle to access funding dispersed across a number of different funding pots. These services can be very successful at helping women stay safe or exit prostitution, but only so far as their funding is secure. Currently, the provision and quality of services varies from area to area. A more strategic approach to commissioning and providing services is needed to ensure adequate good quality provision across the UK.

Agenda member One25 is a Bristol based specialist service for women in street based prostitution, which runs drop-in, outreach, and specialist addiction casework support. The charity is individual-focussed: building relationships between women and female staff or volunteers, and coordinating support for women's needs. Last year the service helped 55 women exit street prostitution, supported 32 to maintain their exit and provided housing, addiction, and parenting support to many more. In 2015 the charity won a 'South West Impact Award' from the Lloyds Bank Foundation<sup>28</sup>.

- 4.4 Services which respond to addiction in the context of prostitution are particularly hard to access<sup>29</sup>, which is problematic given the very high coincidence of prostitution and substance misuse.
- 4.5 Addiction agencies need to be aware that perpetrators, pimps, or other men who buy sex or/and use violence against women involved in prostitution may be using their services alongside the women who are victims of this abuse. This can create an unsafe environment for women and present a barrier to their accessing help. It is also important that services are aware of and respond to the fact that access to drugs and drugs themselves are often used by pimps or traffickers as a means of further controlling the women they are exploiting
- 4.6 There is a real need for trauma and gender-informed substance misuse services which understand the complexity of women's lives, prioritise their safety and recognise the particular support needs and challenges for women involved in prostitution. They need to be able to offer appropriate support, which should include safe women-only support and spaces, or work closely with other agencies who can do this.
- 4.7 Other services, like GPs and the police, which come into contact with women involved in prostitution also need to be gender and trauma aware. Professionals need to understand the backgrounds of women in prostitution, and be linked in with wider networks for referral and support.

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<sup>28</sup> <http://one25.org.uk/about-us/our-impact/>

<sup>29</sup> The Challenge of Change: Improving services for women involved in prostitution and substance use (2013) Drugscope/ AVA

## **5. Accessing support: systems**

- 5.1 It is important that organisations and agencies work together to co-ordinate women's care and ensure they get the range of support they need including specialist services for women in prostitution, drug and alcohol teams, domestic and sexual violence services, mental health support, and other specialist agencies.
- 5.2 Currently there is no requirement for local areas to have a prostitution strategy. According to a forthcoming publication by the Lankelly Chase Foundation, this is leading to large variation in local area responses to prostitution, with many areas lacking coherence in their approach<sup>30</sup>. It is important that areas adopt multi-agency working alongside strategic work to ensure operational best practice, good information sharing, clear accountability and to ensure links to wider systemic issues (such as poverty and poor housing) are made.
- 5.3 It's essential that strategies and procedures recognise the links between child sexual exploitation and prostitution, to ensure vulnerable girls get support throughout the transition to adulthood and that perpetrators of abuse are prosecuted. Professionals should recognise that exploited girls are at risk of later involvement in prostitution, and that many women in prostitution may have started out as exploited girls.
- 5.4 Strategies which focus on supporting women rather than criminalisation are key. Police efforts should prioritise providing support and protection to women involved in prostitution who face the majority of the harm it causes. Women need to know that their local police are committed to tackling violence against them when it occurs.
- 5.5 Strategic approaches must also take account of the challenges faced by trafficked women. Trafficked women may be particularly concerned about seeking support because of fears around their immigration status. Analysis suggests that in the UK "the system appears to be putting more emphasis on the immigration status of the presumed trafficked person rather than the alleged crime committed against them". Local strategies for dealing with prostitution thus need to have special regard for reaching victims of trafficking and supporting them, taking into account the needs of vulnerable victims of crime.
- 5.6 If a strategic, support-based approach is taken, prostitution in local areas can be reduced. For example, when Ipswich moved away from enforcement and criminalisation and instead adopted a model which emphasised support and linking women into specialist services, levels of street prostitution decreased and women had greater access to effective support<sup>31</sup>.

## **6. Conclusions**

- 6.1 Women involved in prostitution almost always have complex needs, with extensive experiences of abuse and violence and very high levels of drug addiction and poor mental and physical health. Most are driven into prostitution through poverty or coercion.

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<sup>30</sup> Lankelly Chase, Prostitution and Severe and Multiple Disadvantage: a rapid review (forthcoming, 2016)

<sup>31</sup> [A review of effective practice in responding to Prostitution](#), Home Office, 2010

- 6.2 Women involved in prostitution are regularly the victims of very serious and violent crimes, often perpetrated by men who buy sex. However, women can be reluctant to report crimes against them for fear of criminalisation.
- 6.3 Approaches to prostitution which criminalise the buyers of sex while offering support to women involved in prostitution can help reduce the number of women in prostitution, the number of women and children trafficked into a country, and the harm done to those women.
- 6.4 Changing the law is not enough to support women involved in prostitution. Local areas should have strategies in place to ensure a co-ordinated multi agency response to prostitution, and to ensure that specialist support is available for women in prostitution and those seeking to exit.

### **About Agenda**

Agenda is a new alliance of organisations and individuals who have come together to campaign for change for women and girls at risk. We believe society is failing to adequately protect and support women and girls who face the most extensive violence, abuse, trauma and extreme inequality. We are calling for systems and services to be redesigned with women and girls at their heart so that they can access the support they need to rebuild their lives and reach their full potential.

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