Written evidence submitted by the Sex Work Research Hub (SWRH)

Please find below our submission of written evidence pertaining to the Crime and Policing Bill for consideration by the Public Bill Committee.

Summary of the Sex Work Research Hub (SWRH)

The Sex Work Research Hub (SWRH) is a multidisciplinary network bringing together academics, sex worker support projects, and other stakeholders involved in researching the sex industries. With approximately 200 individual members, the Hub fosters knowledge exchange, collaboration, and the dissemination of research. While most members are UK-based, the network also includes international participants, offering a global perspective on issues related to sex work and the sex industries.

Summary of our submission

This submission is informed by rigorous, peer-reviewed research by members of the SWRH and the wider academic community. We address three proposed amendments to the Crime and Policing Bill:

- The SWRH strongly oppose New Clause 1 (commercial sexual exploitation by a third party) and New Clause 2 (commercial sexual exploitation)
- The SWRH supports New Clause 3 (victims of sexual exploitation) as a standalone amendment. However, we are concerned by its positioning within a broader package of amendments (NC1 and 2) that strengthen the criminalisation of sex work across all sectors.

Across NC1, NC2, and NC3 there is a problematic expansion of definitions that blurs the boundaries between legislation on prostitution and sexual exploitation. The overall impact of the proposed amendments would be strengthening and expansion of prostitution laws that criminalise sex work. This approach has been demonstrated to undermine safety and increase stigma. It does nothing to address the underlying inequalities such as poverty, insecure immigration status, and limited access to safe and stable employment, which push individuals—often women and mothers—into sex work.

By framing all sex work as exploitation, the proposed amendments reduce the social and economic realities of sex workers' lives. In doing so, they deny sex workers' choices, marginalise their lived experience, and exclude them from policymaking processes that directly impact their lives. Testimonies from sex workers participating in our research

consistently demonstrate that the exploitation approach exacerbates stigma, limits access to services, and erodes trust in institutions meant to provide support.

To meaningfully address the harms and inequalities sex workers face, we urge the Government to tackle the structural factors that drive reliance on sex work—rather than expand laws that criminalise and marginalise those engaged in it.

New Clause 1 (commercial sexual exploitation by a third party)

The member's explanatory statement for this amendment states that it would "make it a criminal offence to enable or profit from the prostitution of another person, including by operating a website hosting adverts for prostitution". **The SWRH opposes this amendment.**

NC1 suggests the creation of an offence where

(a) the person (C) assists, facilitates, controls, or incites, by any means, another person (B) to engage in sexual activity with another person (A) in exchange for payment or other benefit, anywhere in the world; and

(b) (b) the circumstances are that—

(i) the person (C) knows or ought to know that the other person (B) is engaging in sexual activity for payment; and

(ii) the person (C) assists, facilitates, controls, or incites the other person (B) to engage in sexual activity with another person (A); or

(iii) the person (C) causes or allows to be displayed or published, including digitally, any advertisement in respect of activity prohibited by section 1a and 1b(i).

This suggested offence would extend the law on third party involvement in sex work beyond the current offences set out in s52 and s53 of the Sexual Offences Act 2003. S52 already criminalises the intentional causing or inciting of another person to 'become a prostitute' in any part of the world', while s53 criminalises the intentional controlling of another person 'relating to that person's prostitution in any part of the world'. NC1 seeks to extend this offence to include assisting and facilitating, including allowing to be displayed or published, including digitally, any advertisement in respect of activity prohibited by subclause 1(a) and 1(b)(i), meaning any website hosting sex work advertisements would also be targeted.

As well as extending the activities covered, NC1 removes the requirement that this is done 'for gain' which is part of s52 and s53 SOA 2003, and removes the requirement that the activity is 'intentional', meaning that these would be strict liability offences.

Extensive research has noted the harms that are already exacerbated by s52 and s53, and the NC1 would extend these further. Below, we note the current problems with s52 and s53, and then address our objections to the extensions suggested by NC1.

S52 Causing and Inciting Prostitution for Gain and 53 Controlling Prostitution for Gain

These sections make much third party involvement in sex work a criminal offence. Alongside brothel laws (Sexual Offences Act 1956, ss33-36), which criminalise various activities relating to brothels, defined as 'where more than one woman resorts to premises for the purpose of prostitution then those premises are a brothel' (*Stevens v Christy* (1987) 85 Cr App R 249, 251), these sections push sex workers to work alone to avoid breaking the law. As is discussed below, this disrupts sex workers' risk management strategies and leads to significant risk of harm to sex workers.

While s53 'Controlling Prostitution for Gain' was intended to tackle exploitation and coercion from pimps or other third parties, this offence has been interpreted widely by the courts, meaning that it no longer requires force or coercion. In the decision of *R v Massey* ([2007] EWCA Crim 2664), the Court of Appeal held that the word 'control' does not require any force or coercion, and can be fulfilled where a 'defendant instructs or directs the other person to carry out the relevant activity or do it in a particular way'. The Massey judgment expands the offence beyond controlling the sex worker's 'prostitution' to controlling any activities related to that prostitution, making the term 'controlling' almost meaningless. Any person who directs a sex worker in any way (this could be keeping their diary, for example), to make a gain (wages from the sex worker employing them, for example), could be covered by this offence. The range of people who could be prosecuted includes family members or partners, if they share income or support one another financially.

Similarly, the offence of Causing or Inciting for Gain, s52, is also poorly defined. Neither of the terms 'cause' or 'incite' are defined in the provision, although the explanatory notes to the Act state that it intends to cover 'those who, for gain, recruit others into prostitution, whether *this be by the exercise of force or otherwise*' (emphasis ours). There is no need for force so, like s53, this provision can be used to prosecute a vast range of working relationships, where sex workers have been 'recruited' into prostitution by simply being employed in a brothel, for example. This offence is based on the understanding that sex work is not a choice and therefore recruiting is in itself problematic, in a way that recruiting into other work would not

be. Moreover, where non-consensual incitement occurs, this situation would already be criminal under the offence of causing a person to engage in sexual activity without consent.

Together, then, these offences already push sex workers to work alone to avoid breaking the law. Research shows that working alone heightens sex workers' risk and vulnerability to crime and violence.

To extend these offences in the way that NC1 intends would exacerbate these risks.

Extension of Third Party Activities

As noted above, the terms 'control' and 'incite' in the SOA 2003 have been interpreted broadly. There is no clarity in the proposed amendment about the definitions of 'assists' and 'facilitates', meaning that these terms might also be interpreted very broadly. Combined with the strict liability element and the removal of the need for gain, this ambiguity could extend criminal liability to anyone offering support to sex workers in relation to their work. This would significantly increase the risks faced by sex workers, and potentially criminalise outreach programmes, charities, and support organisations in their work with sex workers. NC1, which targets third parties, adopts an overly expansive approach that could see not only exploitative actors, but also non-exploitative individuals prosecuted. This includes friends, co-workers, or partners who might drive someone to a booking, provide safety checks, or share resources. It may also capture web platforms used by sex workers to advertise their services—platforms which are essential for safety and autonomy.

Moreover, since the passing of FOSTA/SESTA legislation in the US, there is ample evidence showing the harms of this approach. The criminalisation of online sexual service advertisements has pushed sex workers into more precarious and dangerous working conditions. Online platforms enable sex workers to vet clients, work independently, and avoid street-based or brothel-based work if they choose. Removing access to these platforms eliminates key safety strategies, increases exposure to violence, and reduces workers' control over their labour.

Similar concerns were raised in relation to the Online Safety Act 2025. Sex workers, digital rights organisations services and other key stakeholders voiced alarm at the implications of banning online sex work content. Nazir Afzal, former Chief Crown Prosecutor for the North West, told The Independent that "anything that pushes [sex workers] into more dangerous ways of working is to be avoided. This prohibition on online contact will only drive them further underground and more liable to abuse and exploitation."

Academic research echoes this, demonstrating that online discrimination and deplatforming worsen working conditions and the living conditions of sex workers. Depriving sex workers of online advertising tools not only increases risk but isolates them from each other, eroding mutual safety practices. As we have seen after FOSTA/SESTA was passed, the loss of community and safety protocols was mostly felt by those sex workers already working at the margins of society.

If the Crime and Policing Bill is serious about protecting women and girls, it must also protect those currently engaging in sex work—especially given rising economic hardship. Restricting online tools will not prevent sex work; it will simply force it into more dangerous spaces, including street-based work (see NC3 for further detail). It may also push workers who currently rely on camming, OnlyFans, or other online-only platforms into full-service sex work, exposing them to new risks and harms.

Removing the requirement for gain and intention

By removing the requirement for the third party to intend to assist, facilitate, control or incite, and the requirement that they do so to make a gain, NC1 extends these offences far beyond coercive and exploitative activities, and will make it legally impossible for sex workers to seek help or employ third parties to support their work. Strict liability offences are, largely, limited to regulatory offences, and it has been shown that previous strict liability offences relating to sex work (Policing and Crime Act 2009, s 14) have been ineffective and difficult to enforce by the police.

We strongly oppose NC1 for the reasons set out above. We also urge the committee to consider narrowing down the already disproportionately broad s52 and 53 of the SOA 2003.

New Clause 2 (commercial sexual exploitation)

The member's explanatory statement for NC2 states that it would introduce an offence for a person to "pay for, or attempt to, pay for sex either for themselves or on behalf of others". **The SWRH opposes this amendment.**

The proposed amendment would introduce an offence for paying for sex—commonly referred to as the Nordic Model. While client criminalisation is often framed as a protective measure, rigorous academic research and extensive personal testimonies demonstrate that, in practice, this approach undermines the safety, rights, and autonomy of sex workers.

Research conducted by members of the SWRH, alongside a growing body of international evidence, has consistently shown that sex workers in jurisdictions which have adopted client

criminalisation experience a range of harmful consequences. In Sweden and Ireland, for example, both empirical research and accounts from sex workers reveal that criminalising clients increases the precarity of sex work. Sex workers report being compelled to take greater risks—working in more isolated areas, rushing screening processes, and reducing their ability to negotiate with clients—largely due to clients' fear of detection and arrest. Although the model intends to criminalise clients and protect sex workers, in practice, it shifts power further away from workers. In Ireland, for example, data from Ugly Mugs Ireland revealed a 92% increase in reports of violent crime against sex workers following the implementation of client criminalisation.

World Health Organization (WHO) guidelines from 2012 evidence that early interventions in countries as diverse as Brazil, India, Kenya and Thailand have succeeded in reducing STI transmission in sex work by increasing condom use led by sex workers, indicating that where sex workers can negotiate safer sex, risk and vulnerability can be sharply reduced. A key reason for this is stigma reduction, and for sex workers to feel safe to negotiate the terms of sex. Criminalisation inhibits the negotiation of safety under varied circumstances, not just in England and Wales, but around the world.

In contrast, the SWRH supports decriminalisation—a model which would see the removal of all laws criminalising consensual sex work. This model is also supported by a robust international consensus—including Amnesty International, UNAIDS, and the World Health Organization, and the Council of Europe—as the most effective regulatory model for reducing harm and supporting the rights of sex workers. It enables workers to report violence, organise for safety, and access justice without fear of prosecution.

Evidence from New Zealand and New South Wales, Australia, shows that decriminalisation can significantly improve working conditions, reduce violence, and strengthen public health outcomes—particularly for the most marginalised. Sex work was decriminalised in New Zealand in 2003 and there has been no rise in prostitution or trafficking. Workers have greater power to report violence and exit the industry if they choose. In Belgium decriminalisation has been coupled with a 'labour law' for employed sex workers, including pensions and maternity leave. The Belgium labour approach also specifies that sex workers have the right to refuse clients and that this cannot be a 'fair' reason for dismissal.

Decriminalisation is not a panacea, but it has been shown to improve the conditions of sex work for those who choose to work in it. Its implementation must be accompanied by wider social and economic reforms that address the conditions shaping entry to sex work, including poverty, unaffordable housing and education, a proliferation of poorly paid employment, and

hostile immigration laws. Academic evidence overwhelmingly supports decriminalisation as the legal model that will improve the safety and wellbeing of sex workers.

New Clause 3 (victims of sexual exploitation)

The member's explanatory statement for NC3 states that it would repeal the offence of "Loitering or soliciting for purposes of prostitution" and relevant related parts of the Street Offences Act 1959. **The SWRH supports this amendment.**

While we welcome NC3, we are concerned by its positioning within a broader package of proposed offences, which can be understood as the Nordic Model. If this clause is introduced alongside NC1 and NC2, our assessment is that the benefits of repealing the offence or loitering or soliciting for the purpose of prostitution are lost. As highlighted above, NC1 and NC2 would ensure the direct and indirect criminalisation of sex workers across all sectors and undermine safety. Below we detail our support for NC3.

S1 of the Street Offences Act 1959 (as amended by the Policing and Crime Act 2009) makes it an offence "for a person (whether male or female) persistently to loiter or solicit in a street or public place for the purposes of offering services as a prostitute". This offence not only exacerbates harm to sex workers but also separates sex workers, physically and symbolically, from the rest of the population. The removal of the term 'common prostitute' in the Policing and Crime Act 2009 was a step towards addressing this stigma that the law perpetuates against sex workers, and particularly street sex workers, but it is now time that the soliciting and loitering offence is fully removed.

The spatial element of s1 is extremely broad. "Public place" has been widely interpreted and includes any places where the public are invited to go (*Glynn v Symonds* [1952] 2 All ER 47), and even includes where the person 'soliciting' is not even in the street or public place as long as the soliciting extends to that place, eg. from a window (*Smith v Hughes* [1960] 1 WLR 830). This enables the police to arrest sex workers simply for being in a street or public place, if she is simply suspected of being there 'for the purposes of prostitution'.

Police also have the power to give a Prostitutes Caution where they are unable to show the persistence required for s1. A Prostitutes' Caution does not require an admission of guilt or evidence of the criminal offence of soliciting or loitering – all that is required is that two officers have reasonable cause to believe a person has committed the offence, leaving sex workers open to being policed out of areas solely on the basis of police belief. The breadth of the soliciting and loitering offences places street sex workers at a significant risk of arrest, which often leads to self-disciplining behaviour, to avoid police surveillance.

The displacement of prostitution into more marginal areas disrupts contact between sex workers and their regular clients, who they know are safe, and increases the likelihood of sex workers encountering dangerous clients. The safeguards used by sex workers to lessen risks of violence, abuse, and harassment are threatened. For instance, the process of screening clients allows the sex worker to use their intuition and past experience to assess whether a client is likely to be violent or refuse to pay. This can be disrupted where the client or the sex worker is afraid of being arrested. When there is less time for a sex worker to screen potential customers, they are at greater risk of picking a 'dodgy' customer.

Working in unfamiliar and less populated environments also breaks up peer networks which are used by those involved in prostitution as safeguards, and breaks contact between sex workers and sex worker support services, meaning that health and safety risks increase. This disruption also means that sex workers might have to work for longer hours to make their money. Some sex workers may also have to rely on third parties, such as pimps, as protection both from the police and from violence on the streets. This increases sex workers' vulnerability to economic exploitation, while displacing sex workers and their clients from usual sites may create a shortage of custom and money that could lead to increased likelihood of third party violence, and sex workers having to provide services they might not otherwise offer.

The lack of clear definition in the soliciting and loitering offence provides a very broad framework for police enforcement. Policing that relies on non-enforcement correlates with a reduction in crimes against sex workers. Because policing strategies shift across time, however, as long as these offences continue to exist, police are empowered to use them to detrimental effect. We strongly support the removal of this offence.

This submission has been prepared by AJ Bravo, Laura Connelly, Katie Cruz, Laura Graham, Sam Hanks, and Jo Krishnakumar.

If you would like further information or clarification from us, please contact Dr Laura Connelly, Senior Lecturer in Criminology, University of Sheffield on L.Connelly@sheffield.ac.uk.