

# **Departmental Response to the consultation on the draft Strategy -**

## ***‘Leaving Prostitution: a strategy for help and support’***

**December 2015**

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# 1. Background

- 1.1 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 ('the Act') came into operation in Northern Ireland on 14 January 2015. The objective of the Act is to provide Northern Ireland with a more robust legal framework in relation to:
  - the prosecution of traffickers and those subjecting people in Northern Ireland to conditions of slavery;
  - the provision of improved support for victims; and
  - tackling the demand for the services of trafficked victims.
- 1.2 Section 19 of the Act requires the Department of Health, Social Services and Public Safety ('DHSSPS'), along with other Northern Ireland Government departments, to prepare and publish a Strategy for those wishing to leave prostitution that will outline the actions to be taken by departments to ensure that a Programme of Assistance and Support ('PAS') is in place for people who want to leave prostitution.
- 1.3 DHSSPS has developed a draft Strategy, '*Leaving Prostitution: a strategy for help and support*', which includes information on what format the PAS is likely to take. A consultation was published to seek views on the draft Strategy and how it might be improved. The consultation ran from 11 September 2015 to 23 October 2015.
- 1.4 A total of **15 responses** were received by the close of the consultation. This document summarises the key issues raised by respondents and provides a DHSSPS Departmental Response to those issues. The final version of the '*Leaving Prostitution*' Strategy incorporates the revisions to the Strategy as detailed in this document.

## 2. Departmental Response

### Part 1 – Draft Strategy

#### Question 1 – Scope of the Strategy

- 2.1 The draft Strategy detailed the legislation under which the Strategy and subsequent Programme of Assistance and Support (PAS) are being developed. Those considered to be in scope were any women or men who provide physical sexual services and who want to leave prostitution. The two key groups of individuals who we considered outside the scope were children and victims of human trafficking.
- 2.2 Consultees were asked whether they agreed with the scope of the Strategy. The responses were as follows:

Q1 responses	
Yes	8
No	2
Not stated	5

#### Departmental responses to main issues

##### Human Trafficking and Children

- 2.3 Several respondents said that they would have expected both victims of human trafficking and children involved in prostitution to be included within the scope of the Strategy and PAS.
- 2.4 **The Department has decided to proceed as originally drafted.** While we acknowledge the links between prostitution and both human trafficking and child exploitation, tailored provision is already in place in respect of assistance and support for victims and potential victims of these crimes. As a result, the Strategy and PAS will not extend to cover child exploitation, human trafficking or enforced prostitution.
- 2.5 It is also worth clarifying that, while the requirement for the Strategy and PAS comes from the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, the Strategy and PAS under Section 19 of the Act are specifically aimed at people who voluntarily want to leave prostitution, with the assumption that they were not trafficked into it in the first instance. People who have been trafficked into prostitution and want to leave it may well find the PAS to be of use to them but their first source of help should always be the police or the National Referral Mechanism, not the PAS.

### Encouraging people to leave prostitution

- 2.6 Some respondents said that the function of the Strategy and PAS should extend beyond those who wish to voluntarily leave prostitution and should actively encourage people out of prostitution.
- 2.7 **The final Strategy will remain as previously drafted and the PAS will not seek to encourage anyone out of prostitution.** The parameters for the PAS are set out in Section 19(1) of the Act and state that the PAS should be “*made available to persons who wish to leave prostitution*”. The PAS will remain a source of information, assistance and support for people who have expressed a desire to leave prostitution.

### Inclusion of people providing remote sexual services

- 2.8 The draft Strategy proposed that the PAS would only extend to people offering physical sexual services. Some respondents identified a perceived risk to people offering remote sexual services as well (e.g. via internet, telephone services etc) and suggested that such individuals should also be included within the scope.
- 2.9 **The final Strategy will remain as previously drafted.** While we accept that that people providing remote sexual services may be subject to exploitation, the Department wishes to maintain the focus of this Strategy and the PAS on those at most risk.

## Question 2 – Barriers to Leaving Prostitution

2.10 The draft Strategy highlighted several key barriers preventing people involved in prostitution from leaving. These included issues around substance misuse, housing, mental and physical health, criminalisation, finances and coercion.

2.11 Consultees were asked whether they agreed with the main barriers to leaving prostitution as listed in the Strategy. The responses were as follows:

Q2 responses	
Yes	6
No	4
Not stated	5

### Departmental responses to main issues

#### BME-specific issues

2.12 Some respondents raised concerns that BME issues were not fully identified in the Strategy. These included unemployment, financial and educational barriers, access to social security and issues for people with no recourse to public funds.

2.13 **The Department has decided to proceed as originally drafted regarding BME-related issues.** The Strategy already identifies particular problems for BME individuals wanting to leave prostitution, such as accessing support, language issues, immigration status and fear of the police and violence. Several of the issues raised by respondents were generalised issues affecting many BME individuals, not just those involved in prostitution.

#### Other barriers

2.14 Respondents identified further barriers to leaving prostitution, including:

- Stigma – people involved in prostitution perceive a stigma associated with their lifestyle choices that can make them reluctant to engage with services;
- Fear of child protection procedures – many people involved in prostitution who have children are afraid of the potential consequences should child protection services become involved in their family life.

2.15 **In light of these responses, the Department will revise the Strategy to include stigma and fear of child protection procedures as barriers.**

## Question 3 – Existing Services

2.16 The draft Strategy provided a list of some of the key areas where assistance and support is already available for people who want to leave prostitution. These included services in health, finance, housing, employment/training, the justice system, domestic and sexual violence, outreach and drop-in services and counselling.

2.17 Consultees were asked whether they agreed that the existing services available for those wanting to leave prostitution had been identified in the draft Strategy. The responses were as follows:

Q3 responses	
Yes	4
No	6
Not stated	5

### Departmental responses to main issues

#### Third sector service providers

2.18 Several respondents noted that other sources of assistance and support provided by the voluntary and community sector were not identified within the draft Strategy.

2.19 **The Department has decided to proceed as originally drafted regarding third sector service providers.** The Department accepts that there is a wide range of other services available to people wanting to leave prostitution. However, it is not the purpose of this Strategy to provide an exhaustive list on all relevant service provision within Northern Ireland. The services highlighted in the Strategy are those which are government-run or government-funded. The Department will utilise suggestions tendered by respondents to inform development of the initial PAS.

#### Shortcomings in existing services

2.20 While agreeing with the list of services highlighted, many respondents expressed concerns that there were shortcomings in the level and scope of the services listed.

2.21 **The Strategy does not address perceived shortcomings in the services listed.** We understand that respondents may feel that these services can be improved but any proposed new services or enhancement of existing services will be the responsibility of the Governance Group (see question 5 for more detail on the Governance Group).

## Question 4 – Programme of Assistance and Support (PAS)

2.22 The purpose of the Strategy is to set out the actions to be taken forward to develop the PAS. The draft Strategy noted the requirements for the PAS as detailed in the Act and provided a brief overview as to what the initial PAS will look like. In short, it was proposed that the initial PAS would focus on connecting people who want to leave prostitution with the appropriate existing services, rather than attempting to seek resources to develop a new service or enhance an existing service at this stage.

2.23 Consultees were asked whether they agreed with the proposal to deliver the PAS. The responses were as follows:

Q4 responses	
Yes	4
No	6
Not stated	5

### Departmental responses to main issues

#### Same-gender support

2.24 Respondents expressed concerns about the need for and the effectiveness of the provision of assistance or support having to be delivered by a person of the same gender as the person receiving the support.

2.25 **The final Strategy will remain as previously drafted.** Section 19(4) of the Act specifically states that “*the strategy must ensure that assistance and support is offered from a person who is of the same gender as the person receiving it*”.

#### Resources

2.26 Many respondents expressed concern regarding the lack of dedicated funding for the PAS.

2.27 **The Department has decided to proceed as originally drafted regarding resources.** As noted in the draft Strategy, this work is being brought forward at a time of exceptional financial difficulty for the Executive. The Strategy and PAS are due to be reviewed at least every three years and should resources for service development become available at that point, business cases can be taken forward to secure necessary funding.

#### Signposting

2.28 Respondents believed that the initial PAS should go further than simply signposting people to existing services.

2.29 **The Department has decided to proceed as originally drafted regarding the proposed structure of the initial PAS.** Under Section 19(2) of the Act, the Strategy must “*provide for a programme of support and assistance to be made available in accordance with the strategy no later than 1 April 2016*”. As a result, it would not be possible to deliver the PAS in any other format other than that which is proposed. The PAS will be in place prior to the dissolution of the current Assembly in March 2016.

2.30 Furthermore, we believe that it would be prudent for the Governance Group to carry out an initial scoping exercise to ascertain the potential uptake of assistance and support through the PAS and to identify the most effective means to improve current service provision.

### Proactive PAS

2.31 Several respondents believed that the proposed PAS should have a wider remit and should proactively engage with those involved in prostitution to encourage them to leave.

2.32 **The final Strategy will remain as previously drafted and the PAS will not seek to encourage anyone out of prostitution.** As noted under Question 1, the parameters for the PAS are set out in Section 19(1) of the Act and state that the PAS should be “*made available to persons who wish to leave prostitution*”. The PAS will remain a source of information, assistance and support for people who have expressed a desire to leave prostitution.

### Other PAS considerations

2.33 Respondents identified several proposals to enhance the PAS, including:

- Dedicated caseworker – those wishing to leave prostitution should have the support a caseworker to assist in the transition out of prostitution;
- Social media – future PAS should take advantage of social media to highlight and promote key services available;
- Training – training for frontline service providers in how to best support people wanting to leave prostitution.

2.34 **We accept that the above proposals are reasonable and potentially beneficial to future PAS development. While the Strategy will not be revised to reflect these, we will, however, direct the Governance Group to consider whether any or all of these proposals can be incorporated into the development of future iterations of the PAS.**

## Question 5 – Governance

2.35 The draft Strategy proposed that the Strategy and PAS would be monitored and evaluated by a Governance Group made up of departmental officials. This Governance Group would convene task-and-finish groups to progress specific actions when required. The membership of these task-and-finish groups would include representatives from stakeholder groups and the voluntary and community sector.

2.36 Consultees were asked whether the proposals for governance of the Strategy and PAS were appropriate. The responses were as follows:

Q5 responses	
Yes	6
No	3
Not stated	6

### Departmental responses to main issues

#### Governance Group

2.37 The draft Strategy proposed that the Governance Group would be made up solely of departmental officials. Some respondents suggested that the membership of the Governance Group should be expanded to include other stakeholders.

**2.38 The Department has decided to proceed as originally drafted regarding the membership of the Governance Group.** This Governance Group will focus on ensuring continued compliance with Section 19 of the Act. We believe there is more benefit in stakeholders participating in the proposed task-and-finish groups where their expertise and experience can be best utilised.

#### Other Governance considerations

2.39 Respondents raised other points in relation to the Governance structure, including:

- Constitution – there were questions over how often the Governance Group will meet, what its Terms of Reference will be etc;
- Membership – several respondents expressed polarised views on membership of task-and-finish groups;
- Review of current service provision – several respondents suggested that the Governance Group should carry out a review of the effectiveness of current service provision for those who want to leave prostitution.

**2.40 The Department accepts that the above points need to be taken forward but they are ultimately issues that should be considered and addressed**

**by the Governance Group. The Strategy will not be revised to reflect these points but we will direct the Governance Group to consider these issues in its early meetings.**

2.41 With specific regard to membership of task-and-finish groups, several respondents expressed strong views about the appropriateness of some prospective representatives. We understand that the issue of people leaving prostitution can be emotive and that strong views are held on both sides of the discussion. We cannot predetermine the decision of the Governance Group with regard to task-and-finish group membership but, as Chair of the Group, the Department takes the view that the success of the PAS will be dependent on the involvement of a wide range of stakeholders.

## **Part 2 – Equality Screening**

### **Question 6 – Section 75**

2.42 Consultees were asked whether the proposals set out in the consultation document were likely to have an adverse impact on any of the nine equality groups under Section 75 of the Northern Ireland Act 1998. The responses were as follows:

<b>Q6 responses</b>	
Yes	3
No	7
Not stated	5

### **Departmental responses to main issues**

#### Faith-based groups

2.43 It was suggested that the involvement of faith-based organisations in the outworkings of the PAS might raise issues of inequality particular to NI.

**2.44 This suggestion is contrary to Section 75 of the NI Act. In the development of the governance structures, the Department will continue to promote equality of opportunity for all S75 groups.**

#### Gender

2.45 It was also suggested that if the PAS is “*framed heteronormatively then it will obviously impact on those young men who sell sex*”.

**2.46 The Department has drafted the Strategy in line with Section 75 in order to ensure equality of access for all individuals (regardless of, amongst other things, gender or sexual orientation) who may wish to avail of the PAS. The Strategy will remain unchanged in this regard.**

## Question 7 – Adverse Impact on Equality of Opportunity or Good Relations

2.47 Consultees were asked whether they were aware of any indication or evidence that the proposals set out in the consultation document may have an adverse impact on equality of opportunity or on good relations. The responses were as follows:

Q7 responses	
Yes	1
No	8
Not stated	6

### Departmental responses to main issues

#### Adversarial organisations

2.48 It was suggested that organisations that are in an adversarial relationship with those involved in prostitution should be excluded from the governance structures.

**2.49 The Department acknowledges the wide range of diverse and often opposing views of key stakeholders on the issue of leaving prostitution. The Governance Group will ensure a fair representation of key stakeholders to support equality of opportunity and good relations.**

## Question 8 – Opportunity to Better Promote Equality of Opportunity or Good Relations

2.50 Consultees were asked whether there is an opportunity to better promote equality of opportunity or good relations. The responses were as follows:

Q8 responses	
Yes	1
No	8
Not stated	6

### Departmental responses to main issues

#### Building trust

2.51 It was suggested that the establishment of regular conferences would build better relations between those involved in prostitution and other stakeholders.

**2.52 The Department will seek to build trust between all relevant stakeholders through the establishment of the new governance structures and the ongoing development and delivery of the PAS.**

## Question 9 – Human Rights

2.53 Consultees were asked whether there were any aspects of the policy where human rights violations may occur. The responses were as follows:

Q9 responses	
Yes	2
No	7
Not stated	6

### Departmental responses to main issues

#### Forced into using the PAS

2.54 It was suggested that there could be potential human rights concerns if people involved in prostitution were forced into using or engaging with the PAS or if the provision of a decent standard of sexual health services were conditional upon the person leaving prostitution.

2.55 **Section 19 of the Act says that the PAS should be “*made available to persons who wish to leave prostitution*”. The purpose of the PAS is to provide assistance and support to people who want to leave prostitution voluntarily. There will be no attempt made to encourage anyone out of prostitution and the provision of the wide range of support services available will not be conditional upon the person indicating his/her intention to leave prostitution.**

#### Adversarial organisations

2.56 It was also suggested that there could be a human rights violation if an organisation that had a key role in the PAS did not act in the best interests of people wanting to leave prostitution.

2.57 **The Department acknowledges the wide range of diverse and often opposing views of key stakeholders on the issue of leaving prostitution. The Governance Group will ensure that any organisation that may be involved in future PAS delivery will adhere to the clear objective of Section 19 (i.e. the provision of assistance and support for people wanting to leave prostitution).**

## **Part 3 – Additional Comments**

### **Question 10 – Additional Comments**

2.58 The following are some of the additional key issues raised by respondents that have not been addressed elsewhere in this Departmental Response.

#### **Departmental responses to main issues**

##### Terminology

2.59 Some respondents questioned the use of the term “*prostitution*”, indicating that it can be seen as offensive.

2.60 **The final Strategy will remain as previously drafted.** As noted in the draft Strategy, Section 19(7) of the Act specifically directs us to use the definition of “*prostitution*” as given in Article 58 of the Sexual Offences (Northern Ireland) Order 2008. We understand that this term can be interpreted in different ways, depending on both the context and the reader; however, the Strategy will continue to use this term as directed by the Act.

##### DOJ/QUB Research

2.61 A study of prostitution in Northern Ireland was commissioned by the Department of Justice and carried out by Queen’s University Belfast. The study, called “*Research into Prostitution in Northern Ireland*” (the DOJ/QUB Research) was published in October 2014. It was suggested that the Strategy is too heavily dependent on the DOJ/QUB research.

2.62 **The Department sought to use all appropriate local data on prostitution in Northern Ireland. Very little research has been taken forward in this policy area in recent years and the DOJ/QUB research is the most thorough, current, local research available which is why it is so prominent in the draft Strategy.** Should any future local research be taken forward on prostitution in NI, we will consider its findings and how it can inform future policy development.

##### Hard to Reach Groups

2.63 Several respondents raised concerns about how to communicate with hard to reach groups in this policy area.

2.64 **The Department acknowledges that it is important to ensure that everyone for whom the PAS is intended is aware that assistance and support is available if they want to leave prostitution. Communication with the individuals will be a key issue for the Governance Group and we believe that a task-and-finish group for engaging with hard to reach groups would be of great benefit. This will ultimately be for the Governance Group to consider and take forward.**

## 3. Next Steps

### Publication of the Strategy

- 3.1 Section 19 of the Act requires that the Strategy be published by 14 November 2015. The final Strategy will be published and made available on the DHSSPS website, as will this Departmental Response and the consultation responses (14 published, one anonymous).

### Development of the PAS

- 3.2 Section 19 of the Act also requires that the PAS be in place by no later than 1 April 2016. As noted in the draft Strategy, the barriers to leaving prostitution are addressed through the provision of existing services provided by the state. It is therefore not proposed that such services should be replicated solely for the PAS. The core of the PAS will be connecting those wishing to leave prostitution with the services and support which will allow them to do so.

### Governance structures and evaluation

- 3.3 A Governance Group, chaired by DHSSPS, will be set up to take ownership of and review the Strategy and the PAS. The Governance Group will be made up of officials from those Northern Ireland departments that have most direct interest in support for people wanting to leave prostitution.
- 3.4 At this stage, it is envisaged that task-and-finish groups would be convened by the Governance Group to take forward specific actions when required. The membership of these task-and-finish groups could include suitable representatives from stakeholder groups and the voluntary and community sector. Ultimately, decisions on direction for and membership of task-and-finish groups will be made by the Governance Group.
- 3.5 The Strategy will be evaluated by the Governance Group in order to ensure that it is meeting the standards as set out in the Act and to assess the need for an amended or expanded PAS. The evaluation will take place within three years of the Strategy being published.

## Annex A – List of Respondents

<b>Respondents (15 received by close of consultation)</b>
1. Belfast Health and Social Care Trust
2. Black and Minority Ethnic Women's Network
3. CARE (Christian Action Research and Education) NI
4. Disability Action
5. Dr Graham Ellison, Queen's University Belfast
6. Gaye Dalton
7. Health and Social Care Board / Public Health Agency
8. Nexus NI
9. NIACRO (NI Association for the Care and Resettlement of Offenders)
10. NICEM (NI Council for Ethnic Minorities)
11. Royal College of Nursing
12. Ruhama
13. UglyMugs.ie
14. Western Health and Social Care Trust
15. Women's Aid Federation NI