



How to implement the Sex Buyer Law in the UK

Commission on
the Sex Buyer Law
2016

Commissioners



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The Commission on the Sex Buyer Law

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Executive Summary

Introduction

In March 2014, the All-Party Parliamentary Group on Prostitution and the Global Sex Trade (hereafter referred to as the 'APPG on Prostitution') published the results of its year-long inquiry into prostitution laws in England and Wales. 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 inquiry also concluded that current legislation fails to recognise that prostitution is "a form of violence against women and girls"².

As such, the APPG on Prostitution recommended that Parliament criminalise paying for sex, decriminalise selling sex, and support people exploited through the sex trade to exit - an approach known as the 'Nordic Model' or 'Sex Buyer Law'. This legal framework is designed to end the demand that drives the prostitution trade and the trafficking of women and girls into it. It has been adopted by Sweden, Norway, Iceland, and Northern Ireland.

At the end of 2014, the APPG on Prostitution invited End Demand to submit proposals on how the Sex Buyer Law could be most effectively and efficiently implemented in the UK. End Demand is an initiative calling for the adoption of the Sex Buyer Law, supported by over 40 organisations³. In order to develop those proposals, End Demand established the Commission on the Sex Buyer Law.

This report presents the recommendations of the Commission on the Sex Buyer Law. The objective of these recommendations is to ensure that the Sex Buyer Law achieves its goals of discouraging demand and of supporting women exploited through the sex trade to exit.

The Commission considers the adoption and enforcement of the Sex Buyer Law to be critical to ending commercial sexual exploitation in the UK.

Policing and enforcement

Enforcement 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.

Indeed, the Swedish Government, which adopted the Sex Buyer Law in 1999, noted in an evaluation of the law published in 2010, "[a]ccording to the National Criminal Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden."⁴ Similarly, an evaluation of the operation of the Sex Buyer Law in Norway 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."⁵

The UK is able to draw on successful enforcement strategies developed by countries that already operate the Sex Buyer Law. During the course of its research, representatives of the Commission met with police and prosecutors in Sweden to learn about their tactics and experiences. The effective principles and practices developed by these agencies are reflected in the Commission's recommendations. The Commission has also been able to draw on effective tactics developed by police forces in the UK that operate an 'end demand' approach to street prostitution. Although current law prevents them from applying their good practice to off-street locations, forces such as Nottinghamshire Police operate strategies designed to discourage demand for street prostitution. Enforcement activity is targeted at kerb-crawlers, while women who sell sex are diverted away from the criminal justice system and given access to support services. Again, the principles and practices developed by these forces have been integrated into the Commission's recommendations.

Recommendations for policing and enforcement

- Enforcement operation: A standard four-step enforcement operation of the Sex Buyer Law would be consistent with existing policing

powers. Depending on the circumstances of the case, the operation may involve recourse to provisions in the Regulation of Investigatory Powers Act 2000.

- **The offence:** Implementation requires the legislation to designate it a criminal offence to pay for sex, attempt to pay for sex, pay for sex on someone else's behalf, and engage in a sexual act with a person knowing or believing they have been paid to participate. Being paid for sex should be decriminalised in all circumstances. Parliament should also give strong consideration to making it a criminal offence for UK citizens to pay for sex abroad.
- **Sentence:** Consistent with the sentence applied in Northern Ireland under the Sex Buyer Law, the maximum penalty for paying for sex should be one year's imprisonment.
- **Good practice recommendations:** In order to effectively enforce the Sex Buyer Law, it is necessary to:
 - prioritise the welfare of the individual subject to sexual exploitation throughout policing operations;
 - provide effective leadership at a national level, including via the Police Scotland and National Police Chiefs' Council's leads on prostitution;
 - take a multi-agency approach;
 - ensure enforcement is integrated into, and conducted in accordance with, national and local strategies to end commercial sexual exploitation;
 - monitor and evaluate enforcement activity on an ongoing basis, and conduct a national evaluation approximately five years after adoption of the Sex Buyer Law.
- **Personnel:** Police officers responsible for enforcing the Sex Buyer Law, and Crown Prosecution Service and Crown Office and Procurator Fiscal Service prosecutors and advocates with associated responsibilities, should receive, specialist training.

Support and exiting services

The effective delivery of support and exiting services for women exploited through the sex trade is essential to realising the objectives of the Sex Buyer Law. Those exploited through prostitution can face substantial barriers to exiting and rebuilding their lives. These include practical and psychological barriers, such as the effects of trauma, addiction, and coercion by other individuals. The availability of tailored support services plays a critical role in whether a woman is able to exit prostitution.

In recommending the development of a national network of exiting services, the Commission is not proposing building a system of support from scratch. A wide range of services are already engaged in responding to women's involvement in prostitution. However, funding for these services is piecemeal, rarely underpinned by a strategy to support women to exit prostitution, and there are many areas with no specialist support projects. The Commission's recommendations centre on transforming existing fragmented service provision into multi-agency, holistic support that enables women to leave commercial sexual exploitation.

Recommendations for providing support and exiting services

- **A national strategy:** The government should produce a cross-departmental national strategy for the provision of support and exiting services for women experiencing commercial sexual exploitation. An independent review of this strategy should be conducted 3-5 years after its introduction.
- **A local strategy:** Each local authority should adopt a multi-agency strategy to end commercial sexual exploitation, of which supporting women to exit prostitution should be a central objective. This should be a sub-strategy of local integrated approaches on all forms of violence against women and girls.
- **Principles for effective service delivery:** While the exact model of service delivery should be tailored to each local area, outlined below are the key principles that underpin the effective delivery of support and exiting services for women involved in prostitution.
 - **Holistic, tailored provision:** A holistic package of specialist support should be tailored to the specific needs of each woman.
 - **A coordinated, multi-agency approach:** Local agencies should work together, via a shared prostitution strategy, to support women to exit.
 - **Long-term:** Exiting prostitution can be a lengthy and difficult process. Services should reflect this and work to provide continuity of care.
 - **Name the problem:** Local strategies, and the agencies delivering them, should recognise prostitution as violence against women.
 - **Address on-street and off-street commercial sexual exploitation:** Women prostituting in different locations share some common barriers to exiting.

- **Be flexible and accessible:** Services need to be flexible in order to enable women living in chaotic circumstances to engage with them.
- **Monitor and evaluate:** All services should collect monitoring data that supports the ongoing development of the local prostitution strategy and which can be drawn on for evaluation purposes.

Infrastructure

An information centre should be established in each jurisdiction to support the effective implementation of the Sex Buyer Law. The objectives of these centres would be to:

- Provide training resources to organisations involved in implementation;
- Facilitate coordination and dialogue between key national agencies;
- Provide a forum for learning and exchange between regions; and
- Monitor implementation.

Resource implications

- **Society picks up a large tab on account of men who pay for sex.**

New Philanthropy Capital, a think tank that works with funders and charities, has previously estimated that the consequences of the violence perpetrated against women in prostitution, as well as the trafficking of women into the sex trade, cost the state £2.11 billion annually⁶. In purely economic terms, the legal status quo is costly.

- **Implementation of the Sex Buyer Law represents a 'spend to save' approach.**
Constraints on current public spending underscore the necessity of preventing harm through prostitution, rather than just dealing with its ongoing effects. By discouraging demand and supporting women to exit prostitution, implementing the recommendations in this report will enable communities to tackle the social and economic costs imposed by the prostitution trade. Indeed, an independent evaluation of Suffolk's 'end demand' approach to street prostitution, which involved tackling kerb-crawling and supporting women to exit prostitution, revealed that for every £1 spent as part of this strategy there were £2 savings for the public purse⁷.
- The Commission recommends that central government provides up-front development funding

for local areas to forge a multi-agency prostitution strategy and put in place the necessary policies, procedures and personnel to ensure effective delivery of that strategy. Funding should also be made available for the establishment of specialist support services for women with involvement in prostitution in areas that do not currently have them.

“I became involved in prostitution in my early twenties, courtesy of my then ‘boyfriend’; I now use the word pimp. When I escaped my ‘boyfriend’, I was a mess and in the grip of addiction. I felt like I belonged on my hands and knees servicing men. I couldn’t ‘do’ normal, was desperate for money to fund my habit, so I went back. I worked as an escort and in a brothel. Prostitution changed everything for me. My whole world view collapsed. I had been quite naive before I met my ex. I still feel like I don’t fit; being told day after day that you’re a slut and a whore just asking for it gets into your head. I lost a part of myself through prostitution and that will never come back. I still split, still dissociate, still struggle to accept my body after all that it came to represent to me.”

– Crystal, survivor of prostitution

Introduction

Background

In March 2014 the All-Party Parliamentary Group on Prostitution and the Global Sex Trade (hereafter referred to as the ‘APPG on Prostitution’) published the results of its inquiry into prostitution laws in England and Wales. The inquiry sought to determine whether the law was effective in tackling demand for prostitution and protecting people from sexual exploitation. The APPG concluded in its report, *Shifting the Burden*, “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. In practice, those who sell sexual services carry the burden of criminality despite being those who are most vulnerable to coercion and violence.”⁸

As a result of these findings, the APPG on Prostitution recommended that Parliament fully decriminalise selling sex, criminalise paying for sex, and ensure the provision of support and exiting services for people exploited through prostitution. This legal framework is commonly known as the ‘Nordic Model’ or ‘Sex Buyer Law’. It is designed to end the demand that underpins the prostitution trade and the trafficking of women and girls into it.

The Sex Buyer Law is the legal framework advocated by the End Demand campaign⁹. Launched in October 2014 by UK Feminista, the campaign is supported by over 40 organisations, including the End Violence Against Women coalition, Fawcett Society, Scottish Trades Union Congress, St Mungo’s, Unison and Women’s Aid.

In November 2014 the APPG on Prostitution invited End Demand to submit recommendations on how the Sex Buyer Law could be most effectively implemented in the UK. End Demand was tasked with the question of not if, but how the law should be put into practice. In order to support the development of these recommendations, End Demand established a Commission on the Sex Buyer Law.

Commission on the Sex Buyer Law

The Commission on the Sex Buyer Law brought together a range of stakeholders in 2015 to assess how the Sex Buyer Law should be implemented in England, Wales and Scotland.

The Commission has developed recommendations it believes appropriate for each jurisdiction. However, if the Westminster government adopts the Sex Buyer Law it would apply to England and Wales, but not to Scotland. The Scottish Parliament would need to independently adopt the Sex Buyer Law in order for it to apply there. The Northern Ireland Assembly has already adopted the Sex Buyer Law - which came into force in June 2015.

The Commission’s central objective was to establish how a Sex Buyer Law could be effectively and efficiently implemented, with particular regard to policing and enforcement and the provision of support and exiting services for people involved in prostitution. As part of its deliberations, Commissioners reviewed local, national and international practice and research relating to the prostitution trade, interviewed police and support service personnel, and visited Sweden to meet with key agencies involved in implementing the Sex Buyer Law there. During their visit to Sweden, representatives of the Commission met with Detective Superintendent Kajsa Wahlberg, Sweden’s National Rapporteur on Trafficking in Human Beings; Detective Inspector Simon Häggström of the Stockholm Police Prostitution Unit; Lisen Lindstrom, a social worker at Mikamottagningen; Patrik Cederlöf of the National Coordination Office Against Prostitution and Trafficking, County Administrative Board of Stockholm; Lars Ågren and Ylva Johansson, senior public prosecutors at the Swedish Prosecution Authority; and Anna Skarhed, the Chancellor of Justice.

In line with the Crown Prosecution Service and Scottish Government¹⁰, the Commission recognises prostitution as violence against women. It is both a cause and a consequence of inequality between women and men. The Commission also recognises that the Sex Buyer Law is designed to tackle this form of violence by discouraging men from paying for sex, while supporting those exploited through prostitution to exit and rebuild their lives.

Commercial sexual exploitation in the UK

It has been estimated that 80,000 people are involved in prostitution in the UK¹¹. Migrant women are thought to account for over half of those involved in off-street prostitution¹². The trafficking of women into England and Wales to be exploited in prostitution is worth at least £130 million annually¹³.

The majority of people exploited through prostitution are women and girls, while the majority of those who pay for sex are men. In addition, those who end up in the prostitution trade are often highly vulnerable and experience severe harms as a result of their involvement:

- Approximately 50% of women in prostitution in the UK began being paid for sex acts before they were eighteen years old¹⁴.
- Up to 95% of women in street prostitution are problematic drug users¹⁵, and over 50% have been raped and/or sexually assaulted - the vast majority of these assaults committed by sex buyers¹⁶.
- International research has found 9 out of 10 people involved in prostitution report wanting to exit but feel unable to do so¹⁷.

Demand

The prostitution trade, and the trafficking of women into it, is underpinned by the principles of supply and demand. A minority of men currently feel entitled to pay women for sex. Without their demand there would be no 'supply' of women into the sex trade.

It is the demand from a minority of men that traffickers and other facilitators are responding to and profiting from when they traffick women into prostitution. The European Union (EU) Commissioner for Home Affairs has stated, "only by addressing demand for all forms of exploitation can we begin <to> address trafficking in human beings... we cannot address the sexual exploitation of victims (the overwhelming majority being girls) without addressing the users."¹⁸ The EU Anti Trafficking Co-ordinator, Myria Vassiliadou, has further stated, "There is a link between prostitution and trafficking. The European Commission recognises this."¹⁹ An inquiry into human trafficking in Scotland in 2011 by the Equality and Human Rights Commission also concluded, "Demand is a key driver for human trafficking. This fact underlines the need for 'destination' states, such as the UK and Scotland, to

take responsibility to act to tackle trafficking through targeting demand."²⁰

There has been a marked increase in the demand among men in the UK for prostitution. The proportion of men who report having paid for sex almost doubled during the 1990's, with the rate increasing from one in 20 men to nearly one in 10²¹.

Research assessing potential deterrents to paying for sex has revealed that criminal sanctions are a key method:

- Interviews with 110 men in Scotland who paid women for sex found 79% of the respondents said having to spend time in jail would deter them from paying for sex, while 72% reported that a greater criminal penalty would do so²².
- Interviews with 113 men in Chicago (US) who paid for sex found 83% of the men said a potential consequence of jail time would deter them. 75% of the men said greater criminal penalties in general would deter them from paying for sex²³.
- Research undertaken by the Child and Woman Abuse Studies Unit at London Metropolitan University with 137 men who paid women for sex concluded, "the accounts of men who had paid for sex overseas confirm that legality contributes to normalisation, which in turn increases the likelihood of paying for sex."²⁴

The legality of prostitution has also been found to significantly influence rates of sex trafficking into the country in question. An empirical analysis for a cross-section of up to 150 countries found reported human trafficking inflows were larger in countries where prostitution is legal²⁵.

The UK has multiple international obligations to tackle demand:

- Article 9.5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children states that, "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking"²⁶.
- The EU Directive on trafficking in human beings requires member states to take action to reduce demand in order to prevent trafficking²⁷.

- Article 6 of the Council of Europe Convention on Action against Trafficking in Human Beings requires member states to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”²⁸.

The APPG on Prostitution note that under current prostitution laws, “the most visible – women who sell sex – are targeted, while men who create the demand often walk away, without taking responsibility for the damage they do.” The APPG also concluded, “The failure of legislation to reflect the gender imbalance within prostitution encourages assumptions that men have a ‘right’ to purchase sexual services from women. The law is detrimental to other strategies that promote gender equality.”²⁹

The Sex Buyer Law

The Sex Buyer Law is a legal framework designed to tackle the demand that underpins the prostitution trade. First introduced by Sweden in 1999, it has three main components:

- Paying for sex acts is criminalised
- Selling sex acts is decriminalised
- Support and exiting services are provided for people exploited through prostitution

In addition to Sweden, the Sex Buyer Law has been adopted in Norway, Iceland and Northern Ireland.

Evidence of effectiveness

There is compelling evidence of the effectiveness of the Sex Buyer Law in tackling the demand that underpins prostitution and sex trafficking.

– Evidence from Sweden

Sweden was the first country to introduce the Sex Buyer Law in 1999. Street prostitution in Sweden halved during the period 1999-2008 and there is no evidence that women were simply displaced to indoor prostitution or prostitution advertised online³⁰.

In 2011 it was reported that despite Sweden having 3.8 million more inhabitants than neighbouring Denmark, the number of people involved in prostitution in Sweden – its ‘prostitution population’ – was approximately a tenth of Denmark’s, where paying for sex is legal³¹.

There is also evidence that public attitudes towards paying for sex have changed. In 1996, 45% of women and 20% of men in Sweden supported criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men³².

In addition, an investigation of the law published in 2010 by the Swedish Government reported, “[a]ccording to the National Criminal Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden.”³³ Simon Häggström, Detective Inspector at the Prostitution Unit of the Stockholm Police reports, “We’ve had wiretapping cases where pimps say they don’t find Sweden attractive”.³⁴

– Evidence from Norway

Norway adopted the Sex Buyer Law in 2009. An evaluation of the law’s impact commissioned by the Norwegian Government and published in 2014 reported, “A reduced market and increased law enforcement posit larger risks for human traffickers. The profit from human trafficking is also reduced due to these factors. 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.”³⁵

The prostitution trade also has shrunk. Systematic field observations of the street prostitution market in Oslo reveal it has declined by 40%-65% since the law was adopted³⁶.

– Evidence from Ipswich, UK

In 2006, five women involved in prostitution at the time were murdered in Ipswich by a sex buyer. In response, Suffolk Constabulary joined with local agencies “to remove street prostitution from Ipswich”³⁷. Suffolk Constabulary took a zero tolerance approach to kerb-crawling, diverted women involved in prostitution away from the criminal justice system and instead worked with local agencies to support women to exit and rebuild their lives. These three elements are the fundamental pillars of the Sex Buyer Law.

An independent evaluation of the Ipswich/Suffolk Prostitution Strategy for 2007-2012 by the University of East Anglia concluded there had been “clear and sustained success in terms of: Eliminating kerb-crawlers from the streets (Tackling Demand); Removing women who are sex working from the streets... (Developing Routes Out); Making effective inroads into prevention, including with children and young people at risk of sexual exploitation (Prevention); Keeping the community informed, engaged and on board (Community).”³⁸

An economic analysis of the strategy also found that for every £1 spent as part of the Ipswich/Suffolk Prostitution Strategy, there were savings of £2 to the

public purse³⁹. By shrinking the prostitution market Ipswich's strategy reduced the associated financial burden on the criminal justice system and social support system. However, the police have been prevented from tackling demand for off-street prostitution because the act of paying for sex is not illegal. It is only the outdoor activity of kerb-crawling that is a criminal offence.

“The strength of the so-called ‘Nordic’ model – of shifting criminal responsibility onto those who create demand, rather than those who fulfil it - is most obviously seen in changing attitudes to the acceptability of men to purchase sex.”

– APPG on Prostitution and the Global Sex Trade⁴⁰

Policing and enforcement

Introduction

The Sex Buyer Law seeks to have a normative effective - changing public attitudes towards paying for sex and ultimately changing behaviour by discouraging paying for sex. Indeed, since the Sex Buyer Law was adopted in Sweden in 1999 there has been a significant shift in public attitudes. In 1996, 45% of women and 20% of men in Sweden supported criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men⁴¹.

As is the case for legislation in general, however, simply adding the Sex Buyer Law to the statute books is not the end point. In order for its full potential to prevent commercial sexual exploitation to be realised, the Sex Buyer law must be enforced, and it must be seen to be enforced.

This section sets out how the Commission proposes the Sex Buyer Law can be policed and enforced in the UK.

Current enforcement approach

Paying for sex and selling sex are both currently legal in Scotland, England and Wales. However some practices relating to prostitution, including brothel-keeping, kerb-crawling and soliciting, are illegal. So criminal penalties are applied to individuals exploited through prostitution, as well as the people who sexually exploit them. As it stands, there is significant variability between police forces in how stringently these provisions are enforced.

Government and statutory agencies provide a range of guidance on how current legislation should be applied in practice:

Home Office: In 'A Review of Effective Practice in Responding to Prostitution', published in 2011, the Home Office states, "The policing of street prostitution needs to take account of those buying sex, as well as those selling sex."⁴² However, the Home Office also clarifies that while existing legislation is national in scope, "precisely how it is applied is a matter of local policing policy determined by local priorities and circumstances."

Crown Office: The Scottish Government recognises prostitution as violence against women⁴³. Policing guidance is provided in Scotland via the Lord Advocate's 'Guidelines to Chief Constables on the Enforcement of Soliciting and Loitering Offences by Purchasers'⁴⁴. It states, "Those working in the justice system must aim, in the long term, to eradicate prostitution related activity". It also advises that while local strategies may vary, "the public interest demands an approach which:- seeks to tackle demand through enforcement against purchasers..." In relation to penalties for soliciting or loitering applicable to women exploited through prostitution, the Lord Advocate's Guidelines state, "Where an offence has been committed it is open to the police to consider either formal or informal action."

Crown Prosecution Service (CPS): The CPS recognises prostitution as violence against women. It recommends "enforcement activity [be] focused on those who create the demand for on-street sex, such as kerb crawlers."⁴⁵ The CPS also recommends that a multi-agency approach be adopted "to enable women involved in prostitution to develop routes out of prostitution".

Association of Chief Police Officers (ACPO) / National Police Chiefs' Council (NPCC): The NPCC (formally ACPO) provide guidance for police forces in England and Wales. The 2011 'ACPO Strategy & Supporting Operational Guidance for Policing Prostitution and Sexual Exploitation'⁴⁶ states, "The physical and emotional damage prostitution can cause to vulnerable individuals should be at the forefront of operational policing." It also highlights the pivotal role of demand for prostitution: "Demand is a key, driving factor in the development of the prostitution market. If demand to buy sex or similar services disappeared, the industry would either have to go to great lengths to create a demand (through advertising, etc.), or would dry up completely."

Mayor's Office for Policing and Crime (MOPAC): MOPAC recognises prostitution as violence against women⁴⁷. It recommends "Focusing enforcement on those that pay for sex e.g. kerb-crawlers and not women involved in prostitution."

Despite current recommendations from some statutory agencies that enforcement activity be focused on sex buyers, in practice it is women

exploited through prostitution who most commonly face criminal sanctions for the offences of loitering or soliciting.

CPS statistics reveal that in England and Wales in the period 2013-14, there were more prosecutions for loitering and soliciting than for the crimes of pimping, brothel-keeping, kerb-crawling and advertising prostitution combined⁴⁸. In Scotland in 2012-13, there were 158 prosecutions for soliciting, loitering and importuning, while there were 113 prosecutions during this period for 'public places' offences of attempting to pay a person for sex⁴⁹.

Approaches to the policing of prostitution vary across the UK. Indeed, MOPAC note, "it is clear that across London approaches to prostitution and to the provision of specialist services are inconsistent."⁵⁰

The CPS and Scottish Government rightly recognise prostitution as violence against women. However, it is clear that this is not adequately reflected in the principle or practice of the law.

Current good practice

Despite the inadequacy of existing legislation and the variability of approaches, the Commission did find examples of good practice by local police forces. These demonstrate the effectiveness of an 'end demand' approach to policing prostitution and the need for the Sex Buyer Law to be adopted in order to support these local efforts.

Suffolk

– What is the approach?

In 2006, five young women in Ipswich who were involved in prostitution at the time were murdered by a sex buyer. In response, Suffolk Constabulary overhauled its approach to policing prostitution, setting an objective to "remove street prostitution from Ipswich"⁵¹. Suffolk Constabulary took a zero tolerance approach to kerb-crawling, diverted women involved in prostitution away from the criminal justice system and instead worked with local agencies to support women to exit the sex trade.

– What has it achieved?

An independent evaluation of the Ipswich/Suffolk Prostitution Strategy for 2007-2012 by the University of East Anglia concluded there had been, "clear and sustained success in terms of: Eliminating kerb-crawlers from the streets (Tackling Demand); Removing women

who are sex working from the streets... (Developing Routes Out); Making effective inroads into prevention, including with children and young people at risk of sexual exploitation (Prevention); Keeping the community informed, engaged and on board (Community)."⁵²

An economic analysis of the strategy also found that for every £1 spent as part of the Ipswich/Suffolk Prostitution Strategy, there were savings of £2 to the public purse⁵³. By shrinking the prostitution market, Ipswich's strategy reduced the associated financial burden on the criminal justice system and social support system.

However, because paying for sex is currently legal, Suffolk Constabulary were prevented from fully applying this effective 'end demand' approach to off-street prostitution.

Nottinghamshire

– What is the approach?

The aim of the approach taken by Nottinghamshire Police is to end street prostitution. The strategy used to achieve this includes targeting criminal sanctions at sex buyers and taking a multi-agency approach to supporting women to exit prostitution. This multi-agency approach brings police together with voluntary organisations, health services, probation, housing providers and a range of other services supporting people exploited through prostitution.

– What has it achieved?

Sergeant Neil Radford from Nottinghamshire Police reported that since 2004 the force has dealt with approximately 1500 men for soliciting women for prostitution. In a standard operation, fingerprints, photographs and DNA are taken from each man. Over the past decade, 898 men have attended Nottinghamshire Police's Change Course - a one-day programme designed to discourage reoffending. Of these men, only 27 are known to have re-offended; a recidivism rate of 3%. Sergeant Radford also noted that ten years ago, operations targeting sex buyers on Nottingham's streets would regularly result in 15-20 men a night being intercepted attempting to pay for sex. Operations using the same tactics will now rarely result in more than five men being caught per night. Sergeant Radford noted this indicates demand for street prostitution in Nottingham has reduced. The number of women soliciting on the streets of Nottingham has also significantly reduced during this time. "At its peak, there were around 300 women actively involved in street prostitution over a six

month period,” Sergeant Radford reported. “This figure has steadily fallen year on year for the last ten years.” In the past six months, approximately 50 women have been involved in street prostitution in Nottingham.

In relation to the Sex Buyer Law, Sergeant Radford believes, “It would support our current strategy and strengthen the multi-agency approach in diverting women and men away from prostitution, but it would also send a clear message to the men looking to purchase sex that it is unacceptable as well as against the law... For me, the biggest change would be that we could take our good practice that has developed to address on-street prostitution and apply this strategy to off-street situations.”⁵⁴

Lessons from Sweden: Enforcing the Sex Buyer Law

Sweden was the first country in the world to adopt the Sex Buyer Law. In March 2015 members of the Commission on the Sex Buyer Law visited Sweden to meet with criminal justice system agencies to ascertain how the Sex Buyer Law is enforced in Sweden and what the UK can learn from this.

The legislation

The Act Prohibiting the Purchase of Sexual Services was passed in 1998 and came into force on 1 January 1999. It was introduced through a government bill on violence against women - called Kvinnofrid, meaning ‘women’s peace’. Today the legislation is included in Chapter 6, Section 11 of Sweden’s Penal Code⁵⁵.

Paying for sex is a criminal offence. It is also a criminal offence to attempt to pay for sex and to pay for sex on behalf of another person. Initially, the maximum sentence for paying for sex was six months imprisonment. In 2011 this was increased to one year. If a fine is issued instead of a prison sentence, Sweden’s system for issuing fines means its size will depend on the offender’s income⁵⁶.

Enforcement provisions and procedures

– Personnel

Since 2009 Stockholm Police have operated a dedicated Prostitution Unit. Six detectives are currently assigned to this unit and their role is to apprehend sex buyers. There is a separate unit in the Stockholm Police that targets pimps and traffickers. The Prostitution Unit also includes a social worker who works alongside the detectives, accompanying police on field operations to

ensure that support is immediately offered and available to people selling sex who come in to contact with the police. There are also police teams in the cities of Gothenburg and Malmö with specific responsibilities for enforcing Sweden’s Sex Buyer Law.

– Standard policing operation

While policing operations relating to the Sex Buyer Law will vary according to the specific circumstances of each particular case, outlined below are the key steps involved in a typical policing operation:

1. **Locate:** Detectives will review the same advertisements that sex buyers do to locate venues where prostitution is taking place. These will typically be online advertisements.
2. **Confirm:** Detectives will confirm that prostitution is taking place in this venue by calling and/or visiting the venue, using the advertised contact details. Personnel will not typically reveal that they are police officers at this stage.
3. **Observe:** Detectives will undertake covert observation of the venue, typically from an unmarked car, to ascertain that men are visiting the venue for the probable purpose of paying for sex.
4. **Action:** Depending on circumstances, detectives may have the option to intercept the sex buyer before, during or after the sex act he determined to pay for has taken place. A social worker will accompany detectives when they visit/enter the venue. Evidence of the suspect’s intent may be obtained, for example, from the sex buyer’s mobile phone, revealing he had arranged the prostitution with either the woman or a pimp.

– Outcomes

Annual conviction rates have varied since the Sex Buyer Law was first introduced. In 1999, the first year the law was in force, there were 10 convictions for paying for sex. In 2005, there were 105 convictions. In 2010, that figure was 326⁵⁷. All of the people prosecuted for paying for sex between 1999 and 2008 have been men.

An evaluation of the Sex Buyer Law commissioned by the Swedish Government reported in 2010 that “monitoring compliance with the ban depends largely on the priorities set by the police and the resources they have available. According to both police officers and prosecutors with whom the inquiry spoke, a substantially larger number of buyers of sexual services could be prosecuted if priority was given to this type of crime in

day-to-day activities.”⁵⁸ Indeed, the Stockholm Police established their Prostitution Unit in 2009 in order to accord greater priority to prosecuting this crime.

The Government’s 2010 evaluation also reported that eight out of ten prosecutions for paying for sex involve a man who has admitted to the offence. Where a suspect has admitted the offence, he will usually be given a summary fine. Since 2001, over 85% of prosecutions have resulted in the offender receiving a fine. The evaluation also reported that prosecutors “do not currently see any application problems directly linked to the penal provision. Sexual purchase offenses are usually considered to be easy to investigate and relatively uncomplicated to process. There can be evidentiary problems, but almost half of the offenses reported have been linked to an individual, meaning that a decision has been made to bring charges, impose a summary fine or grant a waiver of prosecution. This is twice the number compared to other reported sexual offenses.”

Key points of learning

– Training:

When the Sex Buyer Law was first introduced in Sweden, conviction rates of sex buyers were low. Detective Inspector Simon Häggström, who leads Stockholm Police’s Prostitution Unit, told Commissioners, “the key there is to train. The reason why many police officers before did not enforce the legislation was that they simply didn’t know how.” The Stockholm Police Prostitution Unit, established in 2009, acts as a hub of expertise on enforcement of the Sex Buyer Law and detectives based in this specialised unit now provide training to police officers across Sweden.

– Visibility:

The aim of the Sex Buyer Law is, of course, to prevent offending. Commissioners heard how visibility of enforcement is an important element of deterring sex buying. The law must be seen to be enforced. Detectives in the Prostitution Unit regularly speak in the media about the law and their enforcement activities in order to raise public awareness about the Sex Buyer Law and the reality of prostitution. This helps to communicate to potential sex buyers that they face a real risk of arrest if they attempt to pay for sex.

– Support:

Commissioners heard that when police arrest sex buyers, a member of the team will have responsibility for engaging with the woman he was paying on the

scene. Their role is to immediately offer support, including details on where she can access a range of welfare services, as well as communicating the legal situation. A social worker now accompanies detectives from Stockholm’s Prostitution Unit when they arrest sex buyers, and it is their role to liaise with the woman on the scene.

Enforcing the Sex Buyer Law in the UK

Enforcement operation

Outlined below is the process that would be involved in a standard UK policing operation targeting sex buyers in an off-street location, under the Sex Buyer Law. These proposals have been developed in consultation with Sergeant Neil Radford, from Nottinghamshire Police’s Prostitution Team, and Alan Caton OBE, Former Detective Superintendent of Suffolk Constabulary. The process draws on the approach taken by detectives in Sweden, adapted for a UK context.

– Step 1: Locate

Police officers locate a premises being used for prostitution via a range of intelligence sources, including online advertisements aimed at sex buyers.

– Step 2: Confirm

Police will phone and visit the premises to ascertain that the property is being used for prostitution. If an officer attends the address, but does not disclose who they are, the action falls under provisions in the Regulation of Investigatory Powers Act 2000 (RIPA) covering Covert Human Intelligence Sources. In order to undertake covert directed surveillance, authority would be required from a Superintendent. Participating police officers would also need to be trained in covert operations.

Alternatively, officers could conduct an overt visit, which would not require the authority of a Superintendent and officers would not require training in covert operations. If entry to the premises is refused in this instance, officers can apply for a search warrant at a Magistrates Court. Overt operations to gather evidence that a venue is being used as a brothel currently take place in the UK in the absence of a Sex Buyer Law, because operating a brothel is illegal. This, therefore, means that existing enforcement practice could be employed to enforce the Sex Buyer Law.

– Step 3: Observe

Police officers will wait for suspected sex buyers to visit the premises. Observation could be conducted on foot or from a car. Covert observations of ‘crime hotspot areas’ can be conducted without the need for authorisation under RIPA. If the observations involve gathering private information from an individual, authority under RIPA would be required. The relevant authorising officer would need to decide whether RIPA authorisation was required for a particular operation, depending on the circumstances of the case.

– Step 4: Action

Police officers will deal with the suspected offender on the basis of paying or attempting to pay for sex. This step is similar to arrests of sex buyers under existing legislation for the offence of kerb-crawling or soliciting a person in a public place for prostitution.

Police would enter the premises to deal with the suspect or wait for him to leave. With the offence accorded a maximum penalty of one year imprisonment, police would have a power of entry into the premises to arrest the suspect, as permitted by the Police and Criminal Evidence Act (1984). The suspect will be interviewed and all available evidence gathered. If the suspect’s identity can be confirmed and they are cooperative with the investigation, police can interview him by appointment. If these conditions are not met, the suspect will be interviewed under arrest. A Full Code Test, as directed by the CPS, would determine whether the sex buyer is issued with a caution or a charge to court. Factors affecting this include whether or not he admits the offence and his previous offending record. When taking action to deal with a suspect, a member of the team should explain what is happening to the individual he paid or sought to pay for sex, and access to advice and support services should be offered.

The offence

To realise the principles of the Sex Buyer Law, UK legislation should be amended so that it is a criminal offence to:

- Pay for sex
- Attempt to pay for sex
- Pay for sex on someone else’s behalf
- Engage in a sexual act with a person, knowing or believing that they have been paid to participate in the sexual act⁵⁹

Being paid to have sex should be completely decriminalised. This means removing public order

offences relating to soliciting and loitering for the purposes of prostitution.

Brothel-keeping and causing, inciting or controlling prostitution should remain criminal offences.

– Extraterritoriality

The Commission believes that Parliament should give strong consideration to making the Sex Buyer Law apply extraterritorially – thus making it illegal for UK citizens to pay for sex abroad.

The Sex Buyer Law is designed to recognise that prostitution is a form of violence against women. In many countries, however, it remains legal to pay for sex. While that is the case, the law in the UK should not imply that individuals are in any way entitled to simply travel abroad in order to commit this act of commercial sexual exploitation. Commissioners recognise that there would be specific implications with respect to enforcing an extraterritoriality clause. However, it was felt that the potential normative effect of this clause - in supporting efforts to discourage paying for sex - necessitates that Parliament give it strong consideration.

Sentence

The maximum penalty for paying for sex should be consistent with that applied in Northern Ireland: one year’s imprisonment. This is also consistent with the maximum penalty applied under the Sex Buyer Law in Norway and Sweden. The Commission also believes that the maximum level of fine issued to offenders should be consistent with that applied in Northern Ireland. This is currently set at level 3 (£1000).

Good practice recommendations

The Commission considers that effective enforcement of the Sex Buyer Law in the UK requires the following elements:

- **Prioritising the welfare of the individual subject to sexual exploitation:** The safety and welfare of the person being subject to sexual exploitation should be prioritised throughout the policing operation. This entails, for instance, assigning a member of the team to immediately engage with that individual when a sex buyer is arrested, explaining the legal situation and providing details on where she can access support and advice. The Commission considers the practice of police being joined by a specialist support worker during the operation to be an example of best practice.
- **Leadership:** Effective enforcement of the Sex Buyer Law requires leadership on this issue within the

police force. At a national level, the NPCC lead on prostitution, and the Police Scotland lead on prostitution, will play a pivotal role in providing this leadership.

- **A multi-agency approach:** Police enforcement should be part of a multi-agency approach to targeting and preventing sex buying and supporting women to exit the prostitution trade. A multi-agency group should be convened on the issue of prostitution, involving organisations that provide support services, housing, health services, and women’s organisations and relevant representatives of the local authority.
- **A shared strategy:** Enforcement of the Sex Buyer Law should be integrated into a local strategy to end commercial sexual exploitation. This strategy should have formal agreement and buy-in from the key agencies and organisations involved in implementing it. The Commission considers it appropriate and beneficial to integrate this strategy into existing Violence Against Women and Girls strategies already in operation at a local level. At a national level, the strategy to end commercial sexual exploitation should be integrated into the Government’s Violence Against Women and Girls strategy.
- **Monitoring and evaluation:** Effective monitoring and evaluation of enforcement activity is vital in order to refine the effectiveness of policing approaches, identify best practice, and track trends in the prostitution trade to inform policy. Existing CPS / Crown Office and Procurator Fiscal Service (COPFS) monitoring mechanisms should be used. Additionally, Commissioners recommend that Government commissions an independent evaluation of enforcement of the Sex Buyer Law, to take place approximately five years after its adoption. This will provide vital information on effective practice and identify any areas for development.

Personnel

– Training

It is crucial that police officers responsible for enforcing the Sex Buyer Law are provided with high quality, comprehensive training. This training should include information on the nature and impact of the prostitution trade, as well as operational guidance and best practice principles. Similarly, CPS and COPFS prosecutors and advocates with responsibility for cases relating to the Sex Buyer Law should be provided with comprehensive training.

– Specialist teams

Some police forces in the UK currently have personnel dedicated to tackling commercial sexual exploitation. Nottinghamshire Police, for instance, operates a Prostitution Team. The job of officers in this team is to target kerb-crawlers, reduce demand, and work in partnership with local agencies to support women to exit prostitution. The team receives resource support from Nottingham City Council. The Commission considers Nottinghamshire Police’s approach of operating a dedicated Prostitution Team an example of best practice and believes such an approach would support effective implementation of the Sex Buyer Law. Where forces do not consider it possible or necessary to operate such teams given the local context, they can draw on the expertise of forces such as Nottinghamshire Police.

“I have over ten years of experience in policing prostitution, both on and off street. I have looked closely at what it would mean for both the police service and our partners if a Sex Buyer Law were to be introduced. It would support our current strategy and strengthen the multi-agency approach in diverting women and men away from prostitution, but it would also send a clear message to the men looking to purchase sex that it is unacceptable as well as against the law. For me, the biggest change would be that we could take our good practice that has developed to address on-street prostitution and apply this strategy to off-street situations. ... I would welcome a Sex Buyer Law and see very few issues in enforcing this in practice.”

– Sergeant Neil Radford
City Central Community Protection and On-Street Prostitution Team, Nottinghamshire Police

Support and exiting services

Introduction

The provision of support and exiting services for people exploited through prostitution is an integral part of the Sex Buyer Law. While international research suggests most women in prostitution would like to leave the sex trade⁶⁰, the barriers to exiting - both practical and emotional - can be substantial. The provision of services that enable women to address these barriers is essential to establishing routes out.

This section sets out the strategic framework and operational principles that the Commission considers necessary for a national network of specialist support and exiting services.

The need for support and exiting services

As with domestic violence, women experiencing commercial sexual exploitation can face considerable barriers to leaving. These barriers can be both practical and psychological, including: trauma and legacies of abuse; difficulties finding safe housing; pressure from a pimp or other coercive individual; debt; lack of self-worth; social isolation; and addiction. These obstacles to exiting are often complex and mutually reinforcing.

It is estimated, for example, that up to 95% of women involved in street prostitution in the UK are problematic drug users⁶¹, and in 2007 the Drug Treatment and Outcomes Research Study revealed that 10% of women starting drug treatment said that in the previous four weeks they had had sex in exchange for money, drugs or something else⁶².

A personal perspective on exiting prostitution – by Mia de Faoite

Mia de Faoite was involved in street prostitution in Ireland for six years, having initially entered the trade in order to fund her and her partner's drug addiction. Since exiting prostitution in 2010, Mia has obtained a BA (Hons) in Philosophy and Sociology from Maynooth University.

“It was a social worker who took me away from the street; she could see choices that I just couldn't see. I knew that I had done some serious damage to my mind and I was terrified about what would happen once the heroin, which blocks it out, was removed. She placed me into the care of a consultant who took care of me medically and assigned a clinical psychologist to work with me to help overcome Post-Traumatic Street Disorder and disassociation. I worked with her for nearly five months, which was so hard and intense at times. I then went to Ruhama, which is an organisation which looks after women affected by prostitution, and was assigned a case worker who helped me examine every part of my life, from the practical to the painful. And then I began my educational journey with an access to third level course which then lead to me gaining a place at university.

So even though it took me reaching inside myself and drawing on every piece of strength I owned to overcome and find my way back to normality, it didn't begin with that. That strength grew with time. I didn't just decide one day that I had had enough. I didn't have some sort of an epiphany. The only thing that saved me was human intervention and lots of it.”

A research project by Eaves and London South Bank University involving 114 women currently in or exiting prostitution identified nine barriers to leaving prostitution among this group of women: problematic drug use; housing problems; physical and mental health issues; legacies of childhood violence; having a criminal record; debt and other income-related difficulties; coercion;

a lack of formal education and training; and sexual exploitation from childhood⁶³. Research by DrugScope and AVA on women's experiences of prostitution and substance use also found that continuing to live in the same environment and mix with the same people was a significant barrier to change for some women. The researchers noted, "while remaining within these networks can result in considerable harms to them, women may also fear the loss of what is often the only social support they have."⁶⁴

“Many women involved in prostitution see no alternative; no other future for themselves; and no support for ‘recovery’, or prospect of ‘a normal life’.”

DrugScope and AVA⁶⁵

As a result of these issues, women may need to access a range of specialist support services over a long period of time. Based on their research into women's experiences of leaving prostitution, Eaves and London South Bank University developed a five-stage model of the exiting process, which is outlined below. The authors note that not all women will go through all five stages before leaving prostitution, that women will experience setbacks, and that the process is not strictly linear. Nonetheless, the model provides a guide as to the “behavioural, cognitive and emotional shifts”⁶⁶ that characterise the exiting process.

Stages of change: A five-stage exiting model developed by Eaves and London South Bank University

Stage one: Readiness and engagement

At stage one, women may feel unsure about exiting but typically begin to express the idea that they would not like to continue their involvement indefinitely and that the perceived benefits of their involvement in prostitution are becoming outweighed by disadvantages.

Stage two: Treatment and support

This stage involves more active engagement with relevant agencies or gaining more informal modes of support.

Stage three: Transition and stabilisation

This stage involves a period of transition in which women typically begin to address a range of personal, psychological and social issues, normally with the help of specialist agencies and support groups.

Stage four: Reconstructing and rebuilding

Once the lives of women have become more stable and the pressures to engage in prostitution have been reduced, they can continue to reconstruct and rebuild their lives.

Stage five: New roles and new identities

What is particularly noteworthy at stage five is the firm personal commitment to exiting permanently and the construction and maintenance of a new identity and role.

Excerpts from: [Breaking down the barriers: A study of how women exit prostitution](#)⁶⁷

Current provision of support and exiting services

In its review of the current legal settlement on prostitution in England and Wales, the APPG on Prostitution highlighted the “damaging effect of legislation upon efforts to support women in exiting”⁶⁸. Despite the CPS and Scottish Government recognising prostitution as a form of violence against women, paying for sex is currently legal, while women exploited through the sex trade can be criminalised for soliciting. As a result of this incoherence, the APPG concluded that, “Until there is a centralised political strategy, localised efforts to increase the number of women exiting prostitution will have a limited effect.”⁶⁹ Indeed, in 2009 research undertaken by the End Violence Against Women coalition found that under 10% of local authorities have a specialist service to support those affected by prostitution, trafficking and sexual exploitation⁷⁰.

In reviewing existing provision of support and exiting services for women exploited through prostitution, the Commission noted an inconsistency both in the availability of provision at a local level and the approaches taken by services. As the APPG on Prostitution observed, “it is deeply disturbing that women involved in prostitution can access frontline services for many years without ever once being asked

whether they have a desire to exit the sex trade. It should be a requirement of government funded services to make this pathway available.”⁷¹

The Commission on the Sex Buyer Law did, however, encounter examples of good practice in supporting women to exit commercial sexual exploitation, and these are highlighted in the Commission’s recommendations below.

A national network of support and exiting services

In advocating a national network of support and exiting services, the Commission is not proposing building a system from scratch. On the contrary, the strategic framework and operational principles recommended here can best be characterised as utilising existing services in a more effective and efficient manner.

Whether explicitly or not, a wide range of services are already engaged in responding to women’s involvement in prostitution. This includes physical and mental health services, drug and alcohol services, social services, housing services, children’s services, police and probation. However, agencies often engage in isolation, responding to single incidents and problems, as opposed to participating in a strategic, holistic approach that addresses the myriad interlocking harms associated with involvement in prostitution - with an explicit objective of enabling women to exit. Ensuring that women exploited through prostitution are able to access the support they need to leave will require developing strategic, integrated approaches similar to those in place for responding to other forms of violence against women and girls.

Outlined below is the framework the Commission considers necessary for a national network of support and exiting services.

A national strategy

The Act legislating for the Sex Buyer Law should include a requirement for government to produce a cross-departmental national strategy for the provision of support and exiting services for people subject to commercial sexual exploitation.

The national strategy should include: identification of the key agencies and organisations involved in the commissioning, planning and delivery of services, including specialist support services; the objectives and principles underpinning service delivery, as well as

examples of best practice; guidance for local authorities on how to assess the scale of need; and mechanisms for collecting data, monitoring service delivery and assessing outcomes on a national scale.

The legislation should also require that a review of this strategy, conducted 3-5 years after its introduction, be conducted.

A local strategy

Every local authority should adopt a multi-agency prostitution strategy, within which supporting women to exit prostitution is a central objective. The overarching aim of the strategy should be to end commercial sexual exploitation. The Commission considers it appropriate for this to be a sub-strategy of a local Violence Against Women and Girls (VAWG) strategy.

The ‘6 P’s’ that the End Violence Against Women coalition recommend be addressed when formulating an integrated VAWG strategy provide a useful framework for local prostitution strategies⁷². These are outlined below:

1. Perspective

Define the problem and set out the principles on which policy and practice are to be based. This should include recognising prostitution as a form of violence against women and a barrier to gender equality, as well specifying the objective of enabling women to exit prostitution and ending demand for commercial sexual exploitation.

2. Policy

Identify local policy frameworks that will need to address prostitution in order to realise an integrated strategy - such as policies relating to social inclusion, community safety, homelessness, VAWG, and the sexual exploitation of children.

3. Provision

Set out how holistic support and exiting services will be provided for women exploited through prostitution. These should embody the principles for service delivery outlined in the proceeding section.

4. Prevention

Identify interventions aimed at preventing commercial sexual exploitation. In particular, challenge the attitudes of entitlement, where women are concerned, that drive the actions of men who pay for sex. This could include public awareness campaigns to discourage demand and education initiatives for young people.

5. Protection

This includes measures to provide immediate support to women involved in prostitution and interventions that enable women to ultimately exit commercial sexual exploitation. Delivering protection is interlinked with provision, as outlined above.

6. Prosecution

It is critical that the criminal offence of paying for sex is enforced and seen to be enforced by the public. This in turn contributes to prevention and protection efforts. Identify how agencies and organisations will work with the police and Police and Crime Commissioners to realise the strategy. In accordance with the Sex Buyer Law, those who sell sex will no longer be prosecuted for soliciting.

The local prostitution strategy requires commitment from all the agencies and organisations involved. Delivery and monitoring of the strategy should be overseen by a forum of representatives of these stakeholders.

Safer Lambeth Partnership

The London borough of Lambeth's approach to prostitution is driven by the Safer Lambeth VAWG strategy, which recognises prostitution as a form of commercial sexual exploitation. The strategy seeks to tackle both the causes and the impact of prostitution.

“The focus of our activity is on addressing the demand side by targeting the buyers of sex while ensuring that the women involved in prostitution receive every support to exit. A partnership approach is crucial to what we do and we could not achieve alone. Key partners include Police, Council, Health, and Probation, Courts, Commissioned services, mental health and drug treatment services.”

Safer Lambeth Partnership⁷³

The four key elements of Lambeth's approach to prostitution are:

- Tackling demand
- Supporting women to exit
- Prevention
- Community informed

The multi-agency Lambeth Prostitution Group oversees the provision of support for women currently involved in prostitution and those seeking to exit. The group is chaired by Lambeth Council's Violence Against Women and Girls Programme Manager. The Safer Lambeth Partnership VAWG Operational Group monitor targets and outcomes relating to the prostitution strategy on a quarterly basis.

Importantly, funding is provided for the Chrysalis Project, which provides supported, women-only accommodation in Lambeth for women seeking to exit prostitution. The Chrysalis Project is a unique support model which provides specialist services in tandem with accommodation, supporting women to move towards exiting and independent living. The project is run by St Mungo's and Commonweal Housing.

Principles for effective service delivery

The precise model of service delivery should be specific and appropriate to each local area. However, outlined below are general principles that should underpin the provision of support and exiting services for women exploited through prostitution.

– Holistic, tailored provision

Women in prostitution often face a complex set of mutually reinforcing problems which present significant barriers to exiting. Solely supporting women to address one problem in isolation may therefore be ineffective in enabling routes out. Additionally, each woman involved in prostitution will face a unique set of challenges. It is therefore crucial that a holistic package of specialist support is tailored to the specific needs of each woman.

Make a Change team

Following the murders of five women in Ipswich by a sex buyer in 2006, a Joint Agency Strategy Group (JASG) was established to instigate a new approach to prostitution in the area. JASG adopted a strategy designed to eliminate street prostitution and, subsequently, to tackle commercial sexual exploitation in off-street locations. As well as seeking to discourage demand, the Suffolk prostitution strategy sought to develop routes out and support women to exit commercial sexual exploitation. To do this, the multi-agency 'Make a Change' team was established. This dedicated

team is based in the statutory sector but works in partnership with stakeholders in the voluntary sector.

Make a Change provides tailored and holistic support for women currently involved in prostitution and those wanting to exit. Make a Change staff members also deliver training and awareness raising initiatives across the county. An evaluation of the Suffolk prostitution strategy published in 2012 confirmed the Make a Change team was “very effective” in supporting women exploited through prostitution to make fundamental changes and move away from commercial sexual exploitation⁷⁴.

– A coordinated, multi-agency approach

A multi-agency approach is crucial because of the complex needs of women in prostitution. As detailed above, agencies and organisations must be united around a shared prostitution strategy, and training should be provided to relevant personnel in order to support its implementation. Leadership and coordination of this multi-agency approach can be provided via a forum of representatives from key stakeholders.

– Long-term

For women involved in prostitution, exiting can be a long and challenging process. As Julia Stephens-Row, who managed Suffolk’s Make a Change team, told Commissioners, “[support services] have to be in this for the long-haul. It’s not a ‘quick win’. You cannot move people from being sexually exploited out into employment, education and training overnight. That has to take quite a long time and they need that ongoing support after that.” Additionally, women may have negative past experiences of organisations or services and it takes time to build up trust. Continuity of care - such as having one case worker throughout the process - can help to build that necessary trust.

– Name the problem

It is important that local strategies, and the support services delivering them, recognise prostitution as a form of violence against women.

– Address on-street and off-street commercial sexual exploitation

Specialist support and exiting services should be provided to women involved in both on-street and off-street prostitution. The aforementioned research

conducted by Eaves and London South Bank University on women’s experiences of exiting prostitution reported similarities in the barriers to exiting for both groups of women⁷⁵. Suffolk’s Make a Change team support women experiencing commercial sexual exploitation in both on-street and off-street locations, and former manager Julia Stephens-Row informed the Commission that the model of service was similar for both groups.

– Be flexible and accessible

Services working with women involved in prostitution need to be flexible and be able to accommodate the often chaotic circumstances that women are living in. Initiatives that have been employed by specialist support services to facilitate flexibility include: outreach to street and indoor settings; telephone support; evening and weekend opening hours; drop-in sessions; and the provision of childcare.

– Monitor and evaluate

The local prostitution strategy should set out a framework for monitoring and evaluating outcomes, based on a theory of change agreed with specialist support projects. Services involved in delivering the strategy should adopt monitoring mechanisms and collect data that supports this.

Infrastructure

On adoption of the Sex Buyer Law, agencies involved in its delivery will necessarily undergo a process of training, development and refinement of policy and practice. Communication between these agencies is essential. In order to support this process, the Commission recommends that each jurisdiction establishes a Sex Buyer Law information centre.

The aim of each centre would be to ensure the effective and efficient implementation of the Sex Buyer Law. Its objectives would be to:

- Provide training resources to organisations involved in implementation
- Facilitate coordination and dialogue between key national agencies
- Provide a forum for learning and exchange between regions
- Monitor implementation and track trends

This proposal for delivery infrastructure draws on effective practice developed in Sweden in its operation of the Sex Buyer Law. In 2009, the National Coordination Office against Prostitution and Trafficking was established at the County Administrative Board of Stockholm. The role of the National Coordination Office is to facilitate co-operation between key stakeholders involved in implementing the Sex Buyer Law - including criminal justice agencies and support services⁷⁶. The Office is led by a National Co-ordinator against Prostitution and Trafficking, who is supported by a Secretariat.

The National Coordination Office against Prostitution and Trafficking has a vital role in coordinating stakeholders in the work against prostitution and trafficking. We are able to monitor the implementation of the Sex Purchase Act, due to the close multidisciplinary cooperation we have within the frame of our National Task Force (NMT), consisting of the Police, Prosecutors, Social Services, Migration Agency and Tax Authority. The Office also has close cooperation with NGOs, healthcare providers and social services.

In practice this means that the Coordinator's Office has access to an unique and continuously updated overview of the current situation and developments regarding people exploited in prostitution as well as those purchasing sexual services; what is required in order to implement the Sex Purchase Act; and challenges remaining in order to counter prostitution and trafficking.

– Patrik Cederlöf, Sweden's National Co-ordinator against Prostitution and Trafficking

Resource implications

Introduction

As a form of commercial sexual exploitation, prostitution can have a deeply harmful impact on individuals involved. Indeed, international research suggests that 68% of people in prostitution have post-traumatic stress disorder⁷⁷; 50% of women in street prostitution have been raped and/or sexually assaulted⁷⁸; and women in prostitution are almost 18 times more likely to be murdered than women not involved in the trade⁷⁹.

The existence and toleration of a prostitution trade also imposes enormous costs on wider society - including a large financial burden.

The Commission considers that any assessment of the financial implications of adopting and implementing the Sex Buyer Law must be underpinned by a recognition that the status quo is itself costly. Society already pays a high price for allowing men to pay for sex, with the repercussions exerting pressures on public services.

While paying for sex is designated - as it is now - a legal activity, prostitution laws in England, Wales and Scotland allow the prostitution trade to flourish. This section explores the economic cost of the legal status quo, as well as the opportunity the Sex Buyer Law offers to pursue a preventative, 'spend to save' approach to this social problem.

The cost of prostitution

On the cost of the UK's prostitution trade, New Philanthropy Capital report, "What we can be certain about is that the cost is high, both to the individual and to society."⁸⁰ A 2008 report published by the organisation estimated that the cost to the state of the violence perpetrated against women in prostitution likely exceeds £1 billion every year⁸¹. When the trafficking of women into the prostitution trade was taken into account, the estimated human and economic cost of the UK's prostitution trade rose to £2.11 billion. New Philanthropy Capital note that the calculation does not take into account costs relating to the criminal justice system, drugs and organised crime, or the

long-term physical and mental health impact on women paid for sex.

The financial burden imposed by the prostitution trade was similarly revealed in a recent French study. Based on an estimate of 37,000 people involved in France's prostitution trade, it was calculated that prostitution costs French society approximately €1.6 billion a year⁸². "It therefore makes economic sense," the study concluded, "as well as being an ethical necessity, to invest today in prevention, in the development of an exit policy to end prostitution [and] in the punishing of procuring and the discouraging of demand"⁸³.

In order to investigate the individual financial impact of being in prostitution, Professor Linda DeRiviere applied a human capital methodology to women's experiences of the sex trade⁸⁴. The study, which involved women based in Manitoba, Canada, found that being in the prostitution trade had a long-term detrimental impact on women's lifetime earnings. While in prostitution, women faced substantial costs associated with their involvement, such as payments to pimps and escort agency owners. Women's involvement also meant they forewent labour market experience and in-work training. Following women's involvement in prostitution, their experiences were marked by "increased addictions, lower lifetime productivity, and threats to physical and mental health"⁸⁵. DeRiviere noted that "the findings debunk the perception of lucrative monetary rewards in the sex trade". This study highlights that economic costs to individual women are an overlooked aspect of calculating the harms of prostitution.

In sum, sex buyers impose an unacceptable cost both on individuals and on society. It is a cost that can be prevented.

Spend to save

In considering how the Sex Buyer Law could be effectively and efficiently implemented across the UK, the Commission has been mindful of current public spending constraints and existing pressures on local services. It is the Commission's view, however, that such constraints actively underline the necessity of adopting the Sex Buyer Law as a preventative measure. By discouraging demand and supporting women to exit the sex trade, this

framework will enable communities to tackle the economic and social costs imposed by the prostitution trade.

It is also important to note that a wide range of local agencies already expend significant resources addressing the consequences of the prostitution trade, regardless of whether or not prostitution is recognised as a cause. Agencies that come into contact with women affected by commercial sexual exploitation include physical and mental health services, substance misuse services, housing agencies, social services, police, probation and other parts of the criminal justice system.

Therefore, implementing the Sex Buyer Law at a local level will entail using existing resources differently; in a strategic, joined-up approach that supports women to exit commercial sexual exploitation.

The Commission considers it necessary for government to ensure that up-front, development funding is made available at a local level in order to forge this multi-agency approach to supporting women exploited through prostitution. This would enable local agencies to assess the level of need, facilitate links and partnerships between relevant organisations, develop shared policy and practice frameworks, and provide training to personnel. The provision of development funding, geared to prevent future exploitation through prostitution, represents a 'spend to save' approach. This approach is increasingly recognised as essential in tackling other forms of violence against women. Investment in primary prevention and disruption of ongoing exploitation today will mean less money spent dealing with consequences and impacts in the future. Funding should also be made available for the establishment of specialist support services for women with involvement in prostitution in areas that do not currently have them.

Suffolk prostitution strategy

After five women were murdered in Ipswich by a sex buyer in 2006, Suffolk adopted a new strategy for dealing with the prostitution trade. This new strategy constituted an 'end demand' approach to prostitution, with the aim of ending the street prostitution trade. It was implemented by the Joint Agency Strategy Group, whose membership included Suffolk Primary Care Trust, Suffolk Constabulary, Suffolk County Council and a range of other local agencies. An evaluation of the strategy's operation from 2007-2012 by the University of East Anglia found "clear and sustained success" in eliminating kerb-crawling and supporting women to exit prostitution⁸⁶.

The University of East Anglia also conducted an economic analysis of Suffolk's multi-agency prostitution strategy⁸⁷. It found that average spending on support and exiting services was just under £7000 per woman per year. Taking into account the impact of supporting women to exit the prostitution trade, the analysis concluded that for every £1 spent within the Suffolk prostitution strategy, there were £2 savings for the public purse.

Conclusion

The Sex Buyer Law is eminently enforceable in the UK. Its implementation will also aid in the prevention of other crimes associated with the prostitution trade. Policing and enforcing this law will involve drawing on good practice already developed by some police forces in the UK who operate an 'end demand' approach to street prostitution, as well as integrating good practice established by countries that already operate a Sex Buyer Law.

Establishing a national network of support and exiting services for people exploited through prostitution is essential to realising the goals of the Sex Buyer Law. Establishing this network, however, will not entail the creation of an entirely new system of support. It will involve transforming existing, fragmented service provision into a holistic, multi-agency approach - underpinned by specialist services - that supports women to exit commercial sexual exploitation.

Implementation would also benefit from the creation of a Sex Buyer Law information centres in each jurisdiction. These centre would facilitate information-sharing and collaboration between agencies, as well as provide national data relating to implementation, which will assist in the ongoing development of policy and practice.

The Sex Buyer Law recognises prostitution as violence against women. Effective implementation will serve to discourage the demand that drives commercial sexual exploitation. As public policy, it represents a 'spend to save' approach to this social problem - preventing the unacceptable human and economic costs imposed by men who pay for sex.

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