

Equality Impact Assessment: Provisions to tackle the demand for Prostitution in the Policing and Crime Bill

Background:

The Government has recently published the findings of *Tackling the Demand for Prostitution: A Review* into what more could be done to tackle the demand for prostitution. This follows the Government's Co-ordinated Prostitution Strategy which identifies the need to deter sex-buyers who create the demand for prostitution.

The UK Action Plan on human trafficking also contains an objective to reduce the demand for trafficked persons which encompasses those trafficked for the purpose of sexual exploitation.

Conducting the *Tackling Demand Review* is key action 21 of the Government's *Saving Lives, Reducing Harm, Protecting the Public, An Action Plan for Tackling Violence 2008-11*

The Review was commenced in January 2008 and its findings were published in November. It made a number of recommendations. This EIA report will consider the impact of three legislative provisions which are contained in the Policing and Crime Bill, and which would implement three of the recommendations of the Review. The provisions would:

- Create a new offence of paying for the sexual services of a prostitute controlled for gain. This would have a maximum penalty of £1,000.
- Amend the offences of kerb-crawling and persistent soliciting (s.1 and s.2 of the Sexual Offences Act 1985) to remove the requirement to prove that a person has acted persistently, thus allowing prosecution for a first offence.
- Closure powers for premises linked to sexual exploitation, in order to allow the police and partner agencies to restrict access to such premises for up to 3 months

The first two measures are targeted directly at those that pay for sex. The first will have the effect of allowing the prosecution of those that pay for sex from prostitutes being controlled by another for the purposes of monetary or other material gain. It is intended to have a significant deterrent effect on those that currently pay for sex or who would potentially do so in the future.

The amendments to the offences of kerb-crawling and persistent soliciting will allow law enforcement agencies greater powers to apprehend and prosecute those that buy sex from the street market.

The closure powers will be targeted at premises rather than individuals and will impact primarily on those involved in the facilitation and commission of sexually exploitative practices, including the sexual exploitation of children.

The measures as a whole are intended to increase the level of enforcement action against those contributing to the demand for prostitution and afford protection to those that have been sexually exploited.

Methodology:

Work undertaken within the Review included an assessment of academic research on sex buyers, an audit of enforcement and prosecution practice in England and Wales to identify best practice, an independent evaluation of approaches to tackling demand in nine other countries, and Ministerial visits to Sweden and the Netherlands to learn more from the differing approaches taken in these countries. This process contributed to the assessment of Equality impact of the Review's recommendations. In particular the Rapid Evidence Assessment (REA) commissioned as part of the Review and conducted by the University of Huddersfield (to be published shortly) highlighted the findings of existing research on the characteristics of sex-buyers.

Consultation & Involvement:

The Review involved key stakeholders and practitioners, including the Police and the Crown Prosecution Service as well as organisations supporting individuals involved in prostitution.

In addition the views of key stakeholders were specifically sought on the legislative recommendations of the Review.

Assessment & analysis

Gender

While it is difficult to estimate the precise numbers and proportion of sex buyers, we do know that the vast majority of those that pay for sex are male. Figures for the number of convictions and cautions for kerb-crawling offences support this:

Convictions and Cautions for Kerb Crawling (2007)		
	Cautions	Convictions
Male	596	859
Female	15	28
Total	611	887

These figures relate solely to those paying for street prostitution. However, there is no evidence to suggest it is anything other than the case that the vast majority of those that pay for sex in the off-street market are men buying sex from women. This is confirmed by the experience of police and other agencies working in this area.

Therefore, these measures will impact directly and most significantly on adult males. There will be an indirect positive impact on women involved in prostitution, as these measures which are intended to reduce trafficking and other forms of sexual exploitation.

It is hard to quantify precisely the nature of this impact but estimates of the proportion of UK men who have ever paid for sex from 4.3% to 11%. There are an estimated 80,000 people

working in prostitution; the most recent Home Office analysis (2003) estimated that up to 4,000 women in the UK had been trafficked for sexual exploitation.

Most of the research into the characteristics of sex-buyers by the Rapid Evidence Assessment, commissioned as part of the Tackling Demand Review reflects the fact that the majority of sex-buyers are male, and accordingly provides evidence relating to male clients of female prostitutes. The REA found only one study which looked at the female clients of male prostitutes (with a sample size of just 3) and no studies of male clients of male prostitutes. Therefore, assessment and analysis presented below in relation to factors such as ethnicity and sexuality are based on studies of the characteristics of these male clients.

Ethnicity

There is some evidence that in London the ethnicities of clients differed from the ethnicity of the larger population. Brooks, Gordon (2006)¹ and Coy et al (2007)² found that white men were underrepresented in their sample of clients (71% of London's population, only 59% of the sample). Both studies identified high proportions of European and South Asian clients. However, other studies elsewhere in the UK found that the ethnicity of those using prostitutes correlated with those of the local population.

Home Office Research Study 279 profiled 333 women involved in prostitution who were accessing support services from five projects in Hackney, Hull, Kirklees, Manchester and Stoke-on-Trent. Information was available on the ethnic origin of 304 of the women. Most of the women were white-European (83%), 11% were Afro-Caribbean, 1% Pakistani, 1% Asian and 5% from other ethnic groups. This largely echoed the local population. (*HORS 279 Tackling Street Prostitution: Towards an Holistic Approach. Home Office 2004*).

Enforcement action taken against human trafficking (Operations Pentameter 1 and 2) has revealed a wide array of nationalities which have been trafficked into the UK. The potential use of the offence of paying for sexual services of a prostitute controlled for gain, and the closure orders, to target trafficking in particular, is likely to have a positive impact on women of a range of nationalities.

Disability

There is little available data relating to the likely impact of the new legislative measures on those with a disability. The new measures, will not, however, impact disproportionately on a particular group as a result of a disability.

Religion and belief

There is little available data relating to the likely impact of the new legislative measures on those of a particular religion or belief. The new measures, will not, however, impact disproportionately on a particular group as a result of a religion or belief.

¹ "Government Strategy on Sex Work A comedy of errors or attack on civil liberties."

² It's just like going to the supermarket: men buying sex in east London. London Metropolitan University, Child and Woman Abuse Studies Unit.

Sexual Orientation

The majority of those paying for sex are men, and the majority of those involved in prostitution are women. Research indicates that the largest majority of males buying sex from females are reported to be heterosexual. These measures are likely to impact predominantly on heterosexual males.

Age

The majority of research finds the average client age to be mid to late thirties although this spans an extremely wide age range, approximately from late teens to seventies. The age of those paying for sex, therefore, spans most of the adult population and the impact of these measures will not affect disproportionately any particular age group.

Home Office Research Study 279 profiled 333 women involved in prostitution who were accessing support services from five projects in Hackney, Hull, Kirklees, Manchester and Stoke-on-Trent. Information was available on the age of 288 of these women. The women were aged between 16 and 55 years of age, with an average (median) age of 25. The breakdown by age group was as follows:

16-20 – 45 (16%)
21-30 – 178 (62%)
31-40 – 50 (17%)
41-50 – 14 (5%)
51-60 – 1 (<1%)

Just over three quarters of the women (76%, 93/122) had first become involved in prostitution at the age of 21 or under.

The positive impact in terms of the protection afforded to women being exploited is, therefore most likely to impact on young women (aged between 21-30). The ability to use closure order to restrict access to premises where children have been sexually exploited is likely to have a positive impact in terms of protection afforded to children under 18.

Overall Assessment

The direct impact of this policy will affect sex-buyers, who are predominantly heterosexual males. However, this will be consistent with a policy that is intended to target those that pay for sex, and was developed in the knowledge that the majority of these are men. The impact is, therefore, an intended aim of the policy. Other than this intended effect it is unlikely to have a disproportionate impact on any particular group as a result of that group's identity.

There will be an indirect positive impact, in terms of the protection afforded to women involved in prostitution by the use of measures aimed at preventing and deterring sexual exploitation.

Recommendations

Any impact in terms of equality is an intended outcome and consistent with the aims of the policy. No unintended or disproportionate impact is likely. We do not consider any changes or

mitigation measures necessary in light of the above assessment.

Date of EIA Report

7th January 2009

Date of Publication of Results

Ensure that the EIA Report is published on the Home Office website before your policy/programme is implemented.