

Policing and Crime Bill Submission by Not Buying It

About Us

[Not Buying It](#), working closely with survivors, challenges the porn and sex industries because of their extreme harms. Our people ensured SEV (*Sexual Entertainment Venue*) legislation was introduced some 15 years ago (which led to an approximate halving in the number of strip clubs). They also helped ensure that it was made a criminal offence to buy sex from anyone coerced (legislation now effectively ignored by law enforcement).

Since then, Not Buying It, has been involved in several successful court cases demonstrating the anti-equalities nature of pro-strip club decisions by local authorities.

We also initiated legal proceedings against the NPCC (*National Police Chiefs' Council*) for their 'sex work' guidance - leading to mediation, re-consultation and new' guidance (although, sadly, this is essentially identical to the original guidance challenged). We also supported a claimant to initiate legal proceedings against the Home Office for its response regarding the sex trade to the Home Affairs Committee's Inquiry into Human Trafficking. This could not proceed due to Parliamentary privilege but the Judge took the unprecedented step of urging the claimant to lobby the Home Office on this matter.

Our Submission

We have a wealth of knowledge as to the reality and harms of the sex trade. As such we broadly support the following Amendments to the Bill tabled by MPs also with expert knowledge, from the APPG on Commercial Sexual Exploitation:

- **NC1 – Outlaw pimping websites (tabled by Tonia Antoniazzi MP)**
- **NC2 – End impunity for paying for sex (Tonia Antoniazzi MP)**
- **NC3 – Support rather than sanction victims (Tonia Antoniazzi MP)**
- **NC4 - Amend the definition of human trafficking to remove the 'travel' requirement (Carolyn Harris MP)**

These amendments work in principle because they recognise prostitution for the MVAWG (*Male Violence Against Women and Girls*) that it is and represent the policies and practices used for all other forms of VAWG:

Victim Profile:

	SEX TRADE	VAWG
Vulnerable/Pre Abused/Exploited Enter	✓	?
Socially Groomed to Enter	✓	X
Denial. Trauma Bonded. Dissonance. Dissociation. Split Persona. Coerced	✓	✓
Extreme Violence/Multiple Abusers	✓	?
Shattered Mental/Physical Health	✓	✓
Re-entry normal	✓	✓
Supported to Exit/Post Exiting	X	✓
Consumed in multi \$trillion industry	✓	X

Current Attitudes & Policies:

	SEX TRADE	VAWG
Viewed as Normal, Empowering, Choice	✓	X
Widely Promoted in Popular Culture	✓	X
Inherent Harm Recognised	X	✓
Viewed as Inevitable	✓	X
Abusers Decriminalised	✓	X
Abusers/Profiteers Listened to	✓	X
Victims in Denial Listened to	✓	X
Survivors Listened to	X	✓
Recognised as Victims	X	✓

The Imperative Need to Listen to Lived Experience

89% of those in the sex industry seek to escape, immediately. They know the sex trade is neither 'sex' nor 'work'. Their voices are represented by survivors and their allies such as our organisation. These are the voices of lived experience. These are the voices of 'the many not the few'. These are the voices of those harmed – usually to an extreme degree. It is imperative that these are the voices that are listened to and given the abundance of weight they are due.

Yet, it is the voices of 'sex work' groups which hold dominion. Such groups however, represent, at best, just 11% of those selling sex and potentially pimps and other profiteers (who are, after all, by definition also 'sex workers'). For various reasons* those selling sex or still closely linked to the industry might feel it is 'just a job', believe harm can be mitigated and lobby for the worst possible policies for those in the industry (such as pimp decriminalisation). Typically, these are women not with *lived* experience, but who are *still living the experience* - two very different things*.

Decisions must be Fact-Based

It is surely imperative that all decisions on this issue, which has been made increasingly contentious by a multi \$billion sex trade lobby, are based on factually correct information. Time and again those who assert prostitution is 'just work' have only opinion, not fact, supporting their claims. What evidence and research that is provided is often of shockingly poor quality and clear bias. The fact that much of this research is carried out by/overseen by/heavily linked to brothel keepers, off shoots of pimping websites and child prostitution apologists surely means extreme caution is advised?:

<https://notbuyingit.org.uk/sex-trade-publications#fakeresearch>

The Numbers Game

It is imperative to recognise that the sex trade lobby can mobilise 10,000s, both in and outside of the industry to its cause. Contentious strip clubs have been used as a fertile breeding ground to create groundswells of regional support, witnessed in Bristol, Sheffield, Edinburgh for instance – with petitions in each locality garnering 1,000s of signatories. This support includes those in positions of authority, much of the media and social media as well as many public influencers. The sex trade lobby truly can 'play the numbers game', unlike those who advocate for the amendments in this Bill. It is the factuality of responses, not sheer weight of numbers, that is important.

The Sex Industry is inherently harmful

There is extensive evidence that all forms of 'sexual service' are inherently harmful - emotionally and often physically, even if freely chosen and no abusive punter or pimp is ever encountered (which is exceedingly rare). This is because the human psyche is based on sex and sexuality driven by *desire*, not *necessity*. But the sex trade turns sex/sexual expression into necessity – driven by the need for money, shelter, security etc. This harm can never be separated from the industry, it cannot be 'reduced' or 'regulated out'. It means the industry is by definition inherently harmful.

Violence ‘Near Pandemic’

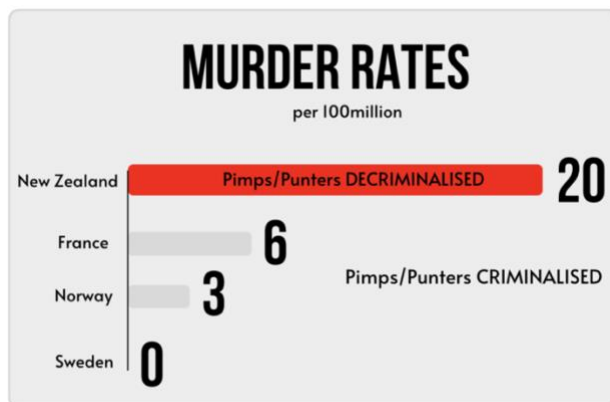
Further, the reality of the industry is ‘near pandemic levels of violence’ - according to the APPG on CSE (*All Party Group on Commercial Sexual Exploitation*) – a view supported by extensive global evidence. This is, unsurprisingly, at its worst where pimps and punters have been sanctioned through decriminalisation:

- <https://notbuyingit.org.uk/sex-trade-publications#humancost>
- <https://notbuyingit.org.uk/sex-trade-publications#financialcost>
- <https://notbuyingit.org.uk/sex-trade-publications/#widerimpact>

*Denial, Dissonance, Trauma Bonding in the Industry

All who truly exit the industry testify to the denial, dissociation, split personas and cognitive dissonance (believing two totally opposing things as true at one and the same) they and/or others experienced. Trauma bonding is also common. These traits are already well recognised in those trapped in other forms of MVAWG such as domestic violence and child sexual abuse as survival mechanisms.

How England and Wales Currently Operate



Decriminalising sex buyers and third party profiteers (‘pimps’) is well evidenced as catastrophic in all countries which have gone down this route. Closer to home it proved disastrous in Holbeck, Leeds which operated a *de facto* decriminalised zone for several years:

- <https://notbuyingit.org.uk/sex-trade-publications#prostitutionaswork>

Yet England and Wales currently operates a state of unacknowledged full decriminalisation of the sex trade – at least for pimps and punters. Indeed ‘pimping websites’ are viewed as ‘key partners’ by policing bodies and prosecutions against those who buy sexual services from someone coerced are now near non-existent. We are actually in a situation whereby *those who sell sex are more likely to be arrested and face sanction than their exploiters* – not dissimilar to the situation around the world where full decriminalisation has been implemented. This puts England and

Wales at odds with Ireland and Northern Ireland who have implemented Nordic Decriminalisation and with Scotland who recognises prostitution for the MVAWG that it is.

Nordic Decriminalisation – Prostitution as MVAWG

This is what the amendments to this Bill broadly propose. It is evidenced from across the world that this system of dealing with prostitution works with astonishing results, if implemented properly:

<https://notbuyingit.org.uk/sex-trade-publications#prostitutionasviolence>

It is also the only system of dealing with the sex trade that abides by international law:

<https://notbuyingit.org.uk/sex-trade-publications/#breakingthelaw>

Criminalise all ‘Pimping’ Websites – Amendment NC1

- **We support Amendment NC1**

Third party profiteering websites (commonly understood as ‘pimping websites’ or, euphemistically, ‘adult sex work sites’) are the primary means by which women are now bought and sold. If these are allowed to continue to operate legally, not a dent can be made on prostitution, trafficking, child prostitution or all the other criminal activity such sites feed.

They provide no greater safety than any other method of selling sex, despite totally unsubstantiated statements that they do. Further, closing them does not ‘displace’ the market – another wholly unsubstantiated claim by the sex work lobby.

It is well evidenced that they harbour and promote extensive levels of pimping, trafficking, sexual exploitation and the other criminal activity perpetuated by the organised crime that controls prostitution. Yet, inexplicably, policing bodies, such as the NCA (*National Crime Agency*) and NPCC, have viewed such sites as ‘key partners’ for many years. The NPCC still refuse to consider the evidence of the utter futility and harm of this approach despite legal action launched against it for so doing:

<https://notbuyingit.org.uk/sex-trade-publications/#pimpingsites>

Ending Demand – Amendment NC2

Another myth relied upon by the sex trade lobby is that the industry is inevitable (it is the ‘oldest profession’ after all). It cannot be stopped so the best option is simply to try to reduce its harm. But again, this basic premise, is untrue and has been disproven in multiple research pieces from across the world. In fact, close to 90% of sex buyers would be deterred merely by being publicly named as a punter. That is how easily the sex trade could be shut down – almost overnight. Indeed,

kerb crawling was eradicated in Ipswich within 1 year (coupled with exiting support to those being bought) despite extremely limited resources:

<https://notbuyingit.org.uk/sex-trade-publications#inevitable>

- **We support the thinking behind Amendment NC2**
- **However Amendment NC2 must be altered to criminalise merely the *offer* of paying for prostitution.**

As the amendment currently stands, it is only unlawful after the fact, if a sex act has actually taken place. This means a loophole is automatically built in. It will be readily contested and hard, if not impossible (as well as highly invasive to the prostituted person) to prove.

Support not Sanction Victims – Amendment NC3

This goes to the very heart of recognising the sex trade as MVAWG and Nordic Decriminalisation.

Supporting Victims

- **We broadly support Amendment NC3**
- **However, The Bill must place a legal obligation to provide exiting and post exiting support**
- **Funds must be ring-fenced for this**
- **There must be some mechanism to allow *only* those with genuine understanding, knowledge, skills and experience, particularly of exiting, to provide support to those in the industry and training to services and others**

Support, of all forms, needs to be offered to those who are, or have, sold sex. Given near 90% seek to escape, exiting support is clearly a priority. When appropriate support is offered, exiting is highly achievable:

<http://i4.cmsfiles.com/eaves/2012/11/Breaking-down-the-barriers-a37d80.pdf>

But it needs to be understood the extreme levels of harm experienced and that recovery can be a life long experience. Exiting and long term post exiting support is needed, often by multiple services, because of the extreme physical, mental health, financial and practical harms incurred

However, a huge lack of understanding and trepidation by support services needs to be addressed. This has been greatly exacerbated by the sex work lobby.

It is imperative that none of this support be provided by sex work groups who advocate that the industry is just work and call for the decriminalisation of pimps. This shows a very narrow, indeed false, understanding of the industry - one that is at total odds with its reality, particularly for those

who seek to escape. Further, such groups have no track record or experience of providing genuine exiting support, as required by the vast majority of those in the industry.

There are a host of other services with expertise on genuinely supporting those in the sex trade – including, but certainly not limited to exiting. These are the organisation who should be leading the training of services, police, councils and others. These are the services who must be funded to support those in the industry.

Sex work groups will be heavily vying for funding and influence. Given their stranglehold on many services currently, measures must be taken to address this. Perhaps this could take the form of a sanctioned list of providers, overseen by well established exiting support groups and survivor experts which offer exiting and other support, to ensure carefully vetted groups only support those in the sex trade or provide training to services.

End Criminalisation

- **We fully support Amendment NC3 to repeal offences such as ‘loitering’**
- **However, this Bill must, additionally ensure *all* criminal records of prostitution are expunged and all cautions for ‘loitering or soliciting for purposes of prostitution’ are removed from the police database.**
- **The Bill must also bar any information related to sex selling being included in medical or other records and that any information that *is* ever gathered (eg by support services) can only be shared with the strict permission of the individual involved.**

It is shameful that those selling sex were ever criminalised. It is shameful that those who have been carry a criminal record as a ‘common prostitute’ for 100 years. It is shameful that someone who sold sex is barred from jobs ‘of the highest integrity’ (including policing) rather than their abusers, their buyers and sellers (in fact it is only recently that police guidance recommends police should not be sex buyers, despite at the same viewing prostitution as work.

It is even more shameful when it has been known for years that a criminal record is one of the reasons women find it exceptionally hard to move on and ultimately into work:

[10% Prostituted women convicted for prostitution-related offences \[Scotland\]](#)

[25% Prostituted women convicted for other offences \[Scotland\]](#)

[67% Women in sex trade have criminal record \[UK\]](#)

Survivors tell us that knowing information relating to prostitution in on medical records causes totally needless stress – not only can these shared not only with the medical profession but others, such as employers. It is invariably not relevant, the impact is not the cause. It potentially also amounts to a breach of human rights regarding privacy, right to work and other issues.

Amending the Modern Slavery Act – Amendment NC4

Sex trafficking represents the most prevalent and by far the most lucrative form of human trafficking so particular emphasis and clarity is needed in defining it and seeking to eliminate it. It is an important step forward to see the utterly nonsensical requirement for ‘movement’ removed from the definition, focussing instead on abuse.

However, Section 3 needs to be further amended to finally fall in line with the Palermo Trafficking Protocol (ratified by our government so making it legally binding under UK law).

- **Section 3 must ‘criminalise all profiteering from the prostitution of another’** - regardless of whether coercion or exploitation is (overtly) involved. Requiring proof of coercion presents an insurmountable loophole which will essentially negate the law. We have already seen this happen with Section 53A of the Sexual Offences Act 2003 where proof is required that the victim was coerced into prostitution in order to penalise their buyer. This has resulted in this essentially becoming a non-crime, impossible to enforce, not followed up by police or investigated with close to zero prosecutions.
- **Remove the defence of ‘reasonable belief of age’ for all child rape prostitution.** For child rape prostitution it has to be proven that the buyer did not ‘reasonably believe’ the victim was under 17. This is a pro-abuser, unreasonable and unneeded loophole. It must be removed.
- **Remove the defence of ‘reasonable belief of age’ from all child sexual abuse.** Similarly, the law currently reads that for the sexual abuse of a child aged over 13, it has to be proven that the abuser did not ‘reasonably believe’ the child was over 15. This ‘abuser loophole’ also needs to be removed.