

Why are we supporting the call for the erasure of prostitution-specific criminal records for those who have been prostituted?

nia is a charity that works on all forms of violence against women and girls and runs a range of projects. One of these is the London Exiting Advocacy project which supports women to exit prostitution. Alongside this, there is a research and development role which also undertakes primary and secondary research on a range of violence against women and girls issues. This has included research into the barriers to exiting that women involved in prostitution face. Amongst the barriers identified, one was the impact of prostitution-specific criminal records.

Wherever you stand on the prostitution debate, one shared ground is that those selling themselves or being sold for sex should not be criminalised and their records should not be disclosed. Criminal records are widely recognised to be a bar to the reintegration of those affected by the criminal justice system. However, prostitution specific records present an additional set of barriers to women exiting prostitution and trying to build a new life.

Disclosure and Barring Service DBS checks (formerly known as Criminal records bureau) were designed to minimise risk of harm to others. They are predicated on the individual being a perpetrator and a potential danger to others. This does not reflect the reality of women involved in prostitution, they certainly do not present a danger to others but they are themselves, all too often, victims. A significant proportion of women entering prostitution have fled homes and families where they have been victims of abuse or neglect. Many are facing destitution and homelessness. Many are preyed upon, lured into prostitution, including through deliberately drawing women into problematic substance abuse and are subject to coercion, violence and control.

The rules about disclosure include that multiple, repeat convictions must be disclosed even if a single conviction for that offence might normally be “spent” and therefore not subject to disclosure. By its nature, prostitution is usually a survival strategy consequently it is highly likely that many women involved in prostitution – especially visible on-street prostitution – may have multiple convictions. This means that, even if they exited years ago, they will still be faced with disclosure every time they are subject to a DBS check.

The DBS regulations state that offences under certain pieces of legislation must always be disclosed – notably sex offences legislation. Prostitution-specific records are actually not notifiable sex offences but there remains a very common assumption that they are. Whilst the DBS regulations allow for some exemptions to disclosures they also indicate where there must always be disclosure and this includes for certain roles which are subject to “enhanced” DBS. This includes posts that may work with vulnerable individuals and children.

In our research with women exiting prostitution, women commonly identified their preferred non-prostitution roles as being those that related to preventing others from experiencing such abuse or roles that they felt reflected their people and caring skills and, in some cases, work that did not require significant qualifications:

- Social work
- NGOs that support vulnerable women and girls at risk of, or experiencing, violence, abuse and sexual exploitation
- Work with children or youth
- Care work including elderly, mental health etc

It is right that these will be roles subject to enhanced DBS checks not only for employment but even for internships, volunteering, further education and training.

While it is the case that criminal records alone should not normally be the basis on which someone is offered a post or not, it is the case that for many employers, especially if they too mistakenly perceive it as a sexual offence, they may err on the side of caution. But women also describe how, in many cases, they would not even apply for a role or enrol on a course because they know they will be required to have a discussion about their prostitution history. Indeed women often say they are happy for other offences such as shoplifting, ASBOs, vandalism or drug history to be disclosed but they absolutely do not want their prostitution history disclosed. Consequently the DBS checks are a very major and direct bar to women's ability to exit prostitution and build a new role.

However, this is not only a barrier to their employment potential. Many women describe how they might be interested in "giving something back" to the community – they would consider being a local councillor, a school governor, a brownie leader, a lollipop lady or school dinner lady, organising community events and fundraisers, being a teaching assistant or a helper on their children's trips and outings.

These are all activities which may give women back their role, status and self-esteem and reintegrate them in society, providing a new identity and in some cases enhancing their relationship with their children and family. Yet, in many instances, if they even apply for such roles, they are told that they could not take this up due to their record or to the misguided, but widespread, perception that their record makes them a "Sex offender". One woman said she felt like "Gary Glitter" because she wasn't allowed on her child's playground let alone to be a helper on the school trip to France. We have raised this with the Home Office and they recognise that this may be an unintended consequence of the DBS legislation but have not yet done anything to address it.

This situation is irrational, unfair, disproportionate and discriminatory. There is much more to follow on this from us – keep an eye on out for the full report and there will be campaigning and cases addressing this in the near future. Watch this space!

[If you would like to support our work to help women exit prostitution, or any aspect of our work with women, girls and children who have experienced sexual or domestic violence, please donate here](#)