

ASE DEFINITION

And accompanying guidance

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ASE Partnership

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ASE Partnership

01

In 2019 the ASE Partnership, then known as STAGE, was formed to support women who had been targeted for sexual exploitation. The ASE partnership is a consortium of charities; A Way Out, Ashiana, Angelou Centre, Basis Yorkshire, WomenCentre, Together Women, GROW and Changing Lives, who form a collective voice to share the experiences of women living on the margins of society, who have been forgotten, left behind and judged. Each organisation has a dedicated exploitation caseworker to support women through a trauma responsive model of care. Parallel to this work, the partnership advocates for local and national change. With the voices of the women we support at the heart of our work, we challenge the systems with direct, up to date, practical knowledge and experience and campaign for long-term structural change.

Since the partnership was created, we have supported over 800 women who have been groomed for sexual exploitation. However, we know that this issue is far more widespread than what we have already seen. The sexual exploitation of adults is hidden in the cracks of society across the country, whereby the most vulnerable people are systematically targeted for abuse and trapped with no way to escape.

The ASE Partnership has long called for the introduction of a statutory definition of adult sexual exploitation. As outlined in our report *Changing the Narrative*, adult sexual exploitation, and the survivors of ASE are widely misunderstood. From the misconceptions and false narratives placed onto people experiencing adult sexual exploitation, comes structural failings to support those who are the most vulnerable. Once we understand the true reality of these people's lives, we can see the foundations that need to be put in place to adequately support survivors.

Our proposed statutory definition would not create a new offence or redefine consensual sex work as sexual exploitation. It would, however, create a consistent understanding of ASE allowing for exploitation to be recognised and acted upon at an early stage, aid the understanding of ASE cases that do not fall under the human trafficking and modern-day slavery umbrella, and allow for existing legislation to be used more effectively.

Many survivors of sexual exploitation, specifically those whose experiences begin in childhood, will experience a ‘cliff edge’ of support between the ages of 16 and 25, known as the age of transition. For many survivors, in this time nothing will change about the exploitation other than how it’s perceived by others. One woman supported by the ASE partnership told us “It’s child sexual exploitation when you’re a kid, and you have social workers and outreach people. Then you turn 18 and it’s not exploitation anymore. But the men don’t change, it’s all still happening.” The current statutory definition of child sexual exploitation (CSE) was introduced in 2017. While there is still much work to be done, by formalising CSE as a specific form of abuse, this changed the trajectory and life chances for children who were being sexually exploited. Children who were once erroneously considered ‘prostitutes’ or as ‘making poor lifestyle choices’ were now recognised as groomed, abused, exploited and in need of care and support. The definition allowed criminal offences such as those in the Sexual Offences Act 2003 to be used more effectively, rather than justice and safeguarding decisions being impeded by speculation over a child’s ability to consent to their abuse. This is what we want to see for survivors of adult sexual exploitation.

As the Spicer Review highlighted, “there is no national definition of sexual exploitation of adults in legislation or government guidance or advice. This is likely to contribute to a lack of public understanding, being informed largely by models of child sexual exploitation, and a reluctance of adult victims to speak out because they may think it only happens to children.” (Spicer Review, p.27) This means that agencies are working to different definitions, leading to inconsistency in support across England, and cases that don’t fall into stereotypes can be dismissed.

Because adult sexual exploitation takes place between people who are at the legal age of consent and can often involve exchanging sexual activity for something the victim needs or wants, there is often a presumption that meaningful consent has been granted and that therefore the interaction constitutes consensual sex work. It is vital that sexual exploitation is not conflated with consensual sex work. As well as meaning that those experiencing sexual exploitation are often missed, conflating sex work and sexual exploitation can lead to further risk for sex workers. By clearly defining sexual exploitation, the distinction between sexual exploitation and consensual sex work should be clear, allowing for survivors to be better protected and protecting sex workers' rights to self-determination.

Defining ASE

Adult sexual exploitation is a form of sexual abuse of people aged 18 or over whereby an individual or group threaten, coerce, manipulate or deceive the victim into sexual activity for the benefit of the perpetrator(s). Sexual activity does not always involve physical contact; it can also occur through the use of technology. It is distinguished from consensual sex work as the act of coercion, manipulation and deceit removes the freedom and choice to consent.

1. Defining Key Terms

This section further clarifies key elements of our definition of adult sexual exploitation.

1.1 Consent

As defined in Section 74 of the Sexual Offences Act 2003, a person consents to sexual activity if they agree by choice and have the freedom and capacity to make that choice. The extent to which someone has freedom and capacity to consent may vary and can be constrained by both situational factors (e.g. poverty, homelessness, learning disabilities) and interpersonal factors (e.g. grooming, coercion, physical force).

In cases of adult sexual exploitation, the freedom and choice to consent is removed through the actions of the perpetrator – i.e. through coercion, manipulation, deception. This may be done by taking advantage of situational factors – for example, deliberately targeting someone who is homeless or encouraging substance use to ensure compliance. In such cases it is not the mere presence of situational constraints on consent that make it exploitation, but the deliberate act of the perpetrator to take advantage of these constraints or multiple unmet needs.

Situational constraints on the capacity and freedom to consent do not mean that the ability to consent is entirely absent, and this must be considered on a case-by-case basis. A person limited by poverty is still exerting autonomy by choosing to resolve their situation through sex work – if this is a choice they make freely without external coercion or manipulation, it would not be classed as sexual exploitation.

Some methods of sexual exploitation are deliberately designed to make the victim and/or others believe that the sexual activity is consensual. Grooming is one method used to create a trusting relationship between the perpetrator and victim, such that abuse becomes normalised (see section 2.1).

1.2 Age

Adult sexual exploitation refers to the experiences of victims aged 18 or over.

However, this should not exclude the experiences of individuals whose exploitation began in childhood and continued into or restarted in adulthood. Many individuals who have experienced or are experiencing adult sexual exploitation also experienced child sexual exploitation or other forms of childhood abuse.

Victims of sexual exploitation often face a 'cliff edge' to both support and recognition of their experiences between the ages of 16-25, which is often referred to as the age of transition.

Upon reaching 18, many young people see reduced involvement from support services. This can have a significant detrimental impact, especially for young people with multiple unmet needs, and can leave them more at risk to exploitation.

Individuals in the age of transition can be at an increased risk of exploitation, as perpetrators are aware that protection decreases at this age and so target them for exploitation.

1.3 Disproportionate Benefit to the Perpetrator

In cases of sexual exploitation, even if the victim does gain something from the transaction, the perpetrator disproportionately benefits. This benefit includes but is not limited to financial, social or psychological benefits. In some cases, the benefit to the perpetrator may simply be a feeling of power or sexual gratification through the provision of sexual acts that were acquired by taking advantage of an unmet need. While a variety of sexual exchanges involve a benefit to parties involved, this does not inherently make it exploitative or abusive. It is the combination of a disproportionate benefit to the perpetrator, with coercion, manipulation and/or deceit that makes the exchange exploitative.

In cases where the victim also gains something from the transaction, the 'benefit' to the victim could include survival needs (e.g. food, shelter, money), emotional needs (e.g. affection), non-essential needs, and the prevention of something negative (e.g. violence, shame). In some cases, the perpetrator may be instrumental in creating that need – for example, giving the victim drugs to create a substance dependency or encouraging them to give up accommodation.

The fact that the victim ‘benefits’ in some way from the exchange is sometimes taken as an indicator that the exchange was consensual, but it is important to distinguish between genuine sales transactions made between a sex worker and a client, and cases of sexual exploitation where the perpetrator is using the fact that the victim needs or wants something to threaten, coerce, manipulate or deceive them into sexual activity and where the perpetrator disproportionately gains from the transaction.

1.4 Use of Technology

Technology can be utilised for sexual exploitation, both to facilitate the exploitative arrangement and for the sexual activity itself. With technology and online spaces constantly developing and growing, this has also created a space for perpetrators of human trafficking, sexual exploitation and modern slavery to increase at an unprecedented rate.

However, it is important to recognise that technology is also used by many consensual sex workers and determining whether a situation is exploitative or consensual is not always clear. Therefore, this issue needs to be approached with caution.

1.4.1 Adult Service Websites

It is becoming increasingly common for sexual services to be advertised, negotiated and facilitated online, including the use of specialist Adult Service Websites (ASWs) and mainstream community selling pages. ASWs are often used by independent sex workers as a safer method of advertising their services or to provide sexual services online, but they are also used by perpetrators of sexual exploitation to advertise the services of those they are exploiting and target those freely advertising services who may be at risk to exploitation. The role of ASWs in facilitating offending behaviour is complicated and unregulated. ASW adverts are not always being accessed by the person within the profile and can be controlled by an organised crime group (OCG) or one individual, such as a ‘pimp’, a partner, family member, or associate.

The role of ASWs in facilitating offending behaviour is complicated and unregulated, and the extent to which providers proactively tackle exploitation on their platform varies

1.4.2 Intimate Image Abuse

Adult sexual exploitation can be perpetuated with intimate image abuse. The sharing or threat of sharing of intimate images without consent can be used to humiliate and control victims, which can contribute to their ongoing exploitation. Intimate images and videos can also be used to facilitate the selling of victims for sexual purposes without their consent. Understanding of 'intimate' must remain broad and inclusive of cultural and religious values as these can be taken advantage of for the purpose of controlling and blackmailing victims. For example, images of people not wearing modesty clothing who normally would, can be used to threaten victims and put them at risk of so-called-honour-based-violence, and further perpetuate exploitation.

1.4.3 Sextortion

Sextortion is a form of intimate image abuse whereby a sexual relationship develops online, sexual images are exchanged, and/or sexual encounters occur within a video call/online space. The victim is extorted for money or further sexual activities and blackmailed with their intimate content.

1.4.4 Dating Apps and Social Media

Dating apps and social media can also be used to facilitate sexual exploitation, particularly to make initial connections or begin the process of grooming.

2. Non-Essential Features of Sexual Exploitation

This section outlines common features of sexual exploitation; however, they are not essential to constituting exploitation.

2.1 Coercive Control and Grooming

Coercive control and grooming are deliberate processes to limit the freedoms of an individual by gaining control over their lives and actions (for example through isolating an individual from their family, peers and social networks, through controlling an individual's access to communication, housing, sustenance or substances). It can involve, threat, humiliation, degradation and violence. It is recognised in law that adults can experience coercive control in intimate partner relationships or within a family setting. It is also recognised that they may not feel able to leave relationships due to this coercion and control.

Grooming often begins in an apparently positive way – the perpetrator showers their target with attention, affection, or gifts. They create a bond and build trust with their target, positioning themselves so that their victim is fully dependent on them, not only for physical needs such as food or shelter, but also emotionally. This can take place through isolation from family, peers, and social networks, through controlling an individual's access to communication, housing, sustenance, or substances, and through threat, humiliation, degradation, and violence. Grooming is targeted and gradual, and therefore it is often difficult to recognise.

2.2 Imbalance of Power

Perpetrators of sexual exploitation often create or take advantage of an imbalance of power through coercion, manipulation and/or deception.

This power imbalance could be a result of several factors:

Perpetrators become very skilled in targeting people who have unmet needs to create the power imbalance that they use and exploit. This includes targeting people at particular moments of unmet needs and risk of harm including when they are experiencing addiction, homelessness, domestic abuse, contact with the criminal justice system, or family breakdown.

Perpetrators can be instrumental in creating an imbalance of power, for example by creating a physical or emotional dependency through grooming, emotional abuse, and/or supplying substances to create an addiction.

It is important to recognise that other sexual exchanges can involve an imbalance of power, yet this factor alone does not indicate that sexual exploitation is taking place. For example, in cases of consensual sex work it could be seen that there is an imbalance of power between the parties involved. However, this would not constitute sexual exploitation as the imbalance of power isn't being taken advantage of through coercion, manipulation and/or deception; and consent is being granted with freedom and choice.

2.3 Modern Slavery

Sexual exploitation is considered both a form of sexual abuse and a form of modern slavery. It often co-occurs with other forms of exploitation such as criminal exploitation, home invasion/cuckooing and domestic servitude. Exploitation typically has gendered patterns, with men more likely to experience criminal or labour exploitation, and women more likely to experience sexual exploitation.

2.3 Human Trafficking

Sexual exploitation can often involve human trafficking. This can be overseas or within the United Kingdom.

In UK law, the definition of human trafficking is limited to arranging or facilitating the travel of another person with a view to that person being exploited (Section 2 of the Modern Slavery Act 2015). The Palermo Protocol does not limit the definition of trafficking to travel but defines it more broadly as the "recruitment, transportation, transfer, harbouring or receipt of persons by means of threat, or use of force, coercion or deception...for the purpose of exploitation".

This can cause confusion when discussing whether sexual exploitation involves trafficking, further exacerbated by a common misconception that trafficking only applies to international travel. Many high-profile cases of sexual exploitation have involved trafficking from overseas, and therefore, public perceptions have come to correlate the two. While it is, of course, vital to acknowledge the role of trafficking overseas in cases of sexual exploitation, it is also important to not conflate the issues into one. Sexual exploitation may not include any form of human trafficking as defined in the Modern Slavery Act or could involve trafficking within the United Kingdom. For example, this could involve a victim being taken from their home and trafficked to a variety of locations within their local area for the purpose of sexual exploitation.

3. Distinguishing Between Consensual Sex Work and Adult Sexual Exploitation

Sex work is a broad term for various sexual activities, where the person providing sexual services profits in some way, often financially. Sexual exploitation on the face of it can look like legitimate sex work, however such interactions are not consensual, and the perpetrator is disproportionately profiting from the exchange. However, in cases of adult sexual exploitation, the freedom and choice to consent is removed through the actions of the perpetrator – i.e. through coercion, manipulation, deception.

There are forms of sex work that are rooted in structural failings, whereby a person is not coerced into sexual activity, but they are constrained by social and/or economic inequalities. In cases such as these, sexual activity is exchanged for a need such as housing, food, tobacco, protection, alcohol, or drugs. The degree to which a person buying sex is knowingly taking advantage of this need can vary, however, at the extreme end this could constitute sexual exploitation.

Consensual sex work and sexual exploitation are not mutually exclusive. People may be concurrently freely choosing to engage in sex work whilst also being sexually exploited, or arrangements which begin consensually may later become exploitative. Equally, survivors of sexual exploitation may choose to engage in consensual sex work.

As well as meaning that those experiencing sexual exploitation are often missed, conflating sex work and sexual exploitation can lead to further risk for sex workers. This misrecognition can deter those involved in sex work from accessing services and advice about safe working practices, if they perceive that they will be simply seen as exploited, without services recognising their sense of agency. Many do not feel that language relating to 'victim' and 'survivor' are reflective of their experiences and can feel excluded from services who might mean well but can stigmatise with their language and approach.

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