

Silence on Violence

Improving the Safety of Women

The policing of off-street sex work and sex trafficking in London

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Improving the Safety of Women	1
Introduction.....	2
Executive summary	4
Part 1. Policing Sex Trafficking.....	7
Ambiguities within sex trafficking.....	7
SCD9- MPS Human Exploitation and Organised Crime Command	12
SCD9’s remit.....	13
A limited level of success.....	16
SCD9 and non-organised sex trafficking	21
Part 2. Policing during the Olympics	24
Consequences of Olympic borough policing.....	27
Part 3. Policing of sex work.....	31
Relationships between police and sex workers.....	31
Police priorities	34
The Merseyside model	36
Part 4. The law	41
Recommendations	43
Acknowledgements	45
Appendices.....	47
Endnotes.....	51

Introduction

A heightened vulnerability

All evidence available demonstrates that female sex workers¹ are at a far higher risk of violence than any other group of women. Active sex workers were almost 18 times more likely to be murdered than women of similar age and race in one study on the mortality rates among sex workers.²

The reasons for female sex workers' vulnerability are complex and manifold; but a belief by the perpetrators that their attacks and even murders will be underreported to police by prostitutes or their colleagues and families plays an important role.

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As one serial murderer asserted, "I picked prostitutes because I thought I could kill as many of them as I wanted without getting caught."³

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The role of the Mayor's Office for Policing and Crime (MOPC)

During the trial of serial murderer Peter Sutcliffe Attorney, General Sir Michael Havers stated that,

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"Some [victims] were prostitutes, but perhaps the saddest part of this case is that some were not."⁴

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There is a fear among some sex workers and outreach organisations that this approach still haunts attitudes now⁵. Indeed sex workers are still one of the few groups that often appear to be excluded from involvement on policies relating to them⁶.

It is fundamental that women in all professions should be safe from harm and treated with dignity, respect and equality by the public services available to them. In light of the heightened risk towards this subsection of our community it is absolutely vital that the MOPC and Metropolitan Police Service work to create an environment where women feel they can report attacks, rapes, sex trafficking and other crimes against them.

It is also important as part of the Mayor's strategy, 'The Way Forward', which targets violence against women. The majority of sex workers are female and, furthermore, violence towards sex workers often spills over into violence towards women in general.⁷

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Peter Sutcliffe and Gary Leon Ridgway initially murdered sex workers before targeting other women.

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Therefore, while not intending to undermine the violence that is committed against sex workers as may have been witnessed in the past⁸, it is necessary to appreciate that protecting sex

workers' safety has a broader benefit to the prevention of violence against all women in the community.

During the trial of Peter Sutcliffe the judge gave the jury the following advice: If Sutcliffe mistakenly believed that he had killed only prostitutes, "then the correct verdict was probably manslaughter," not murder." *"I Just Wanted To Kill a Woman.' Why?" Guardian 1981.*

The focus of this report

There is an extensive and morally equivocal debate about the rights and wrongs behind selling sexual services, reflecting different standpoints on exploitation, markets, inequality, gender roles, morality, freedom of choice, and safety.

Highly personal attitudes towards sex work from all sides have made discussions and policy in this area very difficult to formulate and, as such, areas of potentially significant concern within sex work have often been overlooked. This report leaves aside, as far as possible, the debate described above, and focuses on one crucial area within sex work– the safety of the women involved.

The report aims to look into two overarching areas related to women's⁹ safety within the sex industry: the policing of sex trafficking, and within that policing for the Olympics; and the general policing of sex workers.

It also aims to focus on off street prostitution¹⁰. This is for several reasons including the fact that evidence shows that street prostitution very rarely, if at all, involves trafficked women¹¹.

Executive summary

What this report is about

There is a group in London who are at least 12 times more likely to be murdered than the national average. Approximately three quarters of those within this category will also be subjected to violence, assault and rape. However this group often distrusts the police and are much less willing to report crimes against them than the national average.

The group referred to are sex workers and it is imperative we improve their safety in London. This report looks into how we can do this.

It focuses, first, on the policing of sex trafficking and, second, on the policing of sex workers – with specific focus on off-street sex work.

Why I wrote this report

This report was requested by the London Mayor Boris Johnson after I raised a number of concerns at Mayor's Question Time in 2010/11. My first question involved a decision by Safer Neighbourhood police to 'name and shame' six street sex workers online. The Mayor thought that this should never happen again. However this issue was an 'operational' one and the former Commissioner did not support this move.

As I became more concerned about the policing of sex workers publicly, more and more worrying individual cases were brought to my attention. I was informed that raids on brothels were increasing as the Olympics approached. Furthermore, I was given the impression that sex workers were becoming less willing to report crimes committed against them. The research I have carried out so far supports these judgements.

Policing of sex trafficking

THE OLYMPICS

The Olympics led to heightened media interest that trafficking and prostitution in London would rise. As a result, the Metropolitan Police Service has received additional funds to tackle sex trafficking.

However, I found no strong evidence that trafficking for sexual exploitation does in fact increase during sporting events nor that such trafficking or prostitution had increased in London. In fact my research found that a decrease in prostitution had been reported by police in London.

The data I have however reveals that raids have increased significantly overall in the Olympic host boroughs. This has not led to a large numbers of sex traffickers being caught nor victims found. This suggests that either sex trafficking is not taking place on as large a scale as suggested or, more worryingly, that the way we are policing sex trafficking could be more effective.

DEVELOPING GOOD RELATIONSHIPS

Many sex trafficking victims in the sex industry do not fit the presumed - almost idealised – role: whereby someone is tricked into being a sex worker against their will.

Both my interviews with service providers who work with sex workers and with academics highlighted that many sex trafficked victims are migrant women who choose to be sex workers. Their conditions of work, once here, may be very exploitative but they may only comprehend this exploitation gradually. Therefore if police behaviour damages the relationship with this type of sex trafficked victim before that comprehension takes place, then intelligence can be lost.

Therefore SCD9 – the police unit which tackle sex trafficking - needs joint strategies to tackle this crime and must work with sex workers and service providers, alongside borough police, to ensure their work is fully understood.

FOCUSING ON NON-ORGANISED SEX TRAFFICKING

While investigating the policing of sex trafficking I came across a new area of concern. The Metropolitan Police Service (MPS) unit which tackles sex trafficking focuses on organised crime – hence their focus on ‘brothels’. However while brothel raids discovered largely eastern European and Asian victims, one sex trafficking referral centre told me that their largest group of victims were from West Africa. Other data I found also supported this.

Some sex trafficking is not organised and does not take place in brothels. One trafficking charity said that many sex trafficking victims they work with had been sexually exploited by someone familiar to them within a closed community. I am concerned that not enough police resource is looking into this area and that policing of sex trafficking too narrowly focuses on brothels.

Evidence-based work needs to be done to work out where, when and how sex trafficking occurs and then police it accordingly.

Policing of brothels

BROTHEL RAIDS/VISITS AND CLOSURES

If residents have complained about anti-social behaviour linked to a brothel then the police should tackle the problem and possibly close down the premises.

However the information I have gathered from individual cases, service providers and borough police demonstrates that police have been proactively raiding sex establishments without complaints nor significant intelligence that exploitation is taking place.

This is a concern for two reasons. First, when police resources are stretched, should police be visiting establishments advertised in phone boxes, using seven officers a time?

Second, NHS projects had noted that 'brothel' raids and visits had led to the displacement of sex workers away from their support networks, which led to their lives and health being at increasing risk.

NOT PRIORITISING CRIME AGAINST SEX WORKERS

Sex workers feel that when they report crimes, police focus on their crimes related to sex work – such as having a 'brothel' - over the crimes they originally reported against them. Therefore sex workers told me they feel that they cannot safely report crime to the police.

The service providers I spoke to, who work with sex workers, all said that they had noticed a decline in the number of sex workers reporting crimes to police.

The best policing model I found to tackle this lack of reporting was in Merseyside. This included labelling attacks against sex workers as hate crimes as a way of acknowledging that they were a minority who were disproportionately targeted by criminals. It also included the police putting out a well-publicised message that crimes against sex workers would not go unpunished. This strategy was formed under the leadership of Bernard Hogan-Howe, the new MPS Commissioner.

Part 1. Policing Sex Trafficking

Ambiguities within sex trafficking

'As far as her friends and family were concerned, Marinela vanished. One moment she was on the way home from school, then she was gone.. Hours after being abducted, she was raped. From that day they kept ...[her] prisoner.. Two more trafficked Romanian girls arrived – one was later found to have a mental age of 10. [Marinela was] raped by different men 50 times a week on average, often violent, drunken strangers.'^{12'}

Sex trafficking– in its most extreme form – is considered to be one of the most heinous crimes in the modern era and a violent contemporary manifestation of the slave trade that was abolished 200 years ago.

However the term 'sex trafficking' is riddled with complexities, anomalies and disagreements which partly fuel the strong divisions over how best to tackle it.

First, there is no agreed figure for how widespread sex trafficking is and, second, what this fact reveals on closer inspection, is that there is also no agreement on what 'sex trafficking' or even 'coercion' constitute.

Once these ambiguities are fully appreciated, it becomes clear that one must be wary of jumping to conclusions on how to police sex trafficking. It also explains perhaps why it has been difficult for the police to prosecute large numbers of sex traffickers thus far.

An unknown scale

The inherently covert nature of sex trafficking renders obtaining accurate data on it almost impossible. Therefore there is no 100 per cent reliable scale of the problem; there are only estimations¹³.

In the last decade there has been an increasing recognition that some women are being coerced in various ways to sell sexual services¹⁴.

*With this increased awareness, there has been a growing "perception that commercial sex is connected to international organised crime, raising social alarms about the extent of trafficking within the UK sex industry."*¹⁵

As such, an array of figures have been bandied about in the media and by politicians regarding the extent of this relationship.

High figures

80 PER CENT OF SEX WORKERS ARE TRAFFICKED

The largest figure quoted, and which has since been rejected by the Home Office¹⁶, was that 80 per cent of prostitutes were trafficked. This came from a statement from Fiona MacTaggart MP who, in fact, had made a looser comment that “something like 80 per cent of women in prostitution are controlled by their drug dealer, pimp, or their trafficker.¹⁷” However, this number has yet to be supported by research¹⁸.

Nonetheless, the Poppy Project¹⁹ found that 81 per cent of prostitutes working in London in 2004 were foreign nationals and stated that,

“The Project believes that a large proportion of foreign national women are likely to have been trafficked into the country”²⁰.

This belief by the Poppy Project received similar criticism to Fiona MacTaggart’s figure, due to the lack of statistical evidence²¹.

Nonetheless it is the above line by the Poppy Project that is used and referenced in the Mayor’s The Way Forward 2010-13.²²

Low figures

6 PER CENT TO 8.7 PER CENT OF SEX WORKERS ARE TRAFFICKED

The most recent estimation on the numbers of trafficked women in the sex industry in London was published by Dr Nick Mai for the Economic and Social Science Research Council²³.

Dr Mai’s qualitative research suggested that 6 per cent of the female migrant sex workers interviewed in London had been trafficked.

Meanwhile, 13 per cent felt that they had been subject to different experiences of exploitation, ranging from the 6 per cent of extreme cases of sex trafficking to cases of inadequate payment or working conditions. These were usually characterised by relatively more consensual arrangements’.

ACPO²⁴ worked with both the Poppy Project and Dr Nick Mai to publish a report, ‘Setting the Record’, 2010, on trafficking within sex work.

They claimed to have found that approximately 30,000 women worked in off-street prostitution in England and Wales, and that at least 2,600 (8.7 per cent) had been trafficked from abroad.

DATA LIMITATIONS

However, both these figures have also been criticised. First, SCD9 told me that many victims may not come forward due to fear or intimidation so 6-9% would be an “absolute baseline²⁵.”

Furthermore, both ACPO's and Dr Mai's figures exclude English women and girls forced into selling sex²⁶. Their figures also did not include women and girls trafficked from Africa – which is believed to be the most underground and potentially one of the more widespread forms of sex trafficking²⁷.

Definition of sex trafficking

THE UK'S DEFINITION – NO FORCE OR COERCION REQUIRED

The varying estimates on sex trafficking, rather than intentional distortions, essentially reflect different beliefs in what constitutes a 'sex-trafficked' victim - linked to views on migrant sex work, and the association of the subjugation of women with selling sexual services.

People generally understand the term of sex-trafficking according to the definition, expressed in international law by the 2000 Palermo protocol²⁸. Here, sex trafficking requires the use of force, fraud or coercion to transport an unwilling victim into sexual exploitation.

However the UK definition of sex trafficking, unlike trafficking for any other industry, does not explicitly require force or coercion.

The UK's 2003 Sexual Offences Act²⁹ uses the word sex trafficking to describe the movement of all sex workers, including willing professionals³⁰.

Therefore simply arranging or facilitating the arrival in the United Kingdom of a person who will be selling sexual services can potentially be considered sex trafficking, even if the sex worker enters the UK legally and willingly.

UK sex trafficking convictions

'MAKING MONEY IN A WAY WHICH IS REPUGNANT TO RIGHT-THINKING PEOPLE'

In one case, a couple who sold information and travel assistance to Hungarian women wishing to work in the UK as sex workers were considered traffickers.

The couple had acted as agents, advertising for women to work as sex workers in the UK and then providing brothel contact details and arranging transport for the women who contacted them.

These women were above the age of consent, entering the UK legally and of their own free will to sell sexual services. However a crime was committed - by a separate individual working in one of the brothels - against one of the numerous women they had 'assisted', once she had settled in the UK. Although the crime itself was not directly linked to the couple, the couple were sentenced to 30 months and 28 months imprisonment. ³¹ The fact that many women saw this couple as assisting them in their chosen career path and had financially gained from their work was rejected because "the trade is a repugnant³² one".

Rupert Bowers, the lawyer involved in this case, believes that there is a severe inconsistency between laws relating to sex work³³ and other domestic law (see appendix 1).

A woman can be taxed for being a legal sex worker. “That is a woman's right and the offence under Section 57 [of the Sexual Offences Act] appears to contradict that right³⁴” for the law criminalises anyone around her and anyone she employs, effectively isolating her in a way no other job requires by law.³⁵

Another case which initially led to imprisonment for trafficking, but was later partially appealed, involved ‘no suggestion of coercion, corruption or deception as to the women’s roles...they were all experienced prostitutes before they came...not living on the streets... [and] were always free to leave the country..etc’.

However the judge stated that the applicant was ‘making money... in a way which ... is repugnant to right-thinking people and that is why the Act is there to deal with it.’³⁶

Migrant sex workers

CONFLATING SEX TRAFFICKING VICTIMS AND MIGRANT SEX WORKERS

Ruth Breslin, research and development manager for Eaves, which runs the Poppy Project, said: "There is an awful lot of confusion in the media and other places between trafficking (unwilling victims) and smuggling (willing passengers)³⁷".

The English Collective of Prostitutes (ECP)- which campaigns for the ‘decriminalisation of prostitution, sex workers’ right to recognition and safety, and financial alternatives so that no one is forced into prostitution by poverty’³⁸ - meanwhile states that:

“[The 2003 Act] enables every woman with a foreign accent to be falsely labelled a victim of trafficking”.³⁹

Several academics and sex work support services I spoke to aired the same concern and felt that this further endangered migrant women.

“The majority of foreign-born sex workers are not trafficked, and the conflation of the two is making it increasingly difficult to argue for evidence-based harm-reduction policies⁴⁰.”

Ambiguities behind a victim’s status

AMBIGUITIES WITHIN THE TERM “COERCION”

Aside from the potential substantial differences in meaning between the internationally agreed and UK definition for ‘sex trafficking’, there is also ambiguity within the term ‘coercion’.

In 2003 the Home Office wrote that “women who are assisted by a trafficker to willingly come to London to work in the sex industry, and are subsequently subjected toDeception about the conditions in which the women will undertake prostitution... are considered to be trafficked⁴¹”.

One concern is that there is a vast array of interpretations of what the proposed unexpected 'conditions' could be.

DAILY AMBIGUITIES RELATED TO SEX TRAFFICKING VICTIMS

The lack of clarity regarding whether someone is coerced or not means that a woman's victim status can change from one day to the next. This has been highlighted by Dr Nick Mai.

Some women working in the sex industry may not – for example, due to cultural expectations of women's roles or due to harsh exploitation occurring very early on in their lives - see themselves as being exploited, when by general UK standards they are.

Dr Mai described an example where a woman and her boyfriend move to the UK. She lives with a man who– in the role of partner - takes half of her salary from sex work. He also occasionally is violent towards her – but less so than perhaps previous boyfriends or family members. While we would see this situation as exploitative, she may not see him as a pimp, and may believe herself to be in love and content with this situation. If one day the level of violence becomes unacceptable and/or she finds out that he has another lover or working partner, she may feel that the original romantic and economic terms of the relationship she had agreed to were betrayed, and that she has been exploited as a consequence of that betrayal⁴².

Therefore one day a women – potentially considered by the law to be a victim who needs to be saved - will not see herself as a victim or want police interference. The next day her situation in terms of the law has not changed but her view of herself may have. Dr Mai's report points out the following:

“Anti-trafficking policies and initiatives are seen as effective and necessary only by a minority of [migrant sex workers: that is] those whose experiences match the rigid dichotomy between free and forced set by the anti-trafficking paradigm”.⁴³.

It is these subtleties which, even when the definition of sex trafficking includes coercion, make the issue of sexual exploitation very challenging for police⁴⁴. It also makes it very challenging for everyone else to translate the data which is provided by the police.

SCD9- MPS Human Exploitation and Organised Crime Command

In April 2010 the Human Exploitation and Organised Crime Command (SCD9) was formed within the MPS. SCD9 is primarily tasked with investigating human trafficking and organised immigration crime.

The Command has a number of units including the Trafficking and Prostitution Unit (TPU⁴⁵) which tackles "Trafficking for sexual exploitation, forced labour and domestic servitude. This also includes off street prostitution."⁴⁶

The formation of SCD9

Prior to SCD9, the MPS had set up an Anti-Trafficking Unit in 2007. When the funding ended⁴⁷, the Met took the decision to move the unit into Clubs and vice and to move the Clubs and Vice team into Specialist Crime.

However, many trafficking charities protested about these changes, explaining that "Human trafficking is a complex, sensitive issue⁴⁸." and that getting rid of the team was "very dangerous⁴⁹".

For example, one complaint was that "Clubs and vice have experience of trafficking for sexual exploitation but their remit does not cover trafficking for forced labour or domestic servitude."⁵⁰

Another concern related to the new emphasis that this change could result in. Open Doors believes that this development - of moving the trafficking unit into the police's Vice unit - coincided with an increased focus on targeting brothels and treating all sex work as suspect⁵¹.

In May 2011 Mark Field MP raised the "concern that insufficient resources are directed at policing teams... Specialist crime directorate 9 ... remit takes in not only trafficking, but a range of other street problems, vice, kerb crawling, casino fraud, money laundering and obscene publications, which ...are massive problems in their own right. One wonders whether the other problems are crowding out trafficking."⁵²

SCD9's remit

A focus on forced prostitution

SCD9 state that they 'coordinate MPS activity in relation to criminality that exploits migration⁵³' and "monitor London's off street prostitution industry ... Emphasis is placed on rescuing trafficked and coerced victims⁵⁴."

The lack of clarity as to the phrase 'trafficked and coerced' has been illustrated above.

SCD9 say that they focus specifically on those trafficked according to the International Labour Organisation indicators⁵⁵. This would imply that they deal with those who are unwillingly being used for sexual exploitation, rather than targeting those under the broad UK term for sex trafficking, as discussed above.

The closure of brothels

While in January 2011 SCD9 stated that they focus on 'forced prostitution⁵⁶' and do not intentionally target brothels that do not involve trafficked women, the information they provided to the MPA about their work in 2010 could suggest otherwise.

A report by SCD9 states that "the Trafficking and Prostitution Unit (TPU) tackle *all* elements of on and off street prostitution⁵⁷" The TPU also continues to focus on street offences and problem brothels to assist local SNTs reduce anti-social behaviour⁵⁸ and "work closely with borough SNTs ... which has allowed brothel closure orders. ⁵⁹"

Several people I have spoken to, including Georgina Perry from the NHS centre Open Doors, state that SCD9 have targeted 'brothels⁶⁰' where no trafficking or coercion has taken place.

SCD9 has rejected the claims that they target non-coercive brothels. In meetings with SCD9 they made it clear to me that - while TPU used to state that they did tackle "*all* elements of on and off street prostitution⁶¹"- they have formally removed on-street prostitution from their remit and now focus on "trafficked and coerced victims⁶²". However they have said they do have to be proactive in their work because so few sex trafficking victims are able to report crime to the police.

Georgina Perry said "SCD9 would say that they were working on an 'intelligence led' basis... They will never define 'intelligence' and given that some of the places we know they have visited have simply contained women who are migrant we are concerned that a foreign accent/name is enough to be considered effective intelligence."

Police told me that when they have closed down brothels that are seemingly 'tidy' it may be the case that the brothel may not involve 'coerced' women, but the people running that brothel may

also run five other brothels, and at least one of the five brothels will have involved exploited/coerced/trafficked women.

SCD9 have said that a lot of the intelligence they receive is from the concerned families of those women who have been trafficked to London.

Proceeds of crime

Under recent changes to the Proceeds of Crime Act⁶³ in 2009, the police keep 25% of any assets⁶⁴ confiscated from raids; the Crown Prosecution Service keeps another 25%; and the Inland Revenue the rest.

Data⁶⁵ reveals that 70 per cent of TPU's work focuses on sex trafficking. However, Grahame Maxwell, former chief constable of North Yorkshire has said that "there are more people trafficked for labour exploitation than there are for sexual exploitation⁶⁶." In 2010/2011, SCD9 recovered assets worth £900,000 with approximately £600,000 coming directly from the work of the TPU.⁶⁷

The English Collective of Prostitutes (ECP) believes that the Proceeds of Crime Act acts as an incentive for police to 'raid' brothels.⁶⁸ However SCD9 said that the money they remove from brothels goes into a centralised account and that individual units and boroughs receive too little for it to act as an incentive.

A lack of clarity

SCD9's role does not appear to be clear to all borough police who deal with vice-related issues. Indeed, several of the borough police I spoke to indirectly corroborate SCD9's claims that they focus on exploitation rather than on general policing of brothels. They said that SCD9 are rarely directly involved in borough police work even when contacted for assistance by boroughs. Several police hinted at their frustration at the lack of involvement of SCD9.

However I have found police-based evidence that SCD9 are still offering assistance to boroughs to tackle brothels that have no associated exploitation⁶⁹.

SCD9's activity and role is also not clear to service providers and sex workers, and this has led to increasing distrust since SCD9's formation towards their sex-trafficking work.

SCD9 thought that less than positive borough policing of brothels was being mistaken for their work, and felt this led to worse relations with sex workers and projects. However while SCD9 may aim to target victims of trafficking, I also struggled to fully comprehend their role because their remit is so broad.

Catherine Stephens, from the International Union of Sex Workers (IUSW), said that, "possibly SCD9 are doing a great job... making us all safer... but I have not met anyone either working in the sex industry or for health projects that provide care

... to sex workers who believes that to be the case. Therefore, at best, their communication is ineffective⁷⁰.”

She felt future SCD9 work needs effective partnership with, for example, the NHS service providers. “Women trust the [NHS] projects. At the moment the projects don’t trust the police and so can’t pass on that message to the stakeholders⁷¹.”

A limited level of success

Irrespective of the scale of the problem, the horrific crime of sex slavery, wherever it exists, certainly warrants intense and determined action by the police. However, while few would argue with this line, there is some concern that we are not tackling the problem effectively.

Operation Pentameter

THE FIRST MAJOR OPERATION TO DISCOVER SEX TRAFFICKING THROUGH BROTHEL RAIDS

Operation Pentameter One and Two were the first national police operations to rescue trafficked women and children forced to work in the sex industry and prosecute those gangs involved.

While the operations were initially hailed a success, a subsequent investigative report led by Nick Davies, who would later lead on the investigation into phone hacking, revealed that they had had accomplished worryingly little.

The results

FAILURE TO FIND A SINGLE TRAFFICKER WHO FORCED WOMEN INTO PROSTITUTION

Operation Pentameter Two claimed to have carried out 822 raids on brothels; identified 167 possible 'victims' (the ambiguities of which have been described above) ; and arrested 528.

However after an arduous legal battle, the Guardian managed to obtain an analysis, marked restricted, by the police's Human Trafficking Centre in Sheffield.

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The document revealed that, after 822 raids, no sex trafficker, by international definitions, had been found.⁷²
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And, after 822 raids, only 15 men and women were convicted of non-coerced 'trafficking' under the definition from the UK's 2003 Sex Offences Act.

76 women and men were convicted of non-trafficking offences involving drugs or brothel laws. 73 were charged with immigrant breaches.

Only 5 men were convicted of importing women and forcing them to work as prostitutes during this time – however these cases had come to light prior to Operation Pentameter's raids.⁷³

Of the 167 so-called 'victims', only 11 were found to be genuine victims who wanted or required police help.⁷⁴

DEFENCE OF OPERATION PENTAMETER

However Dr Timothy Brain, ACPO lead on Pentameter 2, said⁷⁵ "Assessments of criminal justice outcomes in relation to crimes of trafficking ... should take account of the effect of 'attrition' in the criminal justice process, whereby an individual was charged for one offence but the defence

offers to plead to a lesser offence before the trial. The reason for accepting the lesser offence is to save the expense of a public trial, and while the police may be asked to comment ... the decision will rest with the CPS⁷⁶.”

SCD9's results

In light of the above it is very hard to analyse SCD9's work. While SCD9 has assured as that they only focus on genuine 'victims', it is possible that those described as rescued 'victims' in their data may not, in the end, be defined as victims.

And those described as having been 'arrested' may not be considered by everyone to be 'traffickers' who have enslaved women in the sex work industry. Meanwhile those convicted of immigrant offences may in fact be traffickers or even trafficked victims themselves⁷⁷.

Victims found

A LIMITED NUMBER OF VICTIMS FOUND IN BROTHEL RAIDS

According to a written answer from Mayor's Question Times, in 2010 TPU officers visited 177 brothels in London and identified 73 'trafficked' victims⁷⁸.

If there are approximately three to four women in each brothel then the 2010 figure suggests a success rate of approximately 12 per cent. Therefore, around one in eight women are found to be possibly 'trafficked' in raids specifically targeting 'trafficked-women' brothels.

However if one was to rely on Pentameter Two's results, one could estimate that only 15% of the initial victims found will turn out to be victims, as the term is commonly understood. Therefore, that could imply that five women found by SCD9 were genuine victims. This would mean that SCD9 would have a success rate of less than 1 per cent in finding victims of sex trafficking during their brothel raids.

Either way, if sex trafficking is correctly identified as a large scale problem - with up to 45 per cent⁷⁹ of sex workers trafficked in a city where it is estimated that there are approximately 5100 sex workers in brothels⁸⁰ - their success rate could debatably be seen as limited. However it is worth noting that SCD9 are the most successful trafficking unit in the UK - prosecuting over 50 per cent of all UK cases.

Police who have worked on sex trafficking cases felt that the above "ratio arguments were no argument". While I agree with the view that even if only one trafficked victim is found a year then that is a success, I do think we should at least begin to question whether we are using the best methods to tackle sex trafficking.

As one academic queried, following Operation Pentameter, "How is it that this vast number of women and girls are so readily available to male clients and yet simultaneously so difficult for the police to detect⁸¹?"

Arrests Made

Since SCD9 began in 2010, 201 ‘trafficked victims’ have been identified through the work of the TPU and via referrals from the NGO sector. 73 suspects have been charged, with “19 of these suspects charged with trafficking and a further 20 being charged with controlling prostitution for gain offences or similar”⁸².

SCD9 said that sex trafficking can be very difficult to prove and so many sex traffickers will be prosecuted under other offences. Several months ago I requested (from SCD9 and then the CPS) to see the 73 cases to verify whether they were all for cases involving exploitation. Unfortunately they were unable to provide me with this information in time for publishing this report.

I am aware however that sex trafficking offences can potentially be very broad, as discussed above, and even those people charged with “prostitution for gain” may not be genuine ‘exploiters’.

A barrister, Rupert Bowers, explained that “there is no definition of “controlling” prostitution for gain in the Sexual Offences Act 2003.

“This potentially means that people employed by sex workers (rather than those employing sex workers) such as maids, could be prosecuted for the offence of “controlling” by booking a sex worker’s diary, answering the telephone, or vetting clients⁸³ under this inadequately prescriptive definition.”⁸⁴

However, while there is no definition in the SOA 2003, there is CPS guidance which does attempt to clarify this.⁸⁵

If only 19 suspects have been charged with trafficking, one could infer that either the scale of the problem of sex trafficking in brothels and organised networks is limited, or the methods used are ineffective.

Obtaining witnesses

DIFFICULTY IN OBTAINING WITNESSES

However, police who have investigated sex trafficking cases have spoken about the “near impossibility of securing courtroom testimony from witnesses”⁸⁶.

Professor Graeme Pearson⁸⁷ said women who are victims of sex trafficking “have already lost their sense of worth ... and learn to believe that their future wellbeing relies on the trafficker’s support.”

The difficulty of securing witnesses was apparently pronounced when a victim’s immigration status was uncertain, so that they feared that they would be deported.

SCD9 has responded to this concern⁸⁸. Indeed, SCD9 told us that since their unit began they have not had a single victim deported.

However in spite of this impressive record, they were aware that victims were often not aware of this and wanted this message to be more widely communicated.

However Georgina Perry from Open Doors said, “They may not have deported any victims of trafficking but women caught up in these raids with irregular migrant status have been deported.”

The US has “a visa category which allows victims of human trafficking to remain in the U.S. to assist in investigations or prosecutions of human trafficking violators⁸⁹” to help tackle the problem. This is not believed to have led to an increase in the number of people claiming victim status.

INCENTIVES TO CLAIM TRAFFICKING VICTIM STATUS

Dr Mai disagrees with Professor Graeme Pearson’s view that women are unwilling to say that they are trafficked victims.

In fact, Dr Mai believes that the very opposite is the case.

Dr Mai believes that migrant sex workers, due to their concern that they will be returned to their country of origin, might feel that they need to distort the information that they provide to officials since a tragic “story [that they were sex trafficking victims] is the instrument through which you get access to remain in the UK.⁹⁰

Borough police

BOROUGH POLICE VIEWS ON SCD9’S WORK

Some police officers, working in the boroughs, vented frustration at the lack of support they received from SCD9. However this may be due to the fact that SCD9 have limited resources and have told us that they only target brothels linked to “forced” prostitution⁹¹.

However some borough-based officers felt that all the evidence in their constituency suggested that a very limited amount of ‘sex trafficking’ was taking place.

Borough police I have spoken to have said they had rarely – if at all - found any sex trafficked victims even where they were proactively raiding sex premises⁹². Some officers I spoke to were therefore not convinced that SCD9 was overstretched with many cases of sex trafficking.

THE NEED FOR A JOINED UP APPROACH

These anecdotal remarks in no way prove that sex trafficking is not a problem, nor do they prove that SCD9 does not have a substantial workload. Indeed if victims are too scared to go to the police then there is every reason that police may not be fully aware of the problem. Rather these remarks highlight that communication is possibly ineffective between borough police and SCD9.

This point – regarding ineffective communication - was further starkly underlined by the fact that SCD9 did not appear to know what many boroughs were doing in relation to policing brothels.

When I met with SCD9, they were not aware brothel raids had increased recently in London. However Newham police were willing to provide figures that showed that they had closed 80 brothels in the last 18 months. SCD9 officers I spoke to appeared to be unaware of this.

SCD9 and non-organised sex trafficking

West African victims of sex trafficking

AN UNKNOWN SCALE

The Poppy Project has said that the amount of trafficking known is perhaps just the tip of the iceberg⁹³. If this is the case, it would then appear that the results from raiding brothels are not fully evidencing this problem.

The main criticism behind ACPO's and Dr Mai's data, showing that 6-9 per cent of sex workers were trafficked, was that African women were excluded.

As the chairman of the Human Trafficking Centre, said, "It is mildly surprising, to say the least, that they found no women from Africa because the accommodation units for trafficked women are entirely taken up with women from Africa."⁹⁴

NOT ACCESSIBLE THROUGH BROTHEL RAIDS

However, Georgina Perry - who works as the Service Manager at the Hackney-based Open Doors which offers specialist NHS services designed to meet the health needs of women working in the sex industry - has said that the women⁹⁵ from brothels, who Open Doors sees via outreach work or in their clinics, are rarely African⁹⁶. The NHS outreach services contact vulnerable women using traditional brothel-contacting strategies such as telephone cards, newspaper adverts, word of mouth and the internet.

In spite of this, Georgina Perry also said that she has been told by service providers⁹⁷ that accommodate trafficked women that the majority of women in these centre are from West Africa and that these women were found in detention centers rather than through police work and brothel raids⁹⁸.

This would suggest that African women, who are being sex trafficked, are not accessible by the normal avenues for accessing brothels.

Instead they may be being sold and exploited within certain closed communities.

This is concerning as the channels that the NHS use to contact sex workers are largely the same as those used by the police searching for intelligence for their brothel raids.

SCD9's access to initial intelligence relating to the trafficking of African women appears to come largely from their contact with NGOs such as the Poppy Project⁹⁹ - who told us that the largest group in their trafficking victims' centre are from Nigeria¹⁰⁰ - rather than via their raids on accessible brothels.

Data on West African victims on trafficking

SCD9's data¹⁰¹ seems to imply this. They state, in a document to the MPA, that the "nationality of the women found working in those *brothels*¹⁰² [were as follows] Romanians were most prevalent with 37% and next were Chinese nationals with 18%.¹⁰³" Africans are not mentioned.

However, outside of their work related to brothel raids, SCD9 also states, "Within the MPS, victims most commonly originate from Eastern Europe with Romanian nationals the highest single group. Nigerian victims are the second most commonly recorded group on MPS systems.¹⁰⁴".

NRM¹⁰⁵ data shows non-EU nationals are more likely to refer into the system and as such 50 per cent are African nationalities¹⁰⁶. This group also receives the highest number of negative decisions (Not trafficked)¹⁰⁷. [See Appendix 2].

A focus on organised crime

SCD9'S EMPHASIS ON ORGANISED CRIMINALITY IGNORES VICTIMS OUTSIDE THIS MODEL

In light of the above, there is a risk that police raids on advertised brothels will not help all those victims trafficked from Africa¹⁰⁸. Furthermore, this is a greater cause for concern since it would appear that the number of victims from Africa is unknown but that they are possibly one of larger groups of trafficked victims.

One charity service provider we spoke to, who works with and supports trafficked victims, said that police historically had used performance indicators involving the 'disruption of a network'.

Therefore the police's focus was described as 'pigeon-holed' and overly centred on tackling *organised crime*.

This is supported by information provided by SCD9 that they only "undertake trafficking investigations where there are clear links to an Organised Criminal Network¹⁰⁹".

The emphasis on organised criminality worried the service provider we spoke to as their communication with trafficked victims in their centres suggested that some victims, such as those from Western Africa, who made up the largest group of victims, were not exploited by organised crime networks but by individuals such as boyfriends, family members or family friends.

When I questioned police, asking if their focus on organised crime possibly excluded many individual cases - for example, a man who chose to sell his girlfriend to personal acquaintances - they were convinced that even when trafficking cases begin as individual crimes, that "greed" kicks in and the criminality quickly descends into organised crime.

However there have been several sex trafficking cases that have recently come to light¹¹⁰ which do not fit the organised 'brothel' mould.

Other victims

OTHER VICTIMS OF TRAFFICKING NOT ACCESSIBLE THROUGH BROTHEL RAIDS

One case in February 2012, involved several English girls who were sexually exploited by a group of men in the Greater Manchester area and sold for sexual services to the men's friends. This was not done within a brothel environment but within a close-knit circle. The men have been charged for several crimes including "trafficking within the UK for sexual exploitation¹¹¹".

Another recent case in 2012 involved a Pakistani "deaf girl, 10, 'trafficked to UK and kept as sex slave in [a] cellar by [an] elderly couple for almost 10 years".¹¹²

One report sums up the above concerns on policing sex trafficking: "Government and policy discussion is framed by the almost complete negation of trafficking existing as anything other than prostitution."¹¹³

Part 2. Policing during the Olympics

Borough policing and the Olympics

INCREASED FUNDING TO TACKLE TRAFFICKING IN OLYMPIC BOROUGHES

The 2012 London Olympics led to speculation of an increase in sex trafficking to satisfy the demand believed to be generated by large sporting events¹¹⁴.

However, as the Home Office and Government ministers have admitted¹¹⁵, there was insufficient evidence to suggest that there will be an increase in trafficking for the Games.¹¹⁶

Indeed there is evidence to the contrary in the report, "What's the cost of a rumour?" by the Global Alliance against Traffic in Women (GLAATW).

For example, during the 2010 World Cup in South Africa, it was predicted that 40,000¹¹⁷ sex workers would be trafficked into the country. However the SA Department of Justice and Constitutional Development did not find one case of trafficking during the event¹¹⁸.

In spite of the evidence above, SCD9 secured an additional £600,000¹¹⁹ to tackle the believed increase in trafficking in the 5 Olympic boroughs in the run up to 2012.¹²⁰

The evidence

EVIDENCE OF A DECREASE IN PROSTITUTION IN LONDON

Up to the point of writing this report the MPS has 'yet to receive intelligence that suggested that the [London] Olympics may result in an up-surge in trafficking¹²¹.'

In fact, in October 2011¹²² SCD9 even stated that 'intelligence does not support any increase in prostitution in the Olympic Boroughs and actually shows a *decrease* in some locations.'

Evidence from other major sporting events suggests there can be very little work available¹²³. Some officers have told me that, in fact, they have seen sex workers leave an area during certain large-scale sporting events in the UK.

Proactive policing

PROACTIVE POLICING OF BROTHELS IN OLYMPIC HOST BOROUGHES

In spite of this the MPS had assured the Metropolitan Police Authority (MPA) that 'Clubs and Vice command is demonstrating a *proactive* approach to the possible increase in trafficked victims around 2012¹²⁴.'

Moreover, while the funding that the MPS secured was specifically to target trafficking in the Olympic boroughs¹²⁵ prostitution is also openly described as being another area that is being targeted in the Olympic boroughs. ¹²⁶

AN ABSENCE OF EXPLOITATION OR ANTI-SOCIAL BEHAVIOUR

Police should target brothels that cause anti-social behaviour (ASB) which affects residents, in the same way that a club or pub should be targeted.

However it is believed that there are at least 2,103 brothels in London¹²⁷. And it can often be the case that a brothel causes no ASB and that residents are completely unaware that a ‘brothel’ is in their vicinity. Indeed, as sex worker Catherine Stephens from the IUSW confirmed¹²⁸, it is in the market interest of brothels to be discreet.

Therefore “strong concern¹²⁹” has been aired in the media¹³⁰ and by sex workers and NHS support services that, under the guise of misinformed increases in trafficking, the Olympics is being used as an excuse to simply ‘crack down’ on prostitution, particularly migrant sex workers, where no exploitation or ASB is involved¹³¹.

Georgina Perry from Open Doors said, “No police officer I have ever asked this question of directly will confirm that this is an explicit order, more that it is a tacit strategy.”

Increased policing of brothels

AN INCREASE IN BROTHEL PROSECUTIONS

National figures reveal that prosecutions for keeping a brothel increased ten fold in the UK between 2001 and 2007 [See Appendix 3] ¹³². In London, Ministry of Justice figures reveal that the number of people found guilty for keeping a brothel in London have almost doubled in the last measurable three years [See Appendix 3] ¹³³.

AN INCREASE IN BROTHEL RAIDS IN OLYMPIC BOROUGHS

There appears¹³⁴ to have been a disproportionate number of brothel raids in the Olympic areas.

According to the Home Office, there were 70 brothel ‘raids¹³⁵’ by SCD9 alone¹³⁶ between January 2010 and August 2010 in the five Olympic boroughs. There were a further 33 ‘raids’ in Westminster & Camden - where tourists are expected to stay¹³⁷. In contrast, the remaining 25 London boroughs experienced 29 ‘visits’ or ‘raids’ over the same period. ¹³⁸

This equates to 1.16 raids per London borough compared to 14 raids per borough in the five Olympic zones over seven months.

PROACTIVE BROTHEL RAIDS IN BOROUGHS

Meanwhile the Newham Public Protection Team has had a strategy of proactively targeting illegal activity that could lead to crime¹³⁹. One illegal licensing area they target as part of this approach are brothels.

In the last 18 months Newham have “closed around 80 brothels”¹⁴⁰.

The vast majority of these raids and closures were as a result of proactive work rather than due to complaints.¹⁴¹ Indeed, they confirmed that complaints had not risen in the last few years in Newham against brothel-related ASB¹⁴².

During these operations “only one prostitute *claimed* to have [been] trafficked out of several hundred”¹⁴³.

Police resources

All data I have been provided with¹⁴⁴ shows an increase in the Met’s focus on targeting sex workers in the run up to the Olympics. However there is no evidence that there has been a corresponding increase in the number of sex trafficked victims in London¹⁴⁵, nor in the number of complaints from residents regarding brothels¹⁴⁶.

Sex work is legal; and while brothel activity is illegal, if there is very limited intelligence to suggest sex trafficking or brothel activity, and there have not been any complaints, then police resources and positive relations with sex workers need to be assessed before considering a large-scale proactive approach to seeking out brothels. However there is concern that inadequate intelligence is being used when targeting brothels.

One Polish woman I spoke to, who has chosen to be a sex worker in England, has been visited and raided by police on several occasions. At each visit she has been asked if she was trafficked.

During the last visit, when she was working by herself in Tower Hamlets, seven police officers ‘visited’ her to ask if she had been trafficked.

When I wrote to the police about this large use of resources they explained that they “deployed this number of officers to expedite the visit so that police would be there for the shortest period of time possible.”

Their visit involving seven officers had not been the result of a complaint nor due to significant intelligence, but was based on finding a telephone booth card¹⁴⁷.

Consequences of Olympic borough policing

Displacement

DISPLACEMENT AND THE REMOVAL OF SEX WORKERS' SUPPORT NETWORKS

“Crackdowns” ... are at best likely to prove only short-term palliatives and may result in displacement to other areas. Displacement is not a solution¹⁴⁸.” ACPO

There is a fear that ‘crackdowns’ - a model that has recently been used across London in a ‘licensing crackdown’¹⁴⁹ - has had unintended consequences.

While the proactive ‘Total Policing’ approach to various forms of licensing crime has been successful in a number of areas, when used to tackle prostitution, it is not helpful from a London-wide perspective. Instead, there is evidence that the women have simply been displaced.¹⁵⁰

As a result of the crackdown in east London¹⁵¹ the area’s support provider, Open Doors, has reported that there has been a significant displacement of sex workers, and this has resulted in a 25% decline in contact of women via outreach since the previous year¹⁵².

One concern about this displacement is that resources to support sex workers are not consistent across London¹⁵³. Therefore women who are displaced sometimes no longer have access to help, lose their familiar support network and so are at increasing risk. For example, a medical study found that sex workers who had no contact with an outreach worker were three times more likely to test positive for a sexually transmitted infection¹⁵⁴.

Potential rise in on-street sex work

All evidence demonstrates that the streets are a far more dangerous place to work for sex workers, with 80 per cent of street workers, against 46 per cent of indoor workers, experiencing violence or threats.¹⁵⁵

The ECP and some service providers have aired concerns that these raids on premises could force some women onto the streets

The ECP¹⁵⁶ knows of “13 Eastern European women who had recently started working on the streets – many of them had previously worked inside flats¹⁵⁷”.

Tower Hamlets police also told me that they had seen an increase in the number of street sex workers in the last few years.

There is anecdotal evidence of the possibly tragic consequences of this displacement. “One of the women in our network was a close friend of Elizabeth Valed who was murdered by Anthony Hardy, the “Camden Ripper”. They worked together in a flat in Soho for a few years until the place was closed down by police. Ms Valed was forced onto the streets to work in King’s Cross where she was picked up by Hardy and killed¹⁵⁸.”

A loss of trust

THE POLICE ARE LOSING THE TRUST OF THE SERVICE PROVIDERS

Open Doors, Praed Street and other service providers I have spoken to are concerned by MPS police activity and said that “over a number of years starting... with the Pentameter Operations [in 2007]”¹⁵⁹ disruption has taken place as women have been displaced and so no longer have access to support.

.....

The service providers loss of trust in the police will inevitably have a knock on effect on the sex workers they work with, advise and support.

.....

Police activity needs to keep in mind at all times Home Office¹⁶⁰ and ACPO guidance, which highlights that police activity must prioritise the safety of the sex workers when handling ‘vice’ issues and consider the ‘risks, threat, and harm to all’ before any activity.¹⁶¹

Crucially the Home Office points out that “It is essential that policing ... communicates and liaises with specialist projects as far as possible so that disruption between activities can be minimised”¹⁶²

But this relationship with specialist projects in London has not been successfully developed; indeed several projects have confirmed to me that the relationship and communication with police has deteriorated.

.....

Praed Street NHS staff told me, “Increased legislation and aggressive policing has had a massive impact on the trust and relationships with health outreach teams throughout London. Often these are the only professional’s isolated sex workers are in contact with and realistically the only people they will report violence and crime to. There has been a consequence of increased suspicion, transience and disengagement hence compromising women’s health and safety.

.....

Effective partnership

Any sex-trafficking strategy should work with stakeholders rather than appear to punish them to avoid the loss of intelligence and to ensure we do not endanger women further.

As AC Simon Byrne, who leads TP in the MPS, said “policing prostitution will at best only achieve short-term results unless there is effective partnership at local & strategic level¹⁶³.”

The Home Office Review, 2011, has promoted the view that police and key agencies and organisations need to have a joined up approach and a joint strategy¹⁶⁴. The Review also promoted the idea of involving not just other related agencies, but also sex workers themselves in developing police responses¹⁶⁵.

Catherine Stephens has said that sex workers will only report when they feel police are “(a) taking them seriously and (b) will do them no harm¹⁶⁶.”

Losing intelligence

LOSING INTELLIGENCE ON SEX TRAFFICKING

The complexities, described earlier, whereby one day a woman does not see herself as a victim of sexual exploitation, but the next day she may do so, are problematic for police.

On day X, the police may close a sex establishment, and a sex worker working there may be upset with the police for doing so. On a different day Y, the same sex worker may become aware of how she is being exploited and want police help.

Therefore police must be careful in the way they behave when closing the sex establishment. For, if she has lost trust in the police due to her experience on day X, on day Y she may not feel she can go to the police for help.

One NHS service that works with sex workers – Praed Street in Paddington - had anecdotal evidence of this.

Praed Street said that sometimes women they were aware of were victims of sex trafficking but didn’t “perceive themselves as trafficked ¹⁶⁷” often took months or even years to disclose, understand and confront their exploitation.

They said “it is important to note here that trafficking is not straightforward and disclosure and appropriate support is not achievable in a short timeframe¹⁶⁸”.

However, the NHS staff had found that exploited women were often frightened of the police – sometimes due to negative experiences in the past. Praed street staff particularly highlighted how police raids - where men stormed into the premises with the “girls still in the underwear” - often “terrified” the girls leaving them on edge, concerned about their immigration status or by the often mistaken belief that they may have done something illegal themselves¹⁶⁹.

One person I spoke to who worked at an NHS service provider said that it was “alarming¹⁷⁰” how much information isn’t being obtained by police on women who would be considered sex trafficking victims, due to the damaged relationship created by current policing methods to tackle sex trafficking.

Evidence base

One sex worker we spoke to felt that projects such as Open Doors and Praed Street should publish and share data on the numbers and demography of clients they receive.

AC Simon Byrne said, “There is no perfect solution to dealing with prostitution and sexual exploitation, my ethos is to use evidence based approaches that consider risk, threat and harm to all.”

In spite of this, the current attitude of certain sections of the MPS to policing sex trafficking ahead of the Olympics appears to be based on little or no evidence.

However there is evidence that violence towards women increases during certain sporting events¹⁷¹.

This makes it even more concerning that several NHS services in London have evidence that women are being displaced and so have less access to healthcare and support, which means that sex workers are increasingly at risk of harm¹⁷². This fact is also concerning because there is evidence that sex workers are increasingly unwilling to report crimes to the police. This will be discussed below.

Part 3. Policing of sex work

Relationships between police and sex workers

“An escort girl and a dominatrix, both from London, who were stalked by their clients left notes criticising police as part of an online suicide pact, an inquest has heard.” Press Association, November 2011

A lack of care

HANDLING OF CASES INVOLVING SEX WORKERS

In April 2010, Forest Gate Police Safer Neighbourhoods Team¹⁷³ decided to punish six sex workers for soliciting for prostitution by giving them an ASBO and using the ‘name and shame’ tactic of publishing their photos, names and details online.

On-street prostitution is illegal and there are many strong arguments for why this more visible form of sex work should continue to be so¹⁷⁴. However the attitude of the police in this case raises concerns about the lack of care that exists in the policing of sex work in London¹⁷⁵.

When I contacted the MPS to complain, they stated that “the decision to publish the photos was taken to reassure the public”¹⁷⁶. However while fulfilling this requirement, they arguably endangered these women’s lives by flagging up, to criminals, that these women were easy targets for crime¹⁷⁷.

Evidence shows that the majority of on-street sex workers - up to 95% - are believed to be problematic drug users.¹⁷⁸ This is likely to mean that the women are unlikely to stop being street sex workers, simply by ‘shaming’ them publicly¹⁷⁹.

However, there is evidence that criminals are more likely to target street sex workers.

Furthermore the police have no evidence or database to prove that publishing such photos didn’t pose a danger to the women involved¹⁸⁰. Therefore the decision to ‘name and shame’ these women seems counterproductive in reducing crime.

Inconsistent policing

Praed Street NHS workers told us that while some sex workers had positive experiences with police, that the experiences were too inconsistent to build a general relationship of trust with the police in their area of London.

They provided me with anecdotal evidence of police officers taunting the women or making derogatory comments during raids and visits. Meanwhile Open Doors had an example where a

sex worker had called the police after a man refused to leave the premises and was told, “If ... this happens again, don’t bother to call us”.¹⁸¹

One NHS provider also said that seizing the sex worker’s earnings and belongings was regularly the primary focus of policing activity.

This was even the case when sex workers had invited police officers to the premises, having reported a crime. Another regular negative experience was that sex workers found that, during police raids, police did not always give the women and girls time to put on their clothes.¹⁸²

Praed Street felt that it was “essential to develop named local leads within the police similar to sapphire units- particularly now the remit for Vice squad has changed. We need dedicated specialist officers [for sex workers] to contact who understand the issues and can work with the women not against them¹⁸³.”

Reduced reporting of crime

Anecdotal evidence from Praed Street staff suggests that more women are being targeted by gangs.

.....

Furthermore Praed Street staff said sex workers were increasingly telling them that gangs were now telling them “What you going to do [about their crime]? You won’t dare report”. They stated that this did not occur as often in the past.

.....

This could indicate that gangs are specifically targeting sex workers because sex worker relations with police are currently believed to be so damaged.

Unwilling to report crimes

.....

However Open Doors said it was “not possible to say that there have been more attacks.. but what is true that there is a definite DECREASE in the numbers reported to the police¹⁸⁴.”

.....

There is evidence that there is an increasing fear of police among off-street sex workers which has resulted in a reluctance to report crimes in London¹⁸⁵. For example, in Dr Nick Mai’s peer-reviewed study for the Economic and Social Science Research Council¹⁸⁶.

Several cases have also been brought to my attention where off-street sex workers have had negative experiences with the police which have resulted in their decision to not report crimes.

CASE STUDY ONE

One sex worker, ‘L’, delayed – to the detriment of the case- reporting an assault due to her negative experiences of the police.

I met her first, prior to the assault, but after one particularly unpleasant experience with the police in August 2012. 'L' was in Aldgate sharing the rent of a room with another sex worker—which under the current definition makes it a brothel. Her premises were raided by police – who were looking for sex trafficking¹⁸⁷ - who let photographers take pictures of the women. These photos – though partially blacked out- later appeared in News of the World.

She was distressed by the fact that the police did not warn her that their pictures would appear in a tabloid newspaper. At the time, she said, "If the police continue to behave like this, none of the women doing sex work will speak to them if they do have information about any crimes¹⁸⁸."

CASE STUDY TWO

In December 2011, a gang of five men assaulted and robbed three women at a brothel in Barking. Although police attended the event the women felt that the assault was not properly investigated by police. They were also given a police letter informing them that they would be liable to prosecution if the premises continue to be used as a brothel.

.....
As a result of this experience they have refused to cooperate with the police.
.....

After this robbery, I received information that further robberies and a rape had occurred by the same gang against two other brothels, and that the gang had been captured on CCTV during one of these attacks¹⁸⁹.

Footage of one of these attacks has gone up on YouTube:

<http://www.youtube.com/watch?v=MyrS1Q9FMfy>

Rape is considered a Mayoral priority¹⁹⁰. However because all the victims in Case 2 work in brothels - and lack confidence that the police will investigate the crime that had taken place against them rather than press charges on the women in the flat for running a brothel - they are unwilling to fully cooperate with the police. Even with clear video evidence I was led to believe by Barking police that the police had decided not to investigate this violent case¹⁹¹.

SCD9, who I had contacted about this case along with Barking police, informed me that this was not the case. While I am relieved to know this, I am still concerned that it required a politician to contact them and for clear CCTV evidence to be involved before sufficient action took place.

.....
Tackling 'prostitution' is not considered a priority by most Londoners¹⁹². However MPS figures reveal that, in the last four years, almost the same number of people have been arrested for 'the exploitation of prostitution' (1360) as for rape (1659); and that this figure is higher than the number of arrests for offences involving a knife (1285)¹⁹³.
.....

Police priorities

Changes in focus

PROACTIVE PROTECTION VERSUS PROACTIVE ENFORCEMENT

Rosie Campbell, a sociologist, and one of the founding members of the UK Network of Sex Projects (UKNSWP) & ACPO Liaison for UKNSWP, has been studying sex work in the UK for 17 years. She has noticed that, since the formation of new laws relating to sex work and sex trafficking, the policing of sex workers in London appear to have moved further away from a proactive reducing harm approach towards more assertive attempts to tackle demand and proactively enforce prostitution related laws, with the balance between protection and enforcement tipped to enforcement.

“Since the mid 2000’s the barriers to reporting crimes against off street sex workers in London have been further exacerbated... This seems to be associated with a number of factors including; intensified police enforcement activity related to off street premises often attached to ‘anti trafficking’ initiatives and an increased police focus on tackling demand and trafficking. These trends have continued with... intensified policing activity in some areas supposedly addressing un evidenced claims of increased trafficking for sexual exploitation in the run up to the Olympic games.

.....

“This more proactive focus on tackling demand and trafficking, has shifted the focus and resources away from proactive initiatives to build trust with sex workers, encourage reporting ...”Rosie Campbell

.....

This means enforcement of brothel laws is now taking priority to these women’s safety. This is in spite of that fact that studies indicate that sex workers are between 60 & 120 times more likely to be the victim of homicide¹⁹⁴, and yet 56%¹⁹⁵ of assaults on sex workers are believed to go unreported.

.....

Furthermore, ACPO’s strategy admits, “The number of exploiters punished by the law is low compared to the number of prostitute’s convicted/cautioned.” This demonstrates that the current emphasis in the policing of sex work is wrong.

.....

There also needs to be an emphasis on doing more rather than less to encourage sex workers to report attacks¹⁹⁶. As described earlier, I have seen evidence that this is not currently the case across London.

Using discretion

Police officers said they feel they are in an impossible position. For if a woman reports a crime and in so doing reveals she is working in a brothel or is here illegally etc., then the police are compelled by the law to act on this evidence of criminality.

However, we know that police are allowed, in certain situations, to use discretion on what to prioritise when witnessing multiple crimes simultaneously¹⁹⁷.

Furthermore, the ACPO strategy highlights the need for a risk assessment before choosing to close a sex establishment: "Using partners in local authorities to monitor and potentially close down off-street activity, following local risk assessments that take into account the risk and threat posed by the premises. Premises should be prioritised in accordance with these assessments."

Rape has increasingly been taken more seriously by the MPS and the GLA. This is evidenced by the creation of the Sapphire squad and the four rape centres across London under the current Mayoral administration. Indeed, when rape – rather than assault or robbery- is reported by sex workers, because it goes to the Sapphire unit, I was led to believe that these investigations were dealt with very well.

Prioritising rape allows police to focus on the crime to hand.

We spoke to one police officer from the MPS rape specialist unit, Sapphire,¹⁹⁸ who said they would never ask a person, who had reported a rape and had foreign accent, for their visa. They also said that unless there was clear evidence that the rape had not occurred, they would not look into criminal issues that may relate to the victim such as their drug dealing or benefit fraud.

It is this prioritisation that needs to occur in regard to all crimes against sex workers.

While no police force can be expected to 'turn a blind eye' to the law, they can work on improving relations with sex workers as the policing style – set up by Bernard Hogan-Howe – in Merseyside demonstrates.

The Merseyside model

The catalyst

In the last six years Merseyside has become a widely praised¹⁹⁹ example of good practice in how to police sex workers. This development in policing style was due to a number of incidents that occurred.

In September 2005, sex worker Anne Marie Foy was brutally murdered in Liverpool. This highlighted the fact that eight women involved in sex work in Liverpool had been murdered since 1990.

Meanwhile, in January 2006 the Government announced plans “for a national zero tolerance campaign against kerb crawlers and street prostitution²⁰⁰”. (A similar crackdown, this time on off-street sex work, occurred in 2008 due to the creation of further new laws²⁰¹.) This is believed to have led to women being displaced and subsequently isolated, as has been described as occurring “over a number of years starting... with the Pentameter Operations [in 2007]”²⁰² in London.

Within less than a year of this crackdown and possible displacement, between October and December 2006, the infamous “Ipswich murders” – involving the serial murders of five sex workers - had taken place.

Labeling attacks as hate crimes

COMMISSIONER BERNARD HOGAN-HOWE, WHEN HE WAS CHIEF CONSTABLE WITH MERSEYSIDE POLICE FORCE, SAID IN A PUBLIC STATEMENT IN 2006, “WE WILL NOT TOLERATE VIOLENCE AGAINST SEX WORKERS IN TURN THEY SHOULD HAVE THE CONFIDENCE TO REPORT CRIMES ...”²⁰³

Research and frontline project work in Merseyside had revealed a high level of violence against sex workers, alongside a noticeable under-reporting of incidents to the police due to a distrust of police²⁰⁴.

In response to the Ipswich murders, Bernard Hogan-Howe, the Merseyside Chief Constable, decided to publicly²⁰⁵ label crimes against sex workers as 'hate crimes'. In doing so, he acknowledged sex workers as a maligned minority who were disproportionate victims of prejudice and who therefore required an ‘enhanced service’²⁰⁶.

In research by Campbell (2011) examining the hate crime approach to sex work in Merseyside, one detective explained “...(sex workers) need an enhanced service, they needed it especially the way they were treated up to 2006... This (the hate crime approach) is part of that we have to gain the confidence of victims and their families... in Merseyside we approach investigation of crimes against sex workers

as hate crime and from the view point that safety of sex workers must be prioritised above all else”²⁰⁷

Another Merseyside Detective Chief Superintendent in the same research study stated “Out of all the vulnerable groups subject to hate crime they are properly the most likely to be victims...so treating as hate crime and linking it into a focused team²⁰⁸ ...is the way forward...pushing it through as hate crime you have to have the support .. or there is no point having a policy in place.”²⁰⁹

This new symbolic label led to “more quality assurance²¹⁰” and a clear “shift in police attitudes and policy towards crime against sex workers”. It created “an appetite to move away from blanket criminalisation to active “management” of sex work balancing the needs of also stakeholders and within that taking sex worker safety seriously”²¹¹. Emphasis fell on public protection²¹² over eradication and disruption of sex work markets.

Rosie Campbell, ACPO Liaison for UK Network of Sex Projects (UKNSWP) and one of the founder members of the UKNSWP), said her “primary recommendation ... for London would be that “The Met should consider adopting the policy of treating crimes against sex workers as hate crime. This would create a better strategic and operational balance between Protection & Enforcement... Research I have carried out at Durham University looking at the hate crime approach in Merseyside has found a change in attitudes amongst police in Merseyside Campbell, 2011)²¹³”.

Publicised police support

Alongside “word of mouth²¹⁴” positive police experiences being circulated amongst sex workers, Bernard Hogan-Howe, as Merseyside Chief Constable, committed to publicising the message that crimes against sex workers would not go unpunished in Merseyside by engaging with the media.

Shelly Stoops, the ISVA at the Armistead Street project, and Rosie Campbell wrote an article that said “This highlights that addressing actual violence against sex workers needs to be a strategic and operational priority in all legal settings.”²¹⁵

ISVAs

In November 2006 Merseyside created the first specialist independent sexual violence advisor (ISVA) for sex workers to assist sex workers in seeking justice.

In London, there are approximately half a dozen projects²¹⁶ which work with sex workers. And there are only two ISVAs for the 5100²¹⁷ women working in brothels, alongside the women who work on the streets in London. One of these two ISVAs is actually a generic ISVA, rather than specifically for sex workers. Therefore there is only one ISVA working with sex workers who are victims of sexual assault or rape in the whole of London; and she is dedicated only to three East London boroughs.

An ISVA costs approximately £40,000 per year²¹⁸. Meanwhile the murder investigation into the Ipswich murders was believed to cost £19m.²¹⁹

Rosie Campbell said to us that “The role of specialist ISVA for sex workers, which has demonstrated impressive outcomes and impact in Merseyside (Armistead Project) and East London (Open Door Project) should be rolled out across London in line with need”

Prostitution Liaison Police Officers

In Merseyside they also have two “police sex work liaison officers” who have this role “as part of their wider duties”²²⁰. The Liaison Officers work closely with Merseyside’s sex work support project, Armistead Street, to encourage sex workers to report crimes and access appropriate support services. The officers in this role act as a link between the sex work support project and Merseyside Police.

Their Ugly Mugs scheme²²¹ – a third party reporting scheme involving a publication whereby sex workers anonymously report attacks – also became formally linked to police intelligence. The Liaison Officers are an initial contact point for “Ugly Mugs” information and, along with Armistead Street staff, support sex workers through the criminal justice system²²².

When the scheme started, twice a month a plain clothed officer would attend the drop in session at the Armistead Street, where they would see people in a “private counselling room maintaining confidentiality”²²³.

In Campbell’s study, (2011) examining the hate crime approach to sex work in Merseyside, one sex worker described her experience of this new approach with SOLO officers from the specialist rape and sexual offences team in the Merseyside Police “Unity” team as follows:

.....
“You could talk to them...with the rape case it was so different than before, they were so nice to me no matter what was going on, even if I had the littlest questions I could phone them two (specialist rape officers).....I’ve got both their mobile numbers and since I was threatened they’ve put the landline to here on fast track so if we phone they head straight here. ...the police have been brilliant.”²²⁴
.....

This compares to previous statements by sex workers in Merseyside, such as “The police were very intolerant to you at that time, you know they’d see you they nick ya”²²⁵.

London options

London is a rare example in the UK where Ugly Mugs is not formally linked to police intelligence.

Police have told us that the service providers and sex workers prefer it this way. However the service providers and sex workers we spoke to have said this is because they cannot assure the women that the police will prioritise the reported crime over other illegal issues such as immigrations status or the existence of brothels or street soliciting. Clearly Ugly Mugs in London needs to be reviewed in light of this.

It particularly needs to be reviewed in light of the fact that UKNSWP managed to obtain Home Office funding to pilot a UK wide Ugly Mugs Scheme.

Catherine Stephens, a London sex worker and spokesperson for the IUSW, said, “I wouldn’t call the police to report a crime against me.”

She felt that the best way to reverse this fear in London was if a “Specialist unit within the police was created which proactively targeted crime against sex workers”²²⁶. This would ensure sex workers do not experience the “hit and miss” service the MPS currently provides.

Rosie Campbell commented that “UKNSWP has for some years recommended the role of specialist police sex work liaison officers.”²²⁷

She thought London needed officers who meet criteria for good practice in this role, for example they should not have an enforcement role relating to sex work. She noted that that there would need to be careful planning across the boroughs to ensure an appropriate number of specialist officers. At a time of limited resources if such roles could not be dedicated posts, named officers could take on this role as part of their wider duties, but an adequate proportion of their time must be protected for these duties.

Results

The results of Merseyside’s change in policing sex workers have been astonishing²²⁸.

It has led to unprecedented increases in the reporting of crimes by sex workers and the number of criminals being convicted.

In the first 18 months, there was

- An almost 400%²²⁹ increase in the proportion of people giving consent to share full details with the police. However it is important to note that all these percentages involve small figures.
- No sex workers supported by Armistead have withdrawn their formal statement or refused to proceed²³⁰
- An 83% conviction rate for all cases going to court (including violence and sexual assault).²³¹ Five years prior to the Merseyside scheme there was only one conviction in the region for an assault against a sex worker.²³²
- A 67% conviction rate for rape²³³. This compares to the national average conviction rate of just 6.5%²³⁴.
- A 75% conviction rate for rape and sexual violence cases²³⁵;
- 95% of women involved in these cases have exited prostitution²³⁶
- The number of attacks being reduced: there were 83 Ugly Mug reports received in 2006-2007 (the first year with specialist ISVA in post) so far there have been 19²³⁷.

The number of women engaged in street sex work in Merseyside has more than halved. With 471 women working as street sex workers in 2005-2006; and the number reducing to 204 in 2010-11²³⁸.

Shelly Stoops, who works as the Merseyside ISVA, said exit strategies enforced on sex workers rarely work. Sex workers only leave the profession when they are ready and willing to do so and it can take many years once the decision is made. Shelly Stoops said, "exiting is not a linear process and people can take several years from precontemplation to actual exit". She felt the reduction in Merseyside was due to better police relations and more support provision of sex workers rather than due to a focus on exit strategies.

In London, one police force told us that the exit strategy in their borough - used as a tool within police enforcement and potentially leading to fines for the women involved - was ineffective, stating "the effectiveness of engagement is questionable.. After several years we are struggling to see any evidence that any engagement [in the exit scheme] had ceased activities." They also cited the exit strategy in their borough as being under-resourced leading to further safety concerns due to delays in the women receiving assistance.

Part 4. The law

Inconsistent law

The police feel that they are “caught in the crossfire”²³⁹ between the conflicting demands of supporting sex workers – who are some of the most vulnerable victims of crime – and enforcing the law.

There was a general consensus among the police I spoke to that the law was inconsistent, unsustainable and posed numerous problems for police²⁴⁰.

Simon Byrne, the MPS Assistant Commissioner for Territorial Policing and the ACPO lead on Sex Workers and Prostitution said, “the police have to enforce the law that is set by the government of the time however, with much of the current prostitution related law being complex and on occasion contradictory, it is vital that the police understand the need for alternative approaches to dealing with the issue.”²⁴¹

Not illegal but not safely legal

Following the murder of several women by Stephen Griffiths in 2010, David Cameron, said the murders were a “terrible shock”²⁴² and that the decriminalization of prostitution should be “looked at again”.

Whether one believes that prostitution is fundamentally wrong or not is irrelevant to criticism of the current law as it stands.

Current UK legislation has not made the practice illegal, but nor have we allowed a safe form of prostitution to be legalised.

Sex work is the one, unique area of legal employment where the law enforces women to work alone. Even if a premise has just two women working together, or there is even just one sex worker on the premises and a maid, this is considered a ‘brothel’ and illegal²⁴³.

No ultimate aim

I have already spoken about the lack of clarity in regard to terminology. For example, there is no definition of what controlling position for gain constitutes, nor is there a clear definition of sex trafficking²⁴⁴. However an even bigger question still remains.

A number of people in the MPS said that they are in an impossible situation because there is no clear guidance from Government. Indeed the law currently has no clear aim.

“Do politicians want prostitution to be removed or do they not?” was the question I was asked. “If they don’t, then they need to tell police how to deal with law enforcement in this area. If they do,

then they need to have a suitable exit strategy in place and there needs to be adequate funding made available to allow for this. “

Several projects we spoke to highlighted the point that “by no means do all sex workers wish to exit and until and unless this issue is acknowledged there will continue to be insurmountable tensions between the criminal justice system and the needs of the women who fall foul of it simply because of the work they chose to undertake.”

Recommendations

Trafficking - Recommendation 1

The MOPC needs to carry out an evidence-based peer reviewed study into the issue of sex trafficking in London.

Trafficking - Recommendation 2

Police need to be sensitive to the changing role of trafficking victims in brothels and take a long-term approach to gaining intelligence and the trust of victims.

Trafficking - Recommendation 3

The MPS needs to conduct research on non-organised sex trafficking, with particular reference to the experience of West African women, to allow it to consider whether they should divert some resource away from brothel activity and instead increase their focus on non-organised sex trafficking.

Trafficking - Recommendation 4

Communication between SCD9 and borough police should also be reviewed.

Trafficking - Recommendation 5

SCD9 must in future work with service providers and sex workers and prioritise improving relations.

Trafficking - Recommendation 6

There needs to be a joint strategy and effective partnerships between police work, sex work projects and sex workers. The inclusion of sex workers should be seen as an integral part of any police force's sex work strategy.

Sex workers - Recommendation 7

We should follow Merseyside's successful example and label crimes against sex workers as 'hate crimes'.

Sex workers - Recommendation 8

The MPS needs to send out a strong public message that sex workers safety will be prioritised and that violence against sex workers will lead to prosecution.

Sex workers - Recommendation 9

The police should prioritise the safety of sex workers over lesser crimes related to sex work. This should mirror the successful victim support and policing carried out by the MPS Sapphire unit, where the rape of the victim is prioritised.

Sex workers - Recommendation 10

A code of conduct for officers of all ranks dealing with sex workers would be a useful tool.

Sex workers - Recommendation 11

The MPS should instate prostitution liaison police officers into the force, who can work in those boroughs where sex work related crime is most acute. This would be an additional role, alongside the officer's wider duties, but it is imperative that they do not have an enforcement role in this specific area.

Sex workers - Recommendation 12

We should review which projects exist in London which provide support for sex workers to evaluate whether there are adequate resources in place.

Sex workers - Recommendation 13

Police need to work much more closely with sex work service providers. The police should also ensure that there is adequate training for projects and sex worker organisations to assist in third party reporting.

Sex workers - Recommendation 14

The ' Ugly Mugs ' scheme in London needs to be reviewed with the aim of allowing its contents to be formally used as a source of intelligence for the MPS.



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Rupert Bowers, barrister who represented Matilla Akai case

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Jack Wolski, Intern, Greater London Authority

Sex workers I have met, thanks to the assistance of the ECP

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Barking & Dagenham

Brent

Hackney

Newham

Sapphire

SCD9

Tower Hamlets

Information and interviews collated by Tamara Barnett at the GLA

Appendices

Appendix 1

Information provided by Rupert Bowers

1. Rupert Bowers, the barrister who represented Atilla Makai, believes that there is inconsistency between the law relating to sex work and other domestic law^[1]. As the selling of sexual services is not illegal, a sex worker is liable to pay income tax on their earnings¹. Given that the sex worker is liable to pay income tax there seems no reason why the selling of that service should not attract VAT in the same way as the sale of any other lawful service as the activity. There seems no reasons why sexual services would not fall within the definition of a “supply of services” within the meaning of Article 6 of the Sixth Directive of 17th May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes and thus a prostitute would be registrable for VAT if his or her earnings were over the threshold amount. In addition, the principal of fiscal neutrality means that even if it is found that an “escort service” offers more than the description provided, and so falls within the criminal law then, even though the business is criminal, it is liable to taxation². If sex work is lawful, and the issue of consent is personal and discreet to the individual it was argued in the Makai case that “that is a woman's right [to work as a prostitute] and the offence under Section 57 [of the Sexual Offences Act 2003] appears to contradict that right” since the law criminalises anyone she wishes to employ to assist her in that sphere of otherwise lawful employment, effectively isolating her in a way no other job requires by law.^[2]
2. Rupert Bowers explained that there is no definition of “controlling” prostitution for gain in the SOA 2003. This potentially means that people employed by sex workers (rather than those employing sex workers) such as maids, could be prosecuted for the offence of “controlling” by booking a sex worker’s diary, answering the telephone, or vetting clients. Those who a sex worker may wish to employ for his or her own safety, or simply in furtherance of a lawful work practice, may be criminalised, while the sex workers themselves commit no offence. The absence of (or need for) a definition was debated in

¹ *Inland Revenue Commissioners –v- Marion Aken* [1990] 1 WLR 1374

² *The Commissioners of Customs and Excise –and- Robert and Julie Polok* [2002] EWHC 156 (CH)

Parliament as the Bill travelled through its stages; Parliament decided to pass the Act with the definition of “controlling” left open for the Courts to interpret.

3. In these circumstances tension is created by the existence of the following factors:
 - a. the economic reality of the ability of EU citizens to move freely between member states means that individuals are likely to migrate from poorer countries to those more affluent, moving here to work in a lawful sector, yet forced to make all the arrangements themselves;
 - b. UK law respects the right of an individual of age to freely consent to sexual acts whether it is for payment or no. Prostitution per se is not illegal and in some respects the law seeks to place prostitution on the same plane as other areas of employment;
 - c. notwithstanding 3b, the legal rights enjoyed by sex workers are anomalous. A prostitute may not sue for breach of contract for non-payment of fees (the arrangement, otherwise contractual in nature, is not regarded by the law as legally enforceable), neither may they employ anyone to assist them in their work because of the offences created by the SOA 2003. Therefore a prostitute may work legally, but their ability to do so is curtailed with potential consequences for the individual’s Article 8 rights.
4. The tension created means that though a person’s right to give consent to sexual acts is respected, Parliament and the Courts make decisions on their behalf as to how that consent may be given and exercised. Moral opprobrium is still cast upon a prostitute by restricting the way in which that person works and upon those whom he or she would seek to employ to assist her. Under the language of the SOA 2003 any such person commits an offence of “exploitation” (an obviously pejorative term) whether on any common sense view that is the case, and in seeming contradiction of the law’s recognition of a person’s right to choose to earn their living selling sexual services.
5. Undoubtedly the SOA 2003 was passed with the intention of protecting people in a vulnerable position. However it should be considered whether that vulnerability is likely to be compounded or ameliorated by legislation which compels a prostitute to work alone, or in a criminalised environment, rather than in a regularised sector on a level playing field with any other area of lawful employment.

NRM - PROBLEMS REGARDING NON-EU VICTIMS -

In April 2009, the Government introduced new procedures to examine the cases of individuals believed to be trafficked and this was called the 'National Referral Mechanism' (NRM).

However the NRM has received a lot of criticism for 'the quality of the decisions, the poor impression given to victims, the lack of an appeals process and the failure to gather comprehensive data on the scale of the problem'.³ The anti-trafficking monitoring group (ATMG) said that "the system appears to be relying excessively on the discretion of officials who receive minimal training".⁴

One concern is that there may be evidence that nationals from outside of the UK might have received a disproportionate number of negative decisions. Furthermore, the system has been accused of putting more emphasis on the immigration status of the presumed trafficked persons, rather than the alleged trafficking crime committed against them⁵.

UK citizens referred into the NRM were quickly identified as trafficked with 76 per cent of cases positively identified⁶. Meanwhile nationals from other EU states had a success rate of 29.2 per cent, while those from outside the EU had only a 11.9 per cent success rate.⁷

The ATMG described the "difference in success [as] startling"⁸. Hence, while data shows that the NRM has the highest number of referrals from Africans, other data shows that they are one of the least likely groups to gain a positive decision confirming their status as a victim. One service provider said that the high failure rate led to a "vicious cycle" where other non EU victims of trafficking were then discouraged from bringing their cases forward.

CHILD VICTIMS FROM OUTSIDE THE EU

Child victims from outside the EU are also of particular concern. For example, Philip Ishola of the London Safeguarding Children's Board says that from his experience 90% of Vietnamese children in care go missing.

³ Mark Field MP at Westminster Hall debate on human trafficking, Wednesday 18 May 2011

⁴ The Wrong kind of Victim by the ATMG. Examples include the following Competent Authority letter number 19 submitted to the Monitoring Group in January 2010 and issued between April 2009 – August 2009. "You have stated that [...] your boyfriend 'forced' you to have sexual intercourse with other men. You have stated that during this time you were allowed to leave the house to go to the shops. However you made no effort to escape or approach the authorities in the United Kingdom during this time. It is considered that had you been exploited as your claim you would have seized the first opportunity to escape your boyfriend".

⁵ Collateral Damage, 2007, "an African woman was trafficked to the UK under a promise of work. When she reached the country, her passport was taken away, and she was told she must work in prostitution. She managed to run away.. and worked illegally to earn money for her return to her home country. Unable to obtain a passport from her Embassy, she managed to obtain a fake one, but was intercepted at the time of leaving the UK. During the trial, the judge stated that she struggled to accept the woman's story, but did accept that she had been asked to work as a prostitute. The trafficked woman received a sentence of 12 months imprisonment... [this] demonstrates how present practice favours the punishment of immigration offences over the protection of the human rights of victims of crime and even the investigation of trafficking offences.

⁶ An identification procedure is required to "ensure that, if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence...has been completed by the competent authorities and shall likewise ensure that that person receives...assistance" Article 10.2 Convention on Action against Trafficking of Human Beings

⁷ The Wrong kind of Victim by the ATMG

⁸ *ibid*

Andy Elvin, chief executive of the charity Children and Families Across Borders, meanwhile cited a case where a 13-year-old Vietnamese girl rescued from a brothel and who was pregnant, was placed in a Croydon hostel of adult men. "It is unthinkable, he said, that a suspected trafficked child from the UK would end up in the Gilroy Court Hotel."⁹ Another case involved the discovery that 77 Chinese children had been trafficked into the UK and 'lost' by a care home in Hillingdon.¹⁰

Unfortunately there is no overarching data on the numbers of youngsters trafficked into the UK and ministers apparently 'refuse to launch a review into the number of unaccompanied youngsters missing from care'¹¹. A Freedom of Information request however revealed that 330 children aged between nine and 17 disappeared over 14 months up to the summer 2009.

Appendix 3

JANUARY 2009 PROSTITUTION; QUESTIONS ASKED BY LORD FAULKNER OF WORCESTER

Sexual Offences Act 1956	Keeping a brothel							
Statute	Offence description	2001	2002	2003	2004	2005	2006	2007
Total		6	8	4	19	19	41	60

<http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90115w0004.htm>

MOJ ANSWER TO QUESTION BY PHILIP DAVIES MP ON 1 FEBRUARY 2012

Defendants found guilty of offences related to prostitution in Greater London area , 2008 to 2010)			
Police force area/offence	2008	2009	2010
Greater London			
Keeping a brothel	11	15	18
Control of prostitution	16	4	9

<http://www.theyworkforyou.com/wrans/?id=2012-02-01a.92895.h&s=brothels+speaker%3A11816#g92895.q0>

⁹ 'Joy vanished into Britain's child-sex trade - why aren't we looking for her?' Townsend, The Observer, Sunday 16 October 2011 - Article looking into the case of a child trafficking victims in Croydon

¹⁰ <http://www.mpa.gov.uk/committees/cep/2009/090716/09/?qu=trafficking%20olympics&sc=2&ht=1>

¹¹ Ibid

Endnotes

¹ Selling sexual services is often described as prostitution or sex work. In this report this form of transaction will be termed as sex work. This is due to the negative and potentially offensive connotations within the term 'prostitute'

² Figure taken from Mortality in a Long-term Open Cohort of Prostitute Women, American Journal of Epidemiology. However a range of figures on this exist. Quotes include those used in the Mayor's Violence Against Women Strategy (2010) which references *Prostitution of Women and Girls*, by R. Flowers, 1998, that 'Women who sell sex are 40 times more likely to be killed'. The report also estimates that women in prostitution in London suffer from a mortality rate that is 12 times the national average (Home Office data from 2004).

³ Quote taken from Gary Leon Ridgway who is believed to have murdered at least 71 women throughout the 1980s and 1990s near Seattle and Tacoma, Washington.

⁴ Quoted in Holloway, "I Just Wanted To Kill a Woman.' Why?" The Guardian 21 May 1981

⁵ This point is highlighted for example in an interview with Shelly Stoops in DDN, June 2010, Drink and Drugs News 2010 – article called Safety First by David Gilliver: One police officer said "They're shite, killed by shite. Who gives a shite?" after a sex worker was murdered in the 1990s, but

⁶ Point made by Catherine Stephens at talk to GLA, February 2012

⁷ By way of example, Peter Sutcliffe and Gary Leon Ridgway initially murdered sex workers before targeting other women.

⁸ It is believed that crimes against sex workers have often been treated by the media and the law as less important than crimes against the population at large. This can be seen to be highlighted during the trial of Peter Sutcliffe when the judge gave the jury the following advice: If Sutcliffe mistakenly believed that he had killed only prostitutes, "then the correct verdict was probably manslaughter," not murder. Meanwhile, the distinction between prostitutes and other women was described by Attorney General Sir Michael Havers as mentioned above. Quoted in Holloway, "I Just Wanted To Kill a Woman.' Why?" Guardian 1981.

⁹ Because the majority of sex workers are women I have decided to focus on their safety issues in this report. However "Studies on transgender sex workers show they are routinely subjected to violence, public humiliation, and, not infrequently, murder." See Kulick D. Travesti: sex, gender, and culture among Brazilian transgendered prostitutes. Chicago: Chicago University Press, 1998. Quote taken from 'State violence towards sex workers' by Dr Belinda Brooks-Gordon, BMJ, July 2008

¹⁰ Worth noting that 48% of off-street sex workers had nursing, teaching, or caring qualification (Sanders, 2005)

¹¹ This is mentioned in numerous reports including: Substance use and health-related needs of migrant sex workers and women trafficked into sexual exploitation in the London Borough of Tower Hamlets and the City of London by Dibb, R; Mitchell, T; Munro, G; Rough, for The Research and Development Unit, The Salvation Army, Apr 2006. the point is also made that off street sex work dramatically differs to on-street sex work due to the fact that high levels of drug use and addiction are not found in studies on off street sex work (Cusick, 1998; May et al., 1999; Sanders, 2004)

¹² Observer, 6 February 2011, 'Sex trafficking in the UK: one woman's horrific story of kidnap, rape, beatings and prostitution', Townsend. Interview with Marinela Badea, a girl in Romania who was abducted and forced to work as a prostitute in Manchester

¹³ The Home Affairs Committee conducted an inquiry into human trafficking in the UK; its report highlighted the lack of accurate statistical information (Home Affairs Committee, 2009).

¹⁴ The increased awareness in trafficking in the last decade is evident by the new flurry of laws created, which were created in relation to a concern about trafficking, the most notable of which was the UN Trafficking Protocol in 2003. In

the UK, both the Policing and Crime Act 2009 and the Sexual Offences Act 2003 had an increased focus on policing sex work, based in part on an aim to reduce sex trafficking.

¹⁵ "In Whose Name? Migration, Sex Work and Trafficking Presentation of the findings of the 'Migrant Workers in the UK Sex Industry'." By Dr Nick Mai, Funded by the Economic and Social Science Research Council (ESRC)

¹⁶ Home Office stated that they "do not endorse or use the figure that 80% of prostitutes are controlled by others". *BBC News*. 2009-01-09. <http://news.bbc.co.uk/1/hi/magazine/7819984.stm>.

¹⁷ Fiona MacTaggart MP said this on the BBC's *Today in Parliament* programme in November 2008. She was criticised for using statistics that were not fully supported by evidence. MacTaggart stated that it "came from an official Government publication into prostitution". However, the Home Office stated that they "do not endorse or use the figure that 80% of prostitutes are controlled by others". However in January 2009 MacTaggart said that she regarded *all* women prostitutes as victims of trafficking, because their route into the sector "almost always involves coercion, enforced addiction to drugs and violence from their pimps or traffickers." There is no academic research available to support this.

¹⁸ 'Wild guesses and conflated meanings? Estimating the size of the sex worker population in Britain', by Linda Cusick, Hilary Kinnel, Dr Brooks-Gordon & Rosie Campbell

¹⁹ Sex in the City, 2003, report by The Poppy Project, which surveyed London prostitutes working in flats

²⁰ Written evidence from the Poppy Project to the House of Commons. Home Affairs Committee – 2009, on the Trade in Human Beings

²¹ Methodological critiques include 'An Academic Response to "Big Brothel"', by Sanders et al., 2008; Brooks-Gordon, 2005.

²² The Way Forward states that 'According to both the MPS and the Poppy Project over 80 per cent of women identified in indoor prostitution (ie brothels, 'saunas' and 'massage parlours') across London are foreign nationals, and many are thought to have been trafficked'. Meanwhile the Mayor's Violence against Women Final Strategy (2010) states that between "around 6,000 of the estimated 8,000 women involved in off-street prostitution in London's brothels, 'saunas' and 'massage parlours' are foreign nationals. It is believed that a significant number of them have been trafficked".

Poppy's belief is also used in the House of Commons, Home Affairs Committee report²² which then also states 'The Metropolitan Police [before SCD9 was formed] was loath to accept that there were victims of trafficking in the majority of London brothels, but agreed that there would be victims in a significant percentage of them.'

²³ 'In Whose Name? Migration, Sex Work and Trafficking Presentation of the findings of the 'Migrant Workers in the UK Sex Industry"', by Dr N. Mai, financed by the Economic and Social Science Research Council (ESRC).

²⁴ ACPO – the Association of Chief Police Officers - leads in the development of policing practice in England, Wales and Northern Ireland

²⁵ Meeting with SCD9, 19 January 2012

²⁶ Recent case involves English girls case controlled by a group of men and sold to the men's friends. The men have been charged for several crimes including "trafficking within the UK for sexual exploitation" <http://www.bbc.co.uk/news/uk-england-manchester-17117530>

²⁷ Former Conservative MP Anthony Steen, and chairman of the Human Trafficking Centre, and Debbie Ariyo, executive director of Africans Unite Against Child Abuse, both voiced concern about these figures, in particular the lack of African women involved in the ACPO study. Anthony Steen said, "It is mildly surprising, to say the least, that they found no women from Africa because the accommodation units for trafficked women are entirely taken up with women from Africa.

²⁸ 2000 Palermo protocol: "Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a

minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

²⁹ <http://www.legislation.gov.uk/ukpga/2003/42/section/57>

³⁰ “Under this section it is a criminal offence to traffic someone for the purposes of submitting them to a sexual offence, rather than limiting this to trafficking them for the purposes of exploiting their prostitution, as is the case in the Nationality, Asylum and Immigration Act offences” <http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2004/021-2004/>

³¹ *R v Atilla Makai* [2008] 1 Cr. App. R. (S.)73, [2007] EWCA Crim 1652; italics added to CPS description: ‘He posted advertisements on Hungarian websites inviting girls to contact them and then passed the girls on to other men more closely involved in the trade. The Crown accepted that the girls would have *known* the kind of work for which they had been recruited. The basis of plea was that the girls *came to the UK of their own free will*, were above the age of consent, had *entered the UK legally*, knew prostitution was legal in the UK, and that his role had been limited to introducing them to others that placed them in the brothels.’ The substantive offence was ‘under section 57 of the Sexual Offences Act 2003. It is an offence *intentionally to arrange or facilitate the arrival of another person* with the intention of doing something which will involve the commission of a relevant offence. The relevant offence was of *intentionally causing another person to become a prostitute in the expectation of gain* for himself, under section 52 of the 2003 Act.” Italics added.

³² The word ‘repugnant’ is used in Sentencing Guidelines. This quote came from *R v Atilla Makai* [2008] 1 Cr. App. R. (S.)73, [2007]

³³ Women “could have entered the United Kingdom and worked as prostitutes without committing an offence. That is a woman’s right and the offence under Section 57 [of the Sexual Offences Act]³³ appears to contradict that right. Its effect is to force women to work alone and make their own arrangements to work, a position at odds with any other sector of lawful employment.....The commission of the offence is a reflection of the economic realities of intra-community migration and an inconsistent legal approach to prostitution.” Rupert Bowers quoted in the case *R v Atilla Makai* [2008] 1 Cr. App. R. (S.)73, [2007]

³⁴ Rupert Bowers quoted in the case *R v Atilla Makai* [2008] 1 Cr. App. R. (S.)73, [2007]

³⁵ Section 57: Trafficking into the UK for sexual exploitation:

(1)A person commits an offence if he intentionally arranges or facilitates the arrival in the United Kingdom of another person (B) and either— (a)he intends to do anything to or in respect of B, after B’s arrival but in any part of the world, which if done will involve the commission of a relevant offence, or (b)he believes that another person is likely to do something to or in respect of B, after B’s arrival but in any part of the world, which if done will involve the commission of a relevant offence.

(2)A person guilty of an offence under this section is liable— (a)on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; (b)on conviction on indictment, to imprisonment for a term not exceeding 14 years

³⁶ *Regina v Elisabeth Delgado-Fernandez Godwin Zammit*

³⁷ Quoted in a Guardian article ‘Prostitution and trafficking – the anatomy of a moral panic’ on 20 October 2009

³⁸ http://en.wikipedia.org/wiki/English_Collective_of_Prostitutes

³⁹ Quote taken from http://www.prostitutescollective.net/SF_key_facts_on_women.htm. Case example from ECP website: One Brazilian mother in the ECP network was convicted of trafficking and imprisoned for three years for running a working flat where other immigrant women worked. The judge agreed that “*none of these women was, in fact, coerced by you into acting as a prostitute . . . you treated them in a kindly and hospitable way*”. All her possessions were confiscated. Her British citizenship was withdrawn despite living in the UK for 25 years and she faces deportation. Her partner was convicted of “trafficking within the UK” for picking her and another woman up at the airport.

⁴⁰ Professor Helen Ward - The safety of migrant and local sex workers: preparing for London 2012

⁴¹2003 the Home Office published a Crime Reduction Toolkit in People Trafficking – described by the Poppy Project at www.eaves4women.co.uk/Documents/.../Sex%20in%20the%20City.pdf -

⁴² For a description of the dynamics outlined above and excerpts from women's interviews substantiating the argument made, see evaluation of the Haringey Council Services targeting Migrant Sex Workers, which you can download from the project's webpage here:

<http://www.londonmet.ac.uk/research-units/iset/projects/evaluation-of-the-services-offered-to-migrant-sex-workers-in-haringey.cfm>

⁴³ For more examples, see 'Migrant sex workers in the UK sex market industry' – final police-relevant report', Dr Nick Mai, 2011

⁴⁴ SCD9 described an example where a woman has chosen to be a sex worker but she is earning £20 for 15 minutes of work, yet has to pay £280 rent a day⁴⁴. She is - in a sense -enslaved by the extortionate rent she is paying; but she may not see herself as a victim nor desire police interference.

One sex worker pointed out that exploitative rent was a problem for many people in many trades and if police did want to tackle this area then this was a separate concern to sex work. Moreover Georgina Perry from the NHS service Open Doors⁴⁴ has said that many sex workers in fact accept they will have to pay extortionate rent for a limited period time while they work out alternate options and then will often move on to be sex workers in a more reasonable establishment.

⁴⁵ TPU is comprised of a Crime Team, Brothels Team, two Proactive Teams and an Olympic Borough Team.

⁴⁶ Specialist Crime Directorate 9 - update record 13 October 2011; MPA website

⁴⁷ This unit had received funding from the Home Office for three years but this 'was on the clear understanding that we [Government] believed that tackling trafficking needs to be part of core police business. Therefore ...the best place for their unit was embedding it where it was part of core police business.' www.publications.parliament.uk/pa/jt200910/jtselect/jtrights/88/88.pdf

⁴⁸ Letter from a number of charities to the MPS Commissioner, Sir Paul Stephenson. Quoted in <http://news.bbc.co.uk/1/hi/england/london/8293936.stm>

⁴⁹ 7 October 2009, BBC - Aidan McQuade, director of Anti-Slavery International

⁵⁰ Ibid.

⁵¹ Georgina Perry, in email, 1 March 2012: "I think we all question the need for re-branding the old CO14 into an SCD unit. No one is denying the seriousness of human trafficking, but given the fact that the murder squad is looking shaky (not enough murders to justify the existence of a dedicated squad) where on earth was the evidence to suggest that a dedicated anti-trafficking unit was necessary in London – unless it came off of the back of the supposed increase in potential trafficking victims believed to surface in the lead up to the Olympics"

⁵² Parliament, May 2011, Hansard, Commons/bydate/20110518/westminsterhalldebates/part001

⁵³ http://www.met.police.uk/scd/about/m_hewitt.htm

⁵⁴ MPA SOP Committee, 10 Nov 2011

⁵⁵ 2008 ILO ACTION AGAINST TRAFFICKING IN HUMAN BEINGS: "The term "forced or compulsory labour" is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Art. 2, para. 1, of Convention)

⁵⁶ Reports from Committees, Report: 11 Date: 27 January 2011 - Joint Strategic and Operational Policing/Finance and Resources Committees – 11 November 2010; MPA website

⁵⁷ SCD9 performance and practice in the first six months; Date: 9 December 2010; MPA website

⁵⁸ 9 Dec 2012, SOP, MPA: "TPU also continue to focus on street offences and problem brothels to assist local SNTs reduce anti-social behavior. This has allowed officers to gain a greater insight into the origins of trafficked victims. Since April the unit has visited 92 brothels, arrested 61 men for kerb-crawling and been the first in the UK to use new legislation which criminalises men paying for sex"

⁵⁹ 9 December 2010; MPA: The also write that:” preparation for the 2012 Olympics SCD 9 has created a dedicated team funded by the Migration Impact Fund who respond to all areas of trafficking and prostitution on the five Olympic Boroughs. The team advise and work closely with borough SNTs, ... which has allowed brothel closure orders to be obtained. A number of street enforcement and covert operations have taken place and continue to take place to minimise the risk of a rise in trafficking or prostitution offences in the Olympic footprint area.

⁶⁰ This would mean that they potentially target all brothels or wherever a women is working or sharing the rent with someone else or employing a maid - which all fall under the current definition of a ‘brothel’ and hence are criminal activities.

⁶¹ SCD9 performance and practice in the first six months; Date: 9 December 2010; MPA website

⁶² MPA SOP Committee, 10 Nov 2011

⁶³ Since Clause 21 of the PCA 2009 was introduced, police only need suspect, rather than prove, that a brothel employs trafficked or ‘coerced’ workers in order to issue a brothel closure order, before seizing whatever money or goods they find, keeping 50 per cent for the force itself. Data for the number of closure orders is not centrally collected and remains conveniently unavailable. <http://www.newstatesman.com/blogs/the-staggers/2012/01/brothel-keeping-sex-workers>

⁶⁴ ECP provided a case in North West London: “on 30 October police raided a flat saying they were looking for trafficked women and underage girls. Two women and their security guard were arrested, taken to police station and held until the early hours. They were cautioned and not charged but £700 was taken from their flat. Again, there is no record of the money being taken, no receipt was given and the police have refused to return it saying it is proceeds of crime.”

⁶⁵ Written Mayor’s Question, 16/11/2011

⁶⁶ Interview in Guardian article, Inquiry fails to find single trafficker, 20 Oct 2009, by Nick Davies.

⁶⁷ Written Mayor’s Question, 16/11/2011

⁶⁸ Daily Mail interview with Niki Adams from the ECP in ‘The-myth-of-Britain’s-foreign-sex-slaves’

⁶⁹ One officer said that in the autumn of 2011 there were several brothels that their borough wanted to close down. SCD9 offered to assist them by doing a test purchase. This closure-request was not based on trafficking concerns but due to the fact that the premises posed as saunas but were undertaking brothel activity.

⁷⁰ In conversation with Catherine Stephens. Confirmed in email 28 February 2012 23:01

⁷¹ Ibid.

⁷² Interview in Guardian article, Inquiry fails to find single trafficker, Oct 2009, by Nick Davies

⁷³ Ibid

⁷⁴ Guardian article, Prostitution and trafficking - the anatomy of panic, 20 Oct 2009

⁷⁵ In an email, 17 January 2012, Dr Brain also defended the five successful cases that started prior to Operation Pentameter as follows: “As for some offences being counted before the official start of the Pentameter programme this took account of operations which were implemented as part of the intelligence build up but for which sound operational and safety reasons required earlier action. It would have given a false reading to exclude them.”

⁷⁶ Therefore Dr Timothy Brain, ACPO lead on Pentameter 2, said, “It should not be interpreted as it being the case that the original indicted offence could not be proved if the full trial went ahead.”

⁷⁷ Collateral Damage report, 2007, deals with this issue extensively. http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf

⁷⁸ MQT, 16/11/2011, <http://mqt.london.gov.uk/mqt/public/question.do?id=38548>

⁷⁹ “The research concluded that approximately 9% were believed to be trafficked (Applying the International Labour Organization indicators for trafficking) with 45% being described as vulnerable migrants with at least one dimension of the ILO trafficking definition.” <http://www.mpa.gov.uk/committees/sop/2011/1110/08/>

⁸⁰ <http://www.mpa.gov.uk/committees/sop/2011/1110/08/>

⁸¹ Letter from O’Connell-Davidson, 28 December 2007. Quoted in *Regulating Sex for Sale* edited by Jo Phoenix

⁸² Specialist Crime Directorate 9. October 2011, SOP

⁸³ Quote from Rupert Bowers who continues, “Those who a sex worker may wish to employ for his or her own safety, or simply in furtherance of a lawful work practice, may be criminalised, while the sex workers themselves commit no offence. The absence of (or need for) a definition was debated in Parliament as the Bill travelled through its stages; Parliament decided to pass the Act with the definition of “controlling” left open for the Courts to interpret”.

⁸⁴ Section 54 “The definition of “gain” at this section is drawn very widely. It includes any financial advantage, including the discharge of an obligation to pay, such as waiving a debt, or the provision of goods or services gratuitously or at a discount ... “Gain” also includes the good will of another person, which is, or appears likely in the future to bring financial advantage.”

Section 55 “ ... covers anyone who keeps, manages, or acts or assists in the management of a brothel to which people resort for practices involving prostitution. This offence enables the prosecution of *anyone involved in any way in the running of premises where prostitution takes place.* ... The offence is triable summarily or on indictment and has a maximum penalty of 7 years imprisonment.”
<http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/about-us/publications/home-office-circulars/circulars-2004/021-2004/6210522835.doc?view=Binary>

⁸⁵ http://www.cps.gov.uk/legal/p_to_r/prostitution_and_exploitation_of_prostitution/

⁸⁶ Inquiry into Human Trafficking in Scotland, Equality and Human Rights Commission, 2011

⁸⁷ Former head of the SCDEA -Scottish Crime and Drug Enforcement Agency

⁸⁸ SCD9 said that “all victims referred through the project are now debriefed by specialist officers from the command⁸⁸” which is helping to tackle the problem. By way of example, due to concerns raised by staff from the Poppy Project, SCD9 contacted the UKBA and challenged a decision not to support a victim of trafficking through the National Referral Mechanism (NRM); as a result the decision was reversed and the victim was allowed to stay in the UK.

⁸⁹ http://travel.state.gov/visa/temp/types/types_5186.html

⁹⁰ Taken from interview in Herald Scotland, 8 Oct 2011, ‘Is there really a sex-trafficking epidemic?’. Dr Nick Mai said, “It is an issue of power – when your story is the instrument through which you get access to remain in the UK, then there are variations on the theme that you feel safe to provide people with. If your only way to get recognised as a person who is entitled to help is to declare yourself a total victim, well, then that’s the story that you’re going to tell.”

⁹¹ Reports from Committees, Report: 11 Date: 27 January 2011 - Joint Strategic and Operational Policing/Finance and Resources Committees – 11 November 2010; MPA website

⁹² Examples include Newham police – who have raided over 80 premises in 18 months and have found only one Asian woman in the UK who has claimed she was trafficked.

⁹³ “To date more than 700 women have been referred to the project, which the organisation believes to be just the tip of the iceberg because of the particular sensitivities surrounding this crime.” Guardian 2009/oct/07/ police-human-trafficking-unit

⁹⁴ Police report into trafficking dismissed as ‘amateurish’, article in the Independent, 15 Aug 2010

⁹⁵ Georgina Perry: “Over the past 3 years between 8% at the highest down to 3% in 10/11. That 3% figure equates to 17 women.”

⁹⁶ This conversation is supported by data from Poppy Projects Sex in The City report: “The comparison of referrals to the POPPY Project and the figures provided by sexual health outreach agencies, indicate that African women working in the sex industry are not receiving outreach support.”

⁹⁷ I contacted the Poppy Project who confirmed that the largest group in their centres were Nigerians

⁹⁸ For example already in 2008: “Poppy Project said that 42% of the women it accommodated were of African origin now, and increasing numbers of African and Asian women victims were being referred to them” <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/2305.htm#a5>

⁹⁹ SCD9 also told us they get intelligence from: “other enforcement agencies, immigration solicitors and more recently HMP staff”

¹⁰⁰ I contacted the Poppy Project who confirmed that the largest group in their centres were Nigerians

¹⁰¹ SCD9 pointed out that the data they had provided to the MPA was actually misleading as the latter data involved longer time scales. However one trafficking project we spoke to said they felt the issue of African victims was worsening rather than improving and therefore this may only highlight the point made further.

¹⁰² Italics added

¹⁰³ MPA SOP Committee 10 Nov 2010

¹⁰⁴ Ibid.

¹⁰⁵ Following the coming into force of the Trafficking Convention on 1st April 2009, a National Referral Mechanism (the NRM) was put in place in the UK to identify and protect victims of trafficking.

¹⁰⁶ MPA SOP Committee 10 Nov 2010

¹⁰⁷ Ibid

¹⁰⁸ Newham police who have actively been closing all brothels in the borough, told us they “don’t really see any Africans” during their raids.

¹⁰⁹ Specialist Crime Directorate 9: update report. Report: 8 Date: 13 October 2011

¹¹⁰ The report Collateral Damage states that in the UK “the issue of exploitation is not considered the major determinant in identifying trafficking cases in the UK. Trafficking has, in general, been perceived as a problem of organised immigration crime. Consequently, offences involving illegal immigration receive the greatest attention.”

¹¹¹ <http://www.bbc.co.uk/news/uk-england-manchester-17117530>

¹¹² <http://www.dailymail.co.uk/news/article-2098871/Deaf-girl-10-trafficked-UK-kept-sex-slave-cellar-elderly-couple-10-YEARS.html>

¹¹³ Quoted in *Regulating Sex for Sale* edited by Jo Phoenix

¹¹⁴ “Human traffickers are expected to step up efforts to smuggle women into Britain and force them to become sex workers in the run-up to London 2012, the Leader of the House of Commons Harriet Harman admitted today”, the 2012 London Olympics forum, 2009. Also “OLYMPICS will make London a “magnet” for human trafficking unless ministers launch an urgent crackdown, shadow home secretary Yvette Cooper warned today.” *Evening Standard*, 2011

¹¹⁵ House of Commons, *Thursday 8 September 2011*, Oral Answers to Questions, Culture, Media and Sport

¹¹⁶ Police officers I spoke to in the London said they had only witnessed the reverse: for example, during one large sporting event in Cheltenham, the sex workers they were in communication with all left the city during the event.

¹¹⁷ 'The Deputy Chairman of South Africa's Central Drug Authority (CDA) said last week that it is feared 40,000 women will arrive in the country to work as prostitutes while the football World Cup is taking place there in June and July.' <http://digitaljournal.com/article/288672>

¹¹⁸ The Athens games, which was used as evidence in the Mayor The Way Forward that trafficking can increase during sports events is also rejected in this report. The GLAATW report states that "none of these [trafficking] cases were linked to the 2004 Olympics, according to Greece's Annual Report on Organised Crime and the International Organisation for Migration (IOM) in Athens. NGOs also did not report increases in trafficking which suggests that the higher number of reported victims was due to increased efforts to identify victims, and better detection and reporting methods"

¹¹⁹ MPA report: MPS Human Trafficking response, Report: 7; 28 Jan2010: "CO14 has successfully bid for £600,000 funding for 2010/12 from the GOL Migration Impact Fund to support the Olympic boroughs in relation to victims trafficked for sexual exploitation."

¹²⁰ Meanwhile some police I spoke to said that their Boroughs had given them extra resources to tackle prostitution partly in light of the media concern that trafficking would increase due to the Olympics.

¹²¹ MPA SOP Committee, 10 November 2011

¹²² <http://www.mpa.gov.uk/committees/sop/2011/1110/08/>

¹²³ Quoted from GLA talk by Catherine Stephens. Reference - "What's the cost of a rumour?" by the Global Alliance Against Traffic of Women (GLAATW)

¹²⁴ 16 Jul 2009, MPA Communities, Equalities and People committee. Borough police in several Olympic boroughs admitted to me in conversation that they felt they needed to be 'proactive' in light of the media flurry over the increase in trafficking and prostitution.

¹²⁵ MPA report: MPS Human Trafficking response, Report: 7; 28 Jan2010: "CO14 has successfully bid for £600,000 funding for 2010/12 from the GOL Migration Impact Fund to support the Olympic boroughs in relation to victims trafficked for sexual exploitation."

¹²⁶ The Mayor's report highlighted concern about the extent to which the 2012 Olympic and Paralympic Games will encourage trafficking. It states that it will 'establish a sub-regional response to prostitution covering the five host boroughs in the lead-up to 2012'. 'Whether there is an increase in trafficking or not, the Olympic Games are likely to impact on the women already in prostitution in the five Olympic host boroughs.' The Mayor's Violence against Women Action Plan and Final Strategy (2010), stated that it would take 'proactive action to minimise the likely increase in prostitution... cracking down on trafficking and prostitution ahead of the 2012 Games'. The Summary of Consultation Responses to the Way Forward strategy noted that "There was a strong feeling that prostitution and trafficking appear to have been grouped together for the purpose of the strategy, and that it should acknowledge the differences and use different approaches to respond to them".

¹²⁷ ACPO Project Acumen "2103 brothels were operating at that time with approximately 5100 prostitutes using the premises" - referred to on <http://www.mpa.gov.uk/committees/sop/2011/1110/08/>

¹²⁸ 22 February 2012, IUSW meeting at GLA

¹²⁹ Catherine Stephens, email dated 28 February 2012 23:01

¹³⁰ http://www.eastlondonadvertiser.co.uk/news/sex_trafficking_for_2012_olympics_a_myth_say_campaigners_1_118925 8; <http://www.guardian.co.uk/uk/2011/apr/10/brothel-crackdown-london-olympics-risk>

¹³¹ Page 80, Regulating Sex for Sale edited by Jo Phoenix

¹³²

Sexual Offences Act 1956	Keeping a brothel							
Statute	Offence description	2001	2002	2003	2004	2005	2006	2007
Total		6	8	4	19	19	41	60

¹³³ MoJ answer to question by Philip Davies MP on 1 February 2012

Defendants found guilty of offences related to prostitution in Greater London area , 2008 to 2010 ³⁾			
Police force area/offence	2008	2009	2010
Greater London			
Keeping a brothel	11	15	18
Control of prostitution	16	4	9

¹³⁴ I have asked for more recent data than the information from Parliament. SCD9 have said “We do not retain data within SCD9 on all brothel visits undertaken across the MPS. When we meet I will explain the difficulties in obtaining a truly accurate figure of brothel visits and closures. Comparative data does not exist and would have to be completed.” SCD9 were unfortunately unable to complete the gathering of this information in time for the handing over of the report to Boris on 13 March 2012

¹³⁵ SCD9 have said that there are two types of ‘raids’ and that in fact many ‘raids’ – as described in the media - are in fact ‘visits’.

¹³⁶ This does not include all the borough police activity and raids against sex workers

¹³⁷ SOP, MPA, 10 November 2011. SCD9 admitted to working with Camden and Westminster to tackle brothels: “TPU are working with Westminster and Camden Boroughs to reduce their brothel markets in partnership with their council licensing enforcement teams....”

¹³⁸ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101025/text/101025w0005.htm>.

¹³⁹ This method has been successful when targeting pubs and unlicensed vehicles etc. for example, Their activity has led, for example, to a reduction in serious alcohol-related violence by over 80 %.

¹⁴⁰ Email from DS Robin Harman, 23 January 2012 10:50

¹⁴¹ 2012 25 January 2012 11:13: “At a guess it is about 30% complaints, 30% general intelligence and the remainder from open sources such as internet sites. Only a tiny amount is from newspapers / corner shop windows as we have actively dealt with those sources...We do get multiple complaints for certain addresses and a lot are anonymous.” Worth noting that SCD9 told Andrew Boff that owners of rival brothels often complain about other brothels anonymously.

¹⁴² Meeting, 26 January between Andrew Boff and DCI Baldwin and DI Cushion: Newham police confirmed their increase in activity did not coincide with an increase in complaints.

¹⁴³ Email from DS Robin Harman, 23 January 2012 10:50

¹⁴⁴ I have asked for more data from SCD9, who were unfortunately unable to produce information in time for the handing over of the report to Boris on 13 March 2012

¹⁴⁵ As stated at MPA SOP Committee, 10 November 2011

¹⁴⁶ Meeting, 26 January between Andrew Boff and DCI Baldwin and DI Cushion: Newham police confirmed their increase in activity did not coincide with an increase in complaints.

¹⁴⁷ Letter to Andrew Boff from Spitalfields and Banglatown SNT. The police stated that they had visited to ‘ensure that the sex workers are there voluntarily, to ensure that the premises do not constitute a brothel and that there are no anti-social issues that may be causing annoyance to local residents’.

¹⁴⁸ Strategy & Supporting Operational Guidance for Policing Prostitution and Sexual Exploitation, 2011

¹⁴⁹ BBC – February 2012 –Met Police arrest 240 in London licensing crackdown

¹⁵⁰ Meeting, 26 Jan 2012 - Newham police accepted that the prostitutes have been displaced to other boroughs such as Barking and Ilford due to their proactive work. In a separate meeting, Tower Hamlets police said they had seen an increase in on-street prostitution. They also thought any proactive police activity in one borough always led to displacement problems in neighbouring boroughs.

¹⁵¹ For example, Newman has closed down 80 brothels in the last 18 months.

¹⁵² April 2011, MPA Domestic and Sexual Violence Board

¹⁵³ GLA Safer London Committee, Street prostitution in London, November 2005, Chaired by Richard Barnes. The report points out that when police remove prostitutes from one area “This initially looks like a success story. But actually a woman is being prevented from living where she normally does. Outlawing Ms A from being in Kings Cross, prevents a vulnerable woman from accessing health services, attending a drop-in centre that she trusts, and living in an area with which she is familiar with. The problem of prostitution has just been moved from one street to another.

¹⁵⁴ Recent survey of 268 female sex workers in London found that women who had no contact with an outreach worker were 3 times more likely to test positive for a sexually transmitted infection (Platt *et al* 2011)

¹⁵⁵ <http://www.urbanjustice.org/pdf/publications/RevolvingDoorExecSum.pdf> and <http://www.urbanjustice.org/pdf/publications/BehindDoorsExecSum.pdf>. Also Shelly Stoops, an Amistead ISVA project worker, “reckons about three-quarters of street prostitutes there have been assaulted and almost half have been raped at least once. Economist, Rape and Prostitution: in from the cold, 20 January 2011

¹⁵⁶ Georgina Perry from Open Doors also noted this example: “Newham police report 13 Eastern European women who they have begun seeing in the last year – coinciding with the persistent number of brothel closures by local police. We have no way of corroborating whether these are women we have worked with in the flats as Open Doors does not work with street sex workers in Newham – but it would be a fairly logical deduction to make that displacement from flats means increased likelihood of street working.

¹⁵⁷ Letter from ECP, 19 January 2012 13:02

¹⁵⁸ Quote from ECP email to Andrew Boff, 19/01/2012 13:02

¹⁵⁹ Praed Street NHS staff said “disruption has taken place over a number of years starting peaking with the Pentameter operations”, confirmed in email, 12 March 2012

¹⁶⁰ “Communities will expect the police to enforce the law, but it is important that the way in which this is done takes account of the need for support for those involved in prostitution, and that policing is sensitive to this balance.” Home office, 2011, A Review of Effective Practice in Responding to Prostitution

¹⁶¹ “As a law enforcement agency, the safety of people engaged in sex work must be paramount to the police service..[with] The main ethos behind this strategy is to reduce harm... utilizing an approach that considers risk, threat and harm to all” ACPO Strategy on prostitution, 2011

¹⁶² Home Office, 2011, A Review of Effective Practice in Responding to Prostitution

¹⁶³ ACPO Strategy on prostitution, 2011

¹⁶⁴ Chapter 4. Multi Agency working. Quotes include: “A number of areas have produced a written strategy on prostitution, setting out agreed joint goals. This ensures that while the agencies may have different aims, and sometimes philosophical approaches, they are working towards common objectives in relation to prostitution, which are monitored against agreed outcome measures. 4.11. Such outcomes will depend on local priorities, but could include for example: a reduction in number of violent attacks on people involved in prostitution; a reduction of number of women working on the streets; fewer arrests or convictions for soliciting/ „kerbcrawling <http://www.homeoffice.gov.uk/publications/crime/responding-to-prostitution?view=Binary>

¹⁶⁵ 8.7: “Key considerations in the response to prostitution are the needs of those involved in prostitution and receiving services. Therefore, involving service users in the development of strategies and quality standards, and providing them the opportunity to provide regular feedback on the delivery of services, are important elements of effective practice”. <http://www.homeoffice.gov.uk/publications/crime/responding-to-prostitution?view=Binary>

8.8. A number of specialist projects liaise with service user representatives. For example, a representative at *Bradford Working Women's* project conducted a survey among service users about the policing of prostitution in Bradford, and the findings were used to discuss issues with the police and help develop solutions to problems identified. As a result, the service users reported an improved response from the police and increased confidence in engaging and reporting incidents to them.

¹⁶⁶ Email, 28 February 2012 23:01

¹⁶⁷ Meeting in February with Praed Street staff

¹⁶⁸ Email 1 March 2012

¹⁶⁹ Meeting in February with Praed Street staff. Praed Street staff said that “The overriding issue here is national training about police practice in relation to sex workers ..and potential victims of trafficking to reduce compounding trauma and improve overall relationships between the two groups.”

¹⁷⁰ Email 12 March 2012

¹⁷¹ A Home Office report highlights that reported incidents of intimate partner violence increased by as much as 30% on the days of England’s fixtures during the 2006 FIFA World Cup (Home Office, 2006),

¹⁷² Recent survey of 268 female sex workers in London found that women who had no contact with an outreach worker were 3 times more likely to test positive for a sexually transmitted infection (Platt *et al* 2011)

¹⁷³ Newham police told us that they “applied for anti-social behaviour orders (ASBOs) in respect of six prostitutes as a last resort. The women were persistent offenders and had rejected a raft of supportive measures aimed at helping them change their behaviour. As a result, officers felt that the only option was to resort to law enforcement and to apply for ASBOs.”

¹⁷⁴ Guide No.2 (2006)by Michael S. Scott & Kelly Dedel The Problem of Street Prostitution

¹⁷⁵ GLA Safer London Committee, Street prostitution in London, November 2005, Chaired by Richard Barnes also highlighted this concern in their report: “Ms A would have been sent to prison for breaking her ASBO. Prison sentences for soliciting and loitering were repealed in 1983. The argument was made to us that this is, therefore, in effect reintroducing prison for an offence which is no longer imprisonable. We were told that help is what Ms A needs to break her drug habit, not prison. We were concerned about the alleged use of ASBOs on prostitutes, particularly s there was a lack of information on exactly how many were being issued by individual authorities.

¹⁷⁶ 30 September 2010, MPA written response from the MPS Commissioner to the question “The Mayor recently said that it “isn’t acceptable” to put up details of prostitutes online. Can I please confirm that the Mayor was correct in stating this would be “a one off case”?”

¹⁷⁷ People are much less likely to be convicted of murdering a prostitute than of another murder. The conviction rate of 75% for murder drops to 26% when it comes to killings of prostitutes. Raymond, K., *Brothels and safe red light areas are the only way forward*, in The Observer December 17 2006.

¹⁷⁸ Home Office, Paying the Price: a consultation paper on prostitution, July 2004, p.47

¹⁷⁹ GLA Safer London Committee, Street prostitution in London, November 2005, Chaired by Richard Barnes. By imposing an ASBO on a woman, she can be prevented from entering a certain area, but because of her need to support her drug dependency, she will be forced to work in another area, usually a neighbouring area. Just like any other person, she will not want to move away from the people she recognises, knows, and trusts.

¹⁸⁰ 10/11/2010 Plenary - <http://mqt.london.gov.uk/mqt/public/supplementaryquestion.do?id=16128>. ASBO ‘name & shame’ treatment (2) Question No: 2999 / 2010 Andrew Boff: “How many cases of abuse or violence have been reported against a person whose details have been publicised by police for receiving an ASBO?” Answer from the Mayor: “The Metropolitan Police Service does not hold data relating to this issue centrally and the manual collation of this data at this time would not prove cost-effective.”

¹⁸¹ IUSW reported this case in talk to GLA members, February 2012. Quote confirmed by Open Doors in email, 1 March 2012.

¹⁸² Praed Street said, “One of the main issues here is lack of good communication about why this is happening and an explanation of the women’s individual rights”

¹⁸³ 1 March 2012, email

¹⁸⁴ Email, 1 March 2012

¹⁸⁵ Georgina Perry from Open Doors said she had definitely witnessed this in her work. Praed Street told us: "increased legislation and aggressive policing has had a massive impact on the trust and relationships with health outreach teams throughout London. Often these are the only professional's isolated sex workers are in contact with and realistically the only people they will report violence and crime to. There has been a consequence of increased suspicion, transience and disengagement hence compromising women's health and safety."

¹⁸⁶ Dr Mai, London Metropolitan University, "in whose name?" - "The research evidence strongly suggests that current attempts to curb trafficking and exploitation by criminalising clients and closing down commercial sex establishments will not be effective because as a result the sex industry will be pushed further underground and people working in it will be further marginalised and vulnerable to exploitation. This would discourage both migrants and UK citizens working in the sex industry, as well as clients, from co-operating with the police and sex work support projects in the fight against actual cases of trafficking and exploitation. http://www.londonmet.ac.uk/fms/MRSite/Research/iset/Nick%20Mai/In%20Whose%20Name_Findings%20Report.pdf

This is also highlighted in an academic study, Platt *et al* (2011), which found sex workers who had ever been arrested/imprisoned were twice as likely to have experienced violence from clients in past year

¹⁸⁷ "The police were looking for money and found £50 from a customer.. The police kept asking us over and over again if we'd been trafficked. We haven't been, and we signed a piece of paper to say that." Quote from <http://www.guardian.co.uk/society/2010/aug/06/london-sex-workers-police-website>

¹⁸⁸ *ibid*

¹⁸⁹ Footage has gone up on YouTube: <http://www.youtube.com/watch?v=MyrS1Q9FMfY>

¹⁹⁰ <http://legacy.london.gov.uk/mayor/priorities/>

¹⁹¹ The Praed Street NHS project told us: "there is a fundamental problem where pursual of breaches of immigration status takes priority over other extremely serious crimes committed against sex workers including serious violence, robbery and rape. Put simply women will not report these crimes if there is a chance they will be deported, hence a massive loss of intelligence and information to prosecute perpetrators. These victims are not expecting leave to remain or special circumstances etc, this fact is often misunderstood." Praed Street suggested "some sort of amnesty in the circumstances of a serious crime which could perhaps be negotiated on a case by case basis." 1 March 2012, email

¹⁹² Policing Priorities Analysis Report, 2011: The top five ward priorities across London are burglary, anti-social behaviour, multi vehicle crime and drugs. Those are the top priorities set by the local communities - all of which are crime. <http://www.mpa.gov.uk/downloads/publications/plans/consultation2011.pdf>

¹⁹³ MQT written response, John Biggs Question No: 246 / 2011

¹⁹⁴ Mentioned in ACPO Strategy on prostitution, 2011, quoted from 3 Lowman & Fraser, 1995

¹⁹⁵ Mentioned in ACPO Strategy on prostitution, 2011; quoted from Church, Henderson, Barnard & Hart, 2001

¹⁹⁶ One study found that the majority of sex workers were subjected to violence or assault, with between 62% and 68% reporting rape and 73% and 82% reporting physical assault at some point. 5 Farely, Baral, Kireman & Sezgin, 1998; Farley & Barkan, 1998

¹⁹⁷ AC Simon Byrne provided me with an example whereby, during large-scale public order events, police can choose to not arrest someone who taking drugs, so long as they note it in the log book, because there is a greater risk concern related to maintaining public order etc.

¹⁹⁸ Tamara Barnett, from the GLA, spoke with a police officer from Sapphire on 7 March 2012

¹⁹⁹ Recommended in the Home Office, 2011, A Review of Effective Practice in Responding to Prostitution

²⁰⁰ <http://www.guardian.co.uk/uk/2005/dec/28/ukcrime.immigrationpolicy>

²⁰¹ Dec, 2008 – “police expect to close up to 1,200 brothels and prosecute 300 men a year under new laws designed to crack down on prostitution. The figures are contained in official Home Office impact assessments produced to accompany the Policing and Crime Reduction Bill, due to be debated by MPs” <http://www.independent.co.uk/news/uk/crime/police-crackdown-on-prostitution-expected-to-close-1200-brothels-1210067.html>

²⁰² Praed Street NHS staff said “disruption has taken place over a number of years starting peaking with the Pentameter operations” - confirmed in email, 12 March 2012

²⁰³ Bernard Hogan Howe (then Chief Constable of Merseyside) in a public stamen made Dec 2006 quoted in; Campbell, R (2011) “Treating Crimes Against Sex Workers as Hate Crime in Merseyside”, presented at Rethinking Hate Crime? Bringing Theory & Practice Together, University of Bradford, 25th July 2011.

²⁰⁴<http://www.rhrealitycheck.org/blog/2010/12/16/draft-treating-violence-against-workershate-crime-liverpool>

“The key reasons identified for not reporting were: sex workers believing they would not be taken seriously or would not be treated with respect by the police; a lack of trust in the police; poor previous experience with law enforcement; fear of revenge from attackers; fear of arrest for soliciting; anxiety about court cases and fear that involvement in sex work would become public”

²⁰⁵ “From a policing perspective dealing with prostitution is a difficult balancing act...Sex workers are members of the community who are vulnerable to attack....we will not tolerate violence against sex workers in turn they should have the confidence to report crimes Merseyside Police are determined to bring all perpetrators of Hate Crime to justice. .we were the first force ...to recognize and respond to attacks against sex workers as a form of hate crime” Chief Constable Bernard Hogan Howe, Dec. 2006

²⁰⁶ Campbell, R (2011) “Treating Crimes Against Sex Workers as Hate Crime in Merseyside”, presented at Rethinking Hate Crime? Bringing Theory & Practice Together, University of Bradford, 25th July 2011.

²⁰⁷ Ibid.

²⁰⁸ Merseyside Policing Plan 2008-11: “The Force has introduced “Sigma” Units in each BCU to investigate hate crime. They are staffed by dedicated investigators who investigate hate crime incidents in their BCU. A Hate Incident is any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate. The prejudice or hate perceived can be based on any identifying factor, including age, disability, gender, race, religion/belief or sexual orientation. Since their inception, the Force has seen a significant increase in the hate crime sanction detection rate. We want to build on this success during 2007/08”

²⁰⁹ Campbell, R (2011) “Treating Crimes Against Sex Workers as Hate Crime in Merseyside”, presented at Rethinking Hate Crime? Bringing Theory & Practice Together, University of Bradford, 25th July 2011.

²¹⁰ Rosie Campbell in conversation 2 March 2012

²¹¹ *ibid*

²¹² “Hate Crime Approach to Crimes Against Sex Workers: locates and prioritises sex worker safety in the public protection arena & recognises the rights of sex workers as citizens to safety and access to justice. This can compliment a rights based approach to inclusion, citizenship & holistic social justice” Campbell, R (2011) “Treating Crimes Against Sex Workers as Hate Crime in Merseyside”, presented at Rethinking Hate Crime? Bringing Theory & Practice Together, University of Bradford, 25th July 2011.

²¹³ Email from Rosie Campbell, 12 March 2012

²¹⁴ Shelly Stoops in conversation used this term. This was confirmed in an email.

²¹⁵ <http://www.rhrealitycheck.org/blog/2010/12/16/draft-treating-violence-against-workershate-crime-liverpool>

²¹⁶ Quoted from meeting with Tower Hamlets, January 2012

²¹⁷ <http://www.mpa.gov.uk/committees/sop/2011/1110/08/>

²¹⁸ Home Office - A Review of Effective Practice in Responding to Prostitution

²¹⁹ <http://www.metro.co.uk/news/33944-ipswich-probe-could-cost-19m>

²²⁰ <http://www.merseyside.police.uk/index.aspx?articleid=983>

²²¹ Ugly Mugs also exists in parts of London, but is not used by the MPS. The MPS told me sex workers prefer it this way. However Shelly Stoops said sex workers are happy for police involvement in Merseyside now that trust has developed between sex workers and the police.

²²² 2009, Merseyside Police set up a specialist team called "Unity". It is the first co-located police and CPS team in the UK who deal only with sexual offences. This is a fantastic team and we work very closely on all our cases. The setting up of the team ran parallel to the sexual assault referral centre opening (SARC) in Liverpool. This means that all the systems are in place to ensure a quality

²²³ <http://www.merseyside.police.uk/index.aspx?articleid=983>

²²⁴ Campbell, R (2011) "Treating Crimes Against Sex Workers as Hate Crime in Merseyside", presented at Rethinking Hate Crime? Bringing Theory & Practice Together, University of Bradford, 25th July 2011.

²²⁵ Ibid.

²²⁶ Catherine Stephens, email 28 February 2012 23:01

²²⁷ Email from Rosie Campbell, 12 March 2012

²²⁸ However it is important to note that they deal with much smaller numbers than London and involve more on-street than off-street sex workers.

²²⁹ Home Office - A Review of Effective Practice in Responding to Prostitution

²³⁰ Article by Shelly Stoops, Armistead Street Project in Merseyside: <http://www.rhrealitycheck.org/blog/2010/12/16/draft-treating-violence-against-workershate-crime-liverpool>

²³¹ Home Office - A Review of Effective Practice in Responding to Prostitution

²³² 22 Dec 2010, Guardian - Merseyside police: 'Sex workers are vulnerable. We want to protect them'

²³³ Home Office - A Review of Effective Practice in Responding to Prostitution

²³⁴ 22 Dec 2010, Guardian - Merseyside police: 'Sex workers are vulnerable. We want to protect them'

²³⁵ Home Office - A Review of Effective Practice in Responding to Prostitution

²³⁶ Ibid

²³⁷ Information kindly provided by Shelly Stoops, Armistead Street Project in Merseyside in an email dated 20 February 2012 09:59

²³⁸ Ibid

²³⁹ Quotation taken from MPS police during an interview with Andrew Boff, January 2012

²⁴⁰ ACPO Strategy 2011- 1.15 This is also implied in the ACPO Strategy: 'the law regarding prostitution is in need of review'

²⁴¹ www.acpo.police.uk/ThePoliceChiefsBlog/SimonByrnePolicingProstitutionandSexualExploitatio.aspx

²⁴² <http://www.bbc.co.uk/news/10188142>

²⁴³ "While the majority opposed the widespread legalisation of brothels, there was considerable support for an amendment to the law to allow more than one person to work together in prostitution. At present only one person may work as a prostitute – more than that (and that can include a 'maid') and the premises are classed (in case law) as a

brothel. This runs counter to advice that women should not work alone in the interest of safety." A Coordinated Prostitution Strategy, Home Office 2006

²⁴⁴ Sex workers have campaigned for trafficking laws here to resemble the Palermo protocol rather than the broad definitions in the Sex Offences Act 2003 which allows friends giving lifts to be prosecuted for "trafficking". Trafficking definitions need to align with the Palermo protocol so that the "three Fs" of fear, force or fraud are incorporated into legislation. Sex workers have also campaigned for "control" to be tightened up so the innocent maids and receptionists are not falsely imprisoned. We currently have a mess whereby "control" has to be decided by the court as in *R v Massey* 2007 (pdf) when it could be more simply and cheaply be done by statute. Above all, they have campaigned not for legalisation but for decriminalisation, there is a difference." Dr Belinda Brooks-Gordon, *Guardian* 3 April 2009