



# Prostitution and the law

# What This Training Will Cover:

- What does UK law say about prostitution?
- Modern slavery & human trafficking
- The change StreetlightUK wants to see made in UK law

# Legal or illegal?

- A woman serving a man in a bar asks where he lives. He says he is staying in a nearby hotel, and she says she will spend the night in the hotel with him, if he pays her. He agrees.
- Has either of them committed an offence?

# Legal or illegal?

- Answer: legal!
- The actual act of prostitution – exchange of money for sex – is not illegal in the UK. It was agreed upon by two consenting adults, in a private premises (no soliciting in a public place took place on this occasion). Therefore, this is legal.

# Legal or illegal?

- A man pulls into a petrol station to fill up his car. A woman walks up to him and asks whether he would like sexual services. He asks her how much it will be; she tells him. He agrees and they get in the car together and find a side street where she performs a sex act on him.
- Has either of them committed an offence?

# Legal or illegal?

- Answer: illegal!
- It is illegal to solicit – either offering sex or asking to buy sex – in a public place, such as a street, or petrol station forecourt. A secondary offence, outraging public decency, may also have occurred as they were engaged in a sex act in a place which was publically accessible.

# Legal or illegal?

- Two women decide to work from the same flat, as they feel safer doing that than being in a flat on their own with men who pay them for sex. Another woman they know says she has a flat they can use where other women work too; she says she will provide extra security for the flat and will introduce them to new clients, in exchange for them giving her a percentage of their earnings.
- Have any of them committed an offence?

# Legal or illegal?

- Answer: illegal – for the woman managing the flat.
- It is illegal to manage or keep a brothel, or to let premises for the purposes of running a brothel. The two women working there are not committing an offence, nor are any men who buy sex there, but the woman keeping/managing it is.



# Legal or illegal?

- A woman advertising sexual services on the website 'Adultwork' decides to put some flyers in local phoneboxes with erotic pictures of herself on, advertising her services.
- Is she committing an offence?

# Legal or illegal?

- Answer: illegal!
- Advertising sex in a public place – such as a phonebox – is illegal. Advertising sex on adult websites, however, is not.

# Legal or illegal?

- A woman in Romania is told by a friend that if she goes to the UK, her friend can arrange for her to have a good job and therefore send money back to her family who are struggling financially. When she gets to the UK, her passport is taken from her, and a group of men threaten to hurt her family unless she stands on a particular part of a street, offering sex to men.
- Who is committing an offence?

# Legal or illegal?

- Answer: illegal!
- Technically the woman in question is committing the offence of soliciting, though she would be treated as the victim of the crime of trafficking.
- The woman who facilitated her travel to the UK has committed an offence because she knew that she was going for the purpose of slavery, as have the men who are coercing her into prostitution.

# What is the **legislation** that governs prostitution in the UK?

- Street Offences Act 1959
- Sexual Offences Act 2003
- Modern Slavery Act 2015

# Loitering/Soliciting

- It is an offence for a person to persistently loiter or solicit in a street or public place for the purposes of offering services as a prostitute.
- 'Persistent' is considered to mean if it takes place on two or more occasions in a period of three months.
- Sentencing: punishing by a fine.

# Loitering/Soliciting – Buying Sex

- It is an offence for any person in a street or public place to solicit another person – male or female – for the purpose of obtaining a sexual service as a prostitute.
- This includes walking or driving (i.e. kerb crawling).
- Any approach in a street or public place with that request/proposal is soliciting.
- The CPS do not have to prove persistence or that the behaviour was likely to cause annoyance/nuisance to others – an offender can be prosecuted on the first occasion they are found to be soliciting.

# Keeping a **brothel**

- A brothel is a premises used by more than one woman for the purposes of prostitution, either simultaneously or one at a time. Where a woman is working alone from one premises it is not a brothel.
- The Sexual Offences Act 1959 considers the following to be offences:
  - Keeping a brothel
  - A landlord letting premises for use as a brothel
  - A tenant permitting premises to be used as a brothel.



# Paying for sexual services where someone has been **forced**:

- It is an offence to pay for the sexual services of a prostitute subjected to force.
  - If a person (John) makes or promises payment for the sexual services of a prostitute (Emily)
  - And a third person (Mike) is exploiting Emily and encouraging her to provide services for John, and
  - Mike engaged in that conduct for his own gain.
- 
- = John has committed an offence.

# Paying for sexual services

- It is irrelevant where the sexual services are provided; if the sexual services are ever provided, or whether John was aware that Mike was engaging in exploitative conduct.
- (Exploitative conduct = use of force, threats, coercion or deception).
- This is most likely to happen in a brothel, but could also happen in a nightclub or online services.
- If found guilty John would be liable for a fine.

# Advertising sexual services



- A person commits an offence if s/he:
- Place on or in a public telephone an advert related to prostitution
- Does so with the intention that the advert should come to the attention of any other persons
- Sentence: If found guilty of an offence a person is liable to imprisonment of a term not exceeding 6 months, or a fine, or both.

# Modern **Slavery** Act 2015

- A person commits an offence if:
- A) The person holds another person in slavery or servitude, or
- B) the person requires another person to perform forced or compulsory labour.

# Human Trafficking

- Trafficked women are largely confined to off-street/residential premises e.g. brothels, massage parlours, saunas and flats. (Some trafficked women will also work on-street.)
- This is often linked with other organised criminal activity e.g. immigration crime, violence, drug abuse and money laundering.
- Women are vulnerable to this kind of exploitation because of immigration status, economic status, or because they are subjected to abuse, coercion and violence.

# Modern Slavery Act 2015:

## Human trafficking

- A person commits an offence if:
- The person arranges or facilitates the travel of another person, with a view to that person being exploited.
- It is irrelevant whether the person consents to the travel (adult or child).

# What **changes** does StreetlightUK want to see?

## 1) Criminalisation of sex buying ('Nordic Model'):

Since new laws criminalising sex buying were introduced in Sweden, demand for purchase of sex has decreased.

2) Increase of penalties against those who purchase sex – 75% of those interviewed for the Eaves report stated that greater criminal penalties would deter them from buying sex.

2) Recognition of prostitution as a form of violence against women and not a “choice” or career.

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ANY QUESTIONS?