

## **Prostitution**

### **Driver – Political**

Related Drivers – Equality, Diversity & Human Rights, Fraud, Neighbourhood Policing, Organised Crime, Violent Crime – Sexual Violence, Violent Crime – Domestic Violence, Asset Recovery, Collaborative Working Between Police Forces, Border Security & Immigration, Criminal Legislation, Human Trafficking, Prostitution, Safeguarding Children, Data Mining, Advances in Technology, Information Sharing

### **Background**

Tackling the demand for prostitution is an integral element of the Government's Co-ordinated Prostitution Strategy<sup>1</sup> and the UK Action Plan on Tackling Human Trafficking<sup>2</sup>, and new legislation underpinned by the review, *Tackling the Demand* which explored what further action could be taken by Government and statutory agencies to reduce demand.

According to statistics about 8,000 women work in off-street prostitution in London alone, 80% of who are foreign nationals. Over 1000 women trafficked into prostitution have been referred to the Poppy Project since March 2003.<sup>3</sup> Those who sell sex are often the victims of serious violence and exploitation and the sex industry is a major source for trafficked women and children.

*Tackling the Demand* concluded that there was evidence to support the development of a new offence to criminalise those who are found to be paying for sex with a person who is being controlled against their wishes for someone else's gain. The new offence should be a strict liability offence meaning that it will be irrelevant whether the sex buyer knew that the prostitute was controlled or not. Penalties for the new offence should be in line with other offences which target demand for prostitution. This would mean a non-custodial penalty, with a fine of up to £1000 (fine level 3).

The review recommends that:

- The Government should consider introducing a specific strict liability offence of paying for sex with someone who is controlled for another person's gain, in order to protect vulnerable individuals, for example those who have been trafficked or exploited by any other means. This means that prosecutors would not have to prove that a man knew that the prostitute they had hired was trafficked or pimped. Prosecutors would simply have to show that the prostitute was trafficked or coerced and that cash changed hands.
- The Government should consider amending the offences of kerb-crawling and persistent soliciting (s.1 and s.2 of the Sexual Offences Act 1985) to remove the requirement to prove that a person has acted persistently, thus allowing prosecution for a first offence.

- The Government should consider introducing closure powers for premises linked to sexual exploitation, in order to allow the police and partner agencies to restrict access to such premises for up to 3 months.<sup>4</sup>

The provisions to give effect to the Government's proposals listed above have been introduced as part of the Policing and Crime Bill, as of July 2009 is awaiting its Report stage in the House of Lords.

During the evidence gathering for the House of Commons Home Affairs Select Committee inquiry into Human Trafficking<sup>5</sup>, the Minister for Equality defended the Government's proposals [for the strict liability], arguing that the majority of off-street prostitution was controlled by organised crime gangs who bought and sold women to work in the brothels, and that the prostitutes' clients rarely helped them even when the women made it clear that they were being coerced.

Additionally, some of the organisations representing prostitutes who were interviewed during the inquiry, have objected to the introduction of such an offence. Their argument being that it would be likely to drive prostitution further underground making it more difficult to protect sex workers. The consequences, they suggest, would be an increase the control exercised by violent criminals over the trade and deter the more law-abiding clients who, they claim, are more likely to report concerns about potential trafficking to the authorities. Police officers whom the Committee questioned have different concerns: they think in practice it would be very difficult to enforce a strict liability law in this area.

The Committee wished to draw attention to the Government's attention to the serious concerns expressed by police officers about the practicability of enforcing the proposed legislation.

### **Potential Skills Needs**

**Charging skills** – in relation to the soon to be introduced strict liability offence

**Communication skills** – with potential victims trafficking

**Collaborative working skills** – working effectively with colleagues within other forces and other law enforcement agencies to safeguard victims of trafficking

**Community policing skills** – to work with local communities to identify cases of human trafficking

**Observation skills** – to recognise and identify signs of trafficking

**Partnership working skills** – to work effectively with other agencies to a common goal and standards

**Victim and witness care skills** - to treat victims and witnesses appropriately and sensitively

<sup>1</sup> [Home Office \(2006\) A Coordinated Prostitution Strategy and Summary of Responses to Paying the Price. London: Home Office.](#)

<sup>2</sup> a) [Home Office \(2007\) \*UK Action Plan on Tackling Human Trafficking\*. London: Home Office](#) .b) Home Office (2008) *Update to the UK Action Plan on Tackling Human Trafficking*. London: Home Office.

<sup>3</sup> The Poppy Project is funded by the Office of Criminal Justice Reform and provides accommodation and support to women who have been trafficked into prostitution.

<sup>4</sup> [Home Office \(2008\) \*Tackling the Demand for Prostitution: A Review\*. London: Home Office.](#)

<sup>5</sup> [House of Commons Home Affairs Select Committee \(2009\) \*The Trade in Human Beings: Human Trafficking in the UK\*. Sixth Report of the 2008-09 Session. HC 23-1, London: The Stationery Office Ltd.](#)