



THE GOVERNMENT RESPONSE TO THE THIRD REPORT FROM THE HOME AFFAIRS SELECT COMMITTEE SESSION 2016-17 HC 26:

Prostitution

Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty

December 2016

Cm 9361



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Introduction

The Government is committed to tackling the harm and exploitation that can be associated with prostitution and sex work, and believes that people who want to leave should be given every opportunity to find routes out.

We recognise that people involved in prostitution and sex work can be particularly vulnerable to sexual and other violent crime, and may in fact be victims of sexual exploitation or modern slavery. Research has shown significant vulnerability of those involved in sex work to exploitation, coercion and violence¹. In the UK, one study found that around two thirds of those involved in prostitution and sex work interviewed had experienced violence from buyers². In 2015, 1,080 potential victims of trafficking for sexual exploitation were identified and referred to the National Referral Mechanism (NRM), the UK's support system for victims of modern slavery, making up a third of all referrals.

The Government is clear that we need to ensure that the law enables the police and others to tackle these harms, and target those who exploit vulnerable people.

We appreciate the work of the Committee and welcome the interim report looking at this important issue. Safeguarding vulnerable people and reducing the harm that can be associated with prostitution is a priority for this Government and we recognise that in coming to the conclusions and recommendations in their interim report on prostitution, the Committee has framed their Inquiry within the same broad aims. Whilst we recognise the Committee's ambition in making its recommendations, we think it is critical to ensure that the full implications of the recommendations are properly considered. This includes ensuring those involved in prostitution and sex work are safeguarded, that traffickers and those who exploit vulnerable people can be effectively targeted, and ensuring that community concerns about prostitution and sex work can be addressed.

To that end, we recognise the strong arguments for commissioning a research project into the prevalence and nature of prostitution in England and Wales. The Government believes that without this evidence base we cannot rigorously evaluate the likely effect of those recommendations made regarding legislative changes. The research will be designed to ensure that we fully understand the scale and changing nature of prostitution and sex work in England and Wales, enabling us to make

¹ Plumridge L (2001) Rhetoric, reality and risk outcomes in sex work. *Health, Risk and Society* 3: 199–217.

Plumridge L and Abel G (2000) Services and information utilised by female sex workers for sexual and physical safety. *New Zealand Medical Journal* 113: 370–372.

Plumridge L and Abel G (2001) A 'segmented' sex industry in New Zealand: Sexual and personal safety of female sex workers. *Australian and New Zealand Journal of Public Health* 25: 78–83.

² Bindel, J. Brown, L. Easton, H. Matthews, R. and Reynolds, L. (2012) *Breaking down the barriers: A study of how women exit prostitution*. London: Eaves and London South Bank University.

informed evidence-based policy decisions on how any changes to the law will ensure that we are safeguarding those involved and supporting those who want to exit. We will scope such a project with a view to commissioning or conducting it as soon as is practicable.

We will await the Committee's full report before considering the alternative approaches to managing prostitution and sex work.

The Committee's specific interim conclusions and recommendations are addressed in turn below.

Response to interim conclusions and recommendations

Prostitution in England and Wales

1. ***Recommendation:*** *We support the Children's Society's recommendation that the Government develop guidance for the police and local authorities on how young people identified as being victims of, or at risk of, child sexual exploitation prior to turning 18 should be dealt with after they reach 18. This should include guidance to the police on how to respond to young adults who are found to be offering sexual services in the community or online, especially if they have been formerly known as young people at risk of child sexual exploitation, to ensure that they receive the support they need. (Paragraph 22)*

Tackling child sexual exploitation is an absolute priority for this Government. It is a fundamental right that children and young people are protected from such abuse. This is why, last year, the Government legislated through the Serious Crime Act 2015 to remove all references to 'child prostitution' from the law, in order to reflect the true nature of this activity as sexual exploitation.

The Government agrees that it is vitally important that all children aged 16 and 17 who are being exploited, or are at risk of exploitation, are protected and supported by the police and other agencies, and that this work continues past their 18th birthday. The Government will later this year be publishing practice guidance to support practitioners across a range of agencies with responsibility for safeguarding children from child sexual exploitation, including social workers and other children's services professionals, the police, health and adult service professionals. This guidance will state explicitly that sexual exploitation does not cease just because a young person turns 18. We know that many young people, including those with additional vulnerabilities such as learning disabilities or being in care, require support beyond the age of 18. The guidance will therefore make clear that professionals should ensure they are familiar with: the guidance and legislation relating to transition into adulthood; safeguarding adults in need of care and support; and the need to liaise with adult services at the earliest opportunity.

2. ***Recommendation:*** *We recommend that the Home Office commissions an in-depth research study to help develop a better understanding of the current extent and nature of prostitution in England and Wales, and to draw together and put in context any recent relevant research. The research study should be conducted within the*

next 12-month period and there should be a report to Parliament by June 2017. It should aim to publish and explain reliable statistics which can be used to inform future legislative and policy decisions, and to discard any unreliable data. (Paragraph 38)

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.

3. ***Recommendations:*** *Trafficking for the purposes of sexual exploitation is an important and separate issue from prostitution between consenting adults. It is too early to make a proper assessment of the impact of the Modern Slavery Act 2015 on levels of trafficking, although the Crown Prosecution Service identified 248 victims of trafficking for sexual exploitation in the first three months of the Act's operation, compared to 1,139 in 2014. It is clear that it is very difficult to identify victims, to gain their confidence and to put together the necessary evidence for successful prosecutions. However, it is essential that information on trafficking for sexual exploitation is collected and published regularly. The Government should also consider how changes to legislation and policies relating to the sex industry might better support the prevention of trafficking for sexual exploitation. (Paragraph 39)*

As identified by our work to identify and tackle modern slavery in the UK, the Government recognises that prostitution and trafficking are closely related issues, and we are clear that our policy on prostitution must also seek to reduce the harm caused by trafficking for sexual exploitation.

The National Referral Mechanism (NRM) is the UK's identification and support system for potential victims of modern slavery. The Government publishes data from the NRM regularly on the NCA website, including information about potential victims of trafficking for sexual exploitation.

The trafficking of men, women and children into, within and via the UK for the purposes of sexual exploitation remains a key threat within the spectrum of Modern Slavery crime, not least because of the continued high level of cases reported to the National Crime Agency (NCA) and registered through the NRM. In that regard, the

NCA collaborates at the strategic level with multi-disciplinary partners of the National and EU International threat groups to share intelligence, information and good practice responses. National collaboration exists between the NCA and police forces and regions, Border Force and Immigration Enforcement which is inclusive of both intelligence exchange and operational response action. The NCA exchanges information on a bilateral basis with counterparts in overseas 'source and transit' countries through our International Liaison Officer Network and acts as the gateway bureau function for information exchange through Europol and Interpol.

The Government will of course consider how any future legislative and policy changes in relation to the sex industry support the prevention of trafficking for sexual exploitation at each stage, consulting and working with relevant stakeholders as the work progresses. The Prime Minister has announced a new taskforce on modern slavery which will sit at the centre of Government and drive further progress in tackling slavery and people trafficking.

Government priorities and policies on prostitution

4. ***Recommendations:*** *We therefore recommend that, at the earliest opportunity, the Home Office change existing legislation so that soliciting is no longer an offence and so that brothel-keeping provisions allow sex workers to share premises, without losing the ability to prosecute those who use brothels to control or exploit sex workers. There must be zero tolerance of the organised criminal exploitation of sex workers. The Home Office should also legislate for the deletion of previous convictions and cautions for prostitution from the record of sex workers by amending the Rehabilitation of Offenders Act. In our final report, we will consider the purposes of the law on prostitution and what the research shows about how those purposes can best be fulfilled, including whether a different approach should be taken to on-street and off-street prostitution. (Paragraph 59)*

The Government welcomes the commendation in the report of the police for its focus on protecting those involved in prostitution and sex work, and for seeking to gain their assistance in targeting those who exploit them or commit other crimes. However, the Committee's comment that there is considerable variation in the policing approach to prostitution throughout the country, not all of which is consistent with national guidance, has also been noted.

We know that the issues around prostitution and sex work are complex, and that they can impact on individuals and communities in different ways. We therefore believe it is right that police forces and others are able to adapt their approach to take account of those complexities, supported by the National Police Chiefs' Council's guidance.

We are clear that the approach we take to prostitution and sex work must enable the police and criminal justice partners to protect those involved, and bring those who traffic, exploit and harm them to justice.

We understand that some evidence submitted to the Committee during the Inquiry has suggested that legislation preventing sex workers from working together in

premises can lead to isolation and increased vulnerability to harm. The Committee suggests that amending brothel-keeping provisions to allow sex workers to share premises could therefore have the effect of improving safety for those involved. However, as highlighted in the Committee's report, this amendment would require particularly careful consideration of the link between brothels, trafficking and organised criminal gangs.

We also note the Committee's recommendations regarding decriminalising soliciting and removing the burden of criminal convictions.

We do not have at present a robust evidence base regarding the scale and nature of prostitution in England and Wales. In line with the Committee's previous recommendation concerning people trafficking and research, this would have to be established before the merits and demerits of any policy changes and their potential implications were to be considered.

The sex buyer law and other legislative models

We are aware of the different legislative approaches to prostitution taken across the world, and we have yet to see unequivocal evidence that any one approach is better at tackling harm and exploitation, which remains our priority.

As the Committee highlights, there are difficulties with the evidence base in this area. In particular, we share the Committee's concerns that the various alternative approaches put forward by experts and academics fall short of offering complete models which take into account the diverse experiences of those involved in prostitution and sex work. Also, as reflected upon by the Committee, none of these are directly transferable to the context of England and Wales for a number of practical reasons. However, we recognise that there may be elements of these approaches which could be valuable in reducing harm.

We welcome the Committee's announcement that it is continuing its Inquiry in this regard, and we will respond to the Committee's final report once published.

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