



DEBATE PACK

Number CDP-0168, 2 July 2018

Tackling demand for commercial sexual exploitation

Westminster Hall, 4 July at 2.30-4.00pm, 4 July

A Westminster Hall debate on Tackling demand for commercial sexual exploitation is scheduled for Wednesday 4 July, 2.30-4.00pm. The Member leading the debate is Sarah Champion.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

1.1 The current law

In England and Wales, the sale and purchase of sexual services between consenting adults is legal. However, various activities related to prostitution, such as soliciting, kerb crawling, brothel-keeping and various forms of exploitation, are illegal.

The Crown Prosecution Service (CPS) has published guidance on the relevant criminal offences: see [Legal guidance: Prostitution and Exploitation of Prostitution](#). The CPS guidance includes the following statement on how the CPS approaches prostitution:

Prostitution is addressed as sexual exploitation within the overall CPS Violence Against Women (VAW) strategy because of its gendered nature. As with other VAW crimes, a multi-agency approach is needed to enable women involved in prostitution to develop routes out of prostitution, and to provide the most appropriate support.

The guidance recognises that the increase in human trafficking for sexual exploitation is also fuelling the market for prostitution in the UK. Additional CPS guidance covers trafficking for sexual exploitation: see [Legal guidance: Human Trafficking, Smuggling and Slavery](#).

The only existing criminal offence of paying for sex is also based on exploitation. [Section 53A of the Sexual Offences Act 2003](#) (as inserted by section 14 of the Policing and Crime Act 2009) makes it an offence for a person to pay for the sexual services of a prostitute who has been subjected to force, coercion or deception. The CPS guidance summarises the elements of the offence:

1. A person (A) commits an offence if:
 - a. A makes or promises payment for the sexual services of a prostitute (B);
 - b. A third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual offences for which A has made or promised payment; and
 - c. C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B).
2. The following are irrelevant:
 - a. Where in the world the sexual services are to be provided and whether those services are provided;
 - b. Whether A is, or ought to be, aware that C has engaged in exploitative conduct.
3. C engages in exploitative conduct if:
 - a. C uses force, threats (whether or not relating to violence) or any other form of coercion; or
 - b. C practices any form of deception.

The offence is one of strict liability. This means that it is irrelevant whether A is, or ought to be, aware that B is subject to exploitative conduct by C.

The guidance goes on:

This offence has been introduced to address the demand for prostitution services and reduce all forms of commercial sexual exploitation. It has been developed, in part, to enable the UK to meet its international legal obligations to discourage the demand for sexual services in support of Conventions to suppress and prevent trafficking for sexual exploitation.

It is anticipated that this offence will be considered most often in relation to off-street prostitution. If the police apprehend someone who has paid for sexual services with a person involved in street prostitution, it is likely that soliciting (section 51(A) Sexual Offences Act 2003 - see Kerb Crawling) would be a more appropriate offence to pursue as this does not require proof of exploitative conduct.

The offence is most likely to arise in police brothel raids where there is enforcement against suspects controlling or exploiting prostitution for gain and where clients are apprehended in the operation. However, the offence is not limited to particular types of premises. It could therefore apply to premises which may have a legitimate business, for example a nightclub, as well as online internet-based services.

As the above extract mentions, [section 51\(A\) of the Sexual Offences Act 2003](#) may also be used to prosecute people who are attempting to buy sex. This sets out the offence of soliciting, also known as kerb crawling:

(1) It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B's sexual services as a prostitute.

(2) The reference to a person in a street or public place includes a person in a vehicle in a street or public place.

The CPS guidance includes the following overview of prosecution policy for the section 51(A) offence:

Although a matter for individual CPS Areas, sometimes an approach may be adopted with the police designed to respond to local circumstances and the local prevalence of kerb crawling. For example, high visibility policing in red light areas, with posters advertising that kerb crawlers will be prosecuted and disqualified and with signs in these areas detailing how many kerb crawlers had been arrested and prosecuted. Some police forces carry out regular surveillance operations in known red light areas, with a zero tolerance strategy adopted. All those arrested are bailed to the same court date, dealt with by the same bench and the local press are encouraged to report it.

The National Police Chiefs' Council has also issued operational guidance for police forces to follow when responding to prostitution and related issues: see [National Policing Sex Work Guidance](#), December 2015. This acknowledges (at paragraph 1.2) the polarised nature of existing debates on the sale and purchase of sex:

The existence of prostitution in our society is a highly emotive issue that often polarises opinion and prompts passionate debate, with a range of views and positions. For example some people

will argue that prostitution is an inherently exploitative activity and should be challenged at every level and demand a zero tolerance approach, others have a position that engaging in sex work is a matter of personal choice for individuals who need to be protected and respected by the Police Service and wider society.

One of the strategic key principles of the guidance (listed at paragraph 2.1) is that “The majority of sex workers are not committing any criminal offences but police have a role in their protection against any forms of violence exploitation and coercion”.

1.2 Calls for change

A number of Committees and groups have called for the introduction of a “sex buyer law”, which would introduce a general offence of paying for sex. Those who support such a law tend to argue that prostitution is inherently exploitative, and the criminal justice response should focus on those who create the demand for it in the first place. Critics of these proposals argue that voluntarily engaging in sex work is a matter of choice for individuals, and that the criminal justice response should focus on protecting them in doing so.

APPG on Prostitution and the Global Sex Trade (2014)

In 2014, the [All-Party Parliamentary Group on Prostitution and the Global Sex Trade](#) undertook an inquiry examining whether the law was effective in tackling demand and protecting the most vulnerable from exploitation.

The report concluded:

..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.¹

The report added that the current law “serves to normalise the purchase and stigmatise the sale of sexual services”² and that loopholes allow men to escape prosecution for abusing girls as young as 13, and women trafficked into the country to be repeatedly raped.³ The inquiry also concluded that current legislation fails to recognise that prostitution is “a form of violence against women and girls”.

It recommended the introduction of a ‘sex buyer law’ to shift “the burden of criminality from those who are the most marginalised and vulnerable – to those that create the demand in the first place”.⁴ The key purpose of this approach is to end the demand that drives the prostitution trade and the trafficking of women and girls into it.

The APPG subsequently asked the campaign group [End Demand](#) to submit proposals on how a sex buyer law “could be most effectively

¹ [Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales](#), March 2014

² Ibid, p4

³ Ibid, Introduction

⁴ Ibid, p8

and efficiently implemented in the UK". In order to do so, End Demand established the Commission on the Sex Buyer Law. In 2016 the Commission published a report setting out its recommendations.⁵

The Commission concluded:

[E]nforcement of the Sex Buyer Law is eminently achievable in the UK. Enforcement of this legal framework will also aid in the prevention of wider crimes associated with the prostitution trade, including sex trafficking.⁶

Citing evidence from Sweden and Norway, the Commission reported that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers and 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."⁷

The Commission called for legislation to be introduced which would make it a criminal offence to pay for sex, attempt to pay for sex, pay for sex on someone else's behalf, or engage in a sexual act with a person knowing or believing they have been paid to participate. It also recommended that being paid for sex should be decriminalised in all circumstances.

Home Affairs Select Committee (2016)

In 2016, the Home Affairs Select Committee undertook an [inquiry into prostitution](#). The Committee was particularly interested in whether the balance of the burden of criminality should shift to those who pay for sex rather than those who sell it.

It examined the legislative models of prostitution in a number of other jurisdictions, which had either introduced sex buyer laws (making it illegal to purchase sex, but not to prostitute); removed controls on prostitution (decriminalisation); or legalised prostitution.

The Committee considered analysis from Sweden, the first country to introduce sex buyer legislation (in 1999): which is why the sex buyer model is also commonly known as the "Nordic model". The Nordic Model Information Network, which describes itself as "a global alliance of researchers with deep and systematic expertise in researching the dynamics of prostitution and the sex industry, trafficking and violence against women", submitted evidence which it said showed that since the change in the law:

- there had been no lethal violence against women in prostitution in Sweden;
- street prostitution had reduced by half; and

⁵ Commission on Sex Buyer Law, [How to implement the Sex Buyer Law in the UK, 2016](#)

⁶ Commission on Sex Buyer Law, [How to implement the Sex Buyer Law in the UK, 2016; Executive Summary](#)

⁷ Ibid

- reducing the commercial sex market had decreased the contexts in which trafficking and other forms of violence flourished.⁸

However, other evidence to the Committee argued that sex buyer laws failed to “distinguish between consensual sexual activity between adults and genuine violence and exploitation”, and displaced rather than reduced demand for sex by pushing prostitution underground.⁹

The Home Affairs Committee was not ultimately convinced that introducing a sex buyer law in England and Wales would protect sex workers from violence and exploitation:

The sex buyer law is a fundamentally different legislative approach to prostitution from that which is currently in place in England and Wales. It is based on the premise that prostitution is morally wrong and should therefore be illegal, whereas at present the law makes no such moral judgement. We acknowledge that the intention of many supporters of the sex buyer law is to protect sex workers, especially women, from the harm, violence and exploitation that can occur in the sex industry, but we also note that the sex buyer law makes no attempt to discriminate between prostitution which occurs between two consenting adults, and that which involves exploitation. Much of the rhetoric also denies sex workers the opportunity to speak for themselves and to make their own choices.

We are not yet convinced that the sex buyer law would be effective in reducing demand or in improving the lives of sex workers, either in terms of the living conditions for those who continue to work in prostitution or the effectiveness of services to help them find new ways to earn a living. Evaluations of the impact of sex buyer laws are largely based on data about street prostitution, and therefore offer little insight into the large parts of the sex industry which take place in various indoor environments, and there are indications that the law can be misused to harass and victimise sex workers, who are the very people whom the law is seeking to protect. We are not yet persuaded that the sex buyer law is effective in reducing, rather than simply displacing, demand for prostitution, or in helping the police to tackle the crime and exploitation associated with the sex industry.¹⁰

The Committee said that it could not recommend the adoption of any of the three broad legislative models – a sex buyer law, decriminalisation or legalisation – it had considered, as “the evidence base for any of these changes is not yet established”.¹¹

The Committee expressed “dismay” at what it described as “the poor quality of information available about the extent and nature of prostitution in England and Wales”. It said that without a proper evidence base, the Government would be unable to make “informed

⁸ Home Affairs Committee, [Prostitution](#), HC 26, July 2016, para 70, and Nordic Model Information Network ([PRO0143](#))

⁹ Ibid, paras 71-72

¹⁰ Ibid, paras 78-9

¹¹ Ibid, para 102

decisions about the effectiveness of current legislation and policies, and cannot target funding and support interventions effectively".¹²

The Committee therefore recommended that the Home Office should commission an "in-depth research study to help develop a better understanding of the current extent and nature of prostitution in England and Wales", with a report to Parliament by June 2017.¹³

1.3 The Government's position

The Government published its response to the Home Affairs Committee's report in December 2016: see [The Government Response to the Third Report from the Home Affairs Select Committee, Session 2016-17, HC 26: Prostitution](#), Cm 9361.

The overarching theme of the Government's response was that there is a need for a better developed evidence base in this area (as highlighted by the Committee). It set out its intention to establish this evidence base before committing to any substantive policy changes:

The Committee's report highlights the difficulty in obtaining reliable data on the extent and nature of prostitution, especially in relation to the 'off-street' sector of the industry. The Government agrees there is a need for a research study into prostitution to provide a clear view of the situation in England and Wales. The Government recognises that this will help inform future legislation and policies, focusing on tackling the harm and exploitation that can be associated with prostitution and sex work. Indeed, we believe that such an evidence base is vital prior to considering further changes to policy and legislation.

We want to ensure that any future policy is informed by the experiences of those involved in prostitution and sex work, including those who have exited, and therefore it is vital we understand more about the nature of prostitution in England and Wales.

The Home Office will work with other Government departments, researchers and academics to develop a comprehensive, impartial understanding of the nature, prevalence and composition of prostitution and sex work and will provide an interim report to Parliament by June 2017.¹⁴

No interim report was in fact provided to Parliament by June 2017 (although the 2017 general election did of course disrupt much Government and parliamentary activity).

The latest position is that the Home Office asked the South Wales Police and Crime Commissioner to commission the research referred to in the Government's response to the Committee. In March 2018 the Home

¹² Ibid, para 36

¹³ Ibid, para 38

¹⁴ [The Government Response to the Third Report from the Home Affairs Select Committee, Session 2016-17, HC 26: Prostitution](#), p3

Office announced that the [University of Bristol](#) would be leading the research and had received £150,000 of funding for the project.¹⁵

Home Office minister Victoria Atkins has emphasised that the Government's focus "remains on protecting those selling sex from harm and enabling the police to target those who exploit vulnerable people involved in prostitution".¹⁶

¹⁵ Home Office press release, [Home Office funds University of Bristol research into prostitution](#), 29 March 2018 and University of Bristol press release, Home Office funds University of Bristol research into prostitution, 28 March 2018

¹⁶ [PO 155330 \[on Sexual Offences\]](#), 26 June 2018

2. News articles and press releases

Times [subscription required]

[‘Ban prostitution sites that fuel sex trafficking’](#)

2 July 2018

Independent

[Sex trafficking taking place on an ‘industrial scale’ as government strategy ‘failing’, MPs warn.](#)

21 May 2018

Times [subscription required]

[Net fuels boom as pop-up brothels plague the north](#)

20 May 2018

Daily Telegraph

[Brothels being given the green light by police as long as sex workers are safe](#)

17 April 2018

Gov.UK

[Home Office funds University of Bristol research into prostitution](#)

28 March 2018

Guardian

[MPs, we urgently need to talk about – and to help protect – Britain’s sex workers](#)

15 December 2017

Independent

[Trade union leaders to vote on decriminalising prostitution at TUC conference](#)

12 September 2017

Independent

[SNP back prostitution law changes condemned by sex workers](#)

18 March 2017

3. Parliamentary material

3.1 Debates

3.2 PQs

[Sexual Offences: Internet](#)

Asked by: Harris, Carolyn

To ask the Secretary of State for the Home Department, what plans he has to tackle commercial websites that facilitate sexual exploitation.

Answering member: Victoria Atkins | Department: Home Office

The UK has some of the toughest anti-trafficking laws in the world and is committed to protecting victims and pursuing the slavery gangs behind this abhorrent trade to prevent further exploitation in the future.

In terms of reducing demand for commercial sexual services, the Government recognises the need for research on the nature and prevalence of prostitution before we consider any changes to underlying legislation and policy and have committed £150,000 to fund a research project being undertaken by the University of Bristol. The Government's focus remains on protecting those selling sex from harm and enabling the police to target those who exploit vulnerable people involved in prostitution.

To support the police to tackle organised sex-trafficking and other forms of modern slavery, the Government has provided £8.5m of additional funding to the police in England and Wales to provide bespoke and dedicated modern slavery capabilities. This police activity is supported at a national level by the National Crime Agency who lead multiagency operations to target key thematic slavery and trafficking threats including organised sexual exploitation.

The increased law enforcement activity against the slavery gangs extends to preventing the use of the internet to facilitate sex trafficking. The NCA, supported by Government, is leading multi-agency work to investigate, disrupt and prevent online sex trafficking facilitated via commercial sex websites.

26 Jun 2018 | Written questions | 55332

[Prostitution](#)

Oral questions

HC Deb 16 April 2018 vol 639

Including:

Asked by: Laura Smith

Whether she is taking steps to reduce the demand for prostitution in the UK.

Answered by: Victoria Atkins | Home Office

The Government's focus remains on protecting those selling sex from harm and enabling the police to target those who exploit vulnerable people involved in prostitution. We recognise the need for research on the nature and prevalence of prostitution before we consider any changes to legislation and policy. We have commissioned research by the University of Bristol to achieve this aim.

[Prostitution](#)

Asked by: Catherine West

To ask the Secretary of State for the Home Department, if she will make an estimate of the number of women working as prostitutes in each of the last five years.

Answering member: Victoria Atkins | Department: Home Office

The Government is committed to protecting those selling sex from harm and enabling the police to target those who exploit vulnerable people involved in prostitution.

Protecting those involved in prostitution is a strand of our strategy to end violence against women and girls, and we regularly meet with charities, welfare organisations and academics to discuss current issues related to prostitution and sex work.

As set out in our response to the Home Affairs Select Committee report into prostitution, the Government recognises the strong arguments for commissioning a research project into the prevalence and nature of prostitution in England and Wales. Indeed, we believe that such an evidence base is vital prior to considering further changes to policy and legislation.

The Home Office has subsequently provided £150,000 to fund this research, which will be carried out by the University of Bristol. Further information can be found at the following link:

<https://www.gov.uk/government/news/home-office-funds-university-of-bristol-research-into-prostitution>

The Government has also provided £389,000 from the Tampon Tax to organisations which help those who want to leave prostitution and sex work, and £650,000 from the Violence Against Women and Girls Service Transformation Fund to Merseyside PCC, to provide a victim-focused service for sex workers who are victims, or at risk of sexual or domestic violence and abuse, exploitation or human trafficking.

16 Apr 2018 | Written questions | 134960

[Prostitution: Prosecutions](#)

Asked by: Paul Girvan

To ask the Secretary of State for the Home Department, what research her Department has undertaken on the potential merits of adopting the Swedish model of prosecuting people who pay for sex.

Answering member: Victoria Atkins | Department: Home Office

The Home Office has examined different legislative approaches to prostitution around the world, including the 'Nordic Model' adopted by Sweden. However, we have not yet seen unequivocal evidence that any alternative approach is better at tackling harm and exploitation – and that remains our priority.

As set out in our response to the Home Affairs Select Committee report into prostitution, the Government recognises the strong arguments for commissioning a research project into the prevalence and nature of prostitution in England and Wales and believes that such an evidence base is vital prior to considering any further changes to policy and legislation.

We have provided £150,000 to the Police and Crime Commissioner for South Wales to commission this research and we intend to announce the successful applicant soon.

22 Mar 2018 | Written questions | 132945

[Human Trafficking: Prostitution](#)

Asked by: Kate Osamor

To ask the Secretary of State for the Home Department, what steps the Government is taking to end sex trafficking in the UK.

Answering member: Victoria Atkins | Department: Home Office

The Government has provided £8.5m of additional funding to the police in England and Wales to tackle all forms of modern slavery by providing bespoke and dedicated modern slavery capabilities, including intelligence and training functions. In addition, the National Crime Agency is coordinating a series of intensifications across the UK against key modern slavery threats, including sex trafficking.

Policing in Scotland and Northern Ireland is a devolved responsibility, however both police forces work closely with their English and Welsh counterparts to share intelligence and align resources against common modern slavery threats, including sex trafficking.

30 Nov 2017 | Written questions | 115385

[Prostitution](#)

Asked by: Carolyn Harris

To ask the Secretary of State for the Home Department, what plans she has to fund specialist services to prevent women entering prostitution.

Answering member: Sarah Newton | Department: Home Office

The Government has set out in its Violence Against Women and Girls Strategy published in March 2016 that it is committed to tackling the harm and exploitation that can be associated with prostitution, and believes that people who want to leave prostitution should be given every opportunity to find routes out.

The Home Office has committed £150,000 to commission research into the nature and prevalence of prostitution in England and Wales. We believe that such an evidence base is vital prior to considering further changes to policy or legislation.

We have provided £389,000 to organisations which help those who want to leave prostitution and sex work. Merseyside PCC have also been awarded £650,000 from the VAWG Transformation Fund to provide a victim-focused service for sex workers who are victims, or at risk of sexual or domestic violence and abuse, exploitation or human trafficking.

We know that issues around prostitution are complex, and can impact on individuals in different ways. Local areas and police forces are in the best position to identify and respond to these issues, and are able to adapt their approach to take account of such complexities. They are supported in this by guidance developed by the National Policing Lead for prostitution.

24 Oct 2017 | Written questions | 107789

[Human Trafficking: Prostitution](#)

Asked by: Carolyn Harris

To ask the Secretary of State for the Home Department, what recent steps she has taken to tackle the involvement of sex trafficking in the sex and prostitution industries; what assessment she has made of regional disparities in the quantum of that involvement; and what steps she is taking to help protect female sex workers.

Answering member: Sarah Newton | Department: Home Office

To support police forces in England and Wales tackle all forms of modern slavery, the Government has provided £8.5m of additional funding to provide bespoke and dedicated modern slavery capabilities, including intelligence and training functions.

We recognise the need to gather a robust evidence base on the scale and nature of all forms of prostitution and sex work in England and Wales, including geographical variations. The Home Office has begun the process of commissioning this research, with academics and researchers invited to bid to develop a comprehensive understanding of the nature, prevalence and composition of prostitution and sex work in England and Wales.

The Government is committed to protecting those selling sex from harm and enabling the police to target those who exploit vulnerable people involved in prostitution. We have provided £389,000 to organisations

which help those who want to leave prostitution and sex work. Merseyside PCC have also been awarded £650,000 from the VAWG Transformation Fund to provide a victim-focused service for sex workers who are victims, or at risk of sexual or domestic violence and abuse, exploitation or human trafficking.

16 Oct 2017 | Written questions | 106413

4. Organisations and further reading

[All-Party Parliamentary Group on Prostitution and the Global Sex Trade](#)

[National Crime Agency: Modern Slavery Human Trafficking Unit \(MSHTU\)](#)

[End Demand for sexual exploitation](#)

[English Collective of Prostitutes](#)

Reports and articles

APPG Reports

- [Behind Closed Doors: Organised sexual exploitation in England and Wales](#) (2018)
- Shifting the Burden: [Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales](#), March 2014
- Commission on the Sex Buyer Law, [How to implement the Sex Buyer Law in the UK](#), 2016

[Home Affairs Committee, *Prostitution*, 1 July 2016, HC26-I 2016-17](#)

[The Government Response to the Third Report from the Home Affairs Select Committee, Session 2016-17, HC 26: *Prostitution*](#)

[Scottish Centre for Crime and Justice Research, *Evidence assessment of the impacts of the criminalisation of the purchase of sex: a review*, February 2017](#)

[European Parliament report on sexual exploitation and prostitution and its impact on gender equality \(2013/2103\(INI\)\), 4 February 2014](#)

Amnesty International:

- [Q&A: Policy to protect the human rights of sex workers](#)
- [The human cost of 'crushing' the market: criminalization of sex work in Norway](#)
- [Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers, 26 May 2016](#)

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