

PROSTITUTION POLICY IN THE UK

Prior to the Policing and Crime Act 2009, the position in the UK was that neither the buying nor the selling of sex was criminalised *per se*. However, it was illegal to run a brothel, and the nuisance associated with prostitution was illegal. By the Sexual Offences Acts of 1957, 1985 and 2003 there were the offences of i) loitering or soliciting in a public place for the purposes of prostitution ii) causing or inciting another person to become a prostitute with the expectation of gain for yourself or for a third party and iii) controlling any of the activities of another in relation to that person's prostitution with the expectation of gain for yourself or for a third party. However, the acts of paying for consensual sex, or selling it, were not criminal offences in themselves.

During 2004 the Government had a consultation called *Paying the Price*. This requested views from stake-holders on the way forward for tackling the issue of prostitution in the UK. It made clear that all possibilities were open including legalisation, managed zones etc. This consultation led to the publication of *Co-ordinated Prostitution Strategy* (see <http://homeoffice.gov.uk/documents/cons-paying-the-price/#> for how to get a copy of this strategy). The aim was basically to reduce the amount of street prostitution and to reduce commercial sexual exploitation in all forms. They planned to do this by a combination of preventative measures, tackling demand, developing routes out for those involved in prostitution, and cracking down on groomers, traffickers and other abusers.

Accordingly, The Policing and Crime Act 2009 made the following changes to the law:

- A new offence of paying for the services of a prostitute who has been subjected to exploitative conduct (force/ threats/ deception) was introduced. This is a strict liability offence and as such will be committed whether or not the person paying for the service knew or ought to have known about the circumstances. This is intended to reduce the demand for prostitution generally, and in particular where trafficked women are concerned;
- For 'loitering for the purposes of prostitution' to be an offence, 'persistent' loitering is now required (twice or more in a three month period). This will make it more difficult for a prostitute to be convicted of this offence;
- The option of three supervision meetings (with the intention of helping the prostitute to find routes out) instead of the imposition of a fine has been introduced for the offence of 'loitering for the purposes of prostitution';
- Kerb-crawling or soliciting will now be an offence on the first occasion, in order to reduce the demand for prostitution.

The relevant parts of the new legislation can be found here:

http://www.opsi.gov.uk/acts/acts2009/ukpga_20090026_en_4#pt2-pbl-11g14

In summary, recent policy has involved an attempt to reduce the demand for prostitutes, particularly those who are forced into it, by creating a strict liability offence of paying for sex with a woman who has been exploited, and by making it easier for a person paying for sex to be convicted of an offence (kerb-crawling or soliciting). Recent changes in the law have also made it less likely that a prostitute will be convicted of an offence

(loitering), and where an offence is committed, now provide the option of a form of counselling being imposed as the penalty, with the aim of helping the prostitute find a way out of the life-style, rather than a fine.

It remains to be seen how effective these measures will be!

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