



**UNITED KINGDOM NETWORK OF  
SEX WORK PROJECTS**

**RESPONSE TO “PAYING THE  
PRICE”**

**NOVEMBER 26<sup>th</sup> 2004**

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# **SECTION 1**

## **INTRODUCTION AND GENERAL COMMENTS ON THE REVIEW AND CONSULTATION PROCESS**

# **SECTION 1: INTRODUCTION AND GENERAL COMMENTS ON THE REVIEW AND CONSULTATION PROCESS**

## **1.1 INTRODUCTION**

### **1.1.1 Reviewing current policy and legislation on sex work**

The UK NSWP agrees with the Home Secretary, in his introduction to *Paying the Price*, that “*many of the laws relating to sex work are outdated, confusing and ineffective*”. We also share the view that current policy approaches often fail to offer long term strategies which reduce the impact of sex work on those communities who feel they are detrimentally affected by it. (N.B. street sex work is the primary issue here).

There is a clear consensus amongst UKNSWP members that current legislation and policy does not enhance the safety, welfare and rights of sex workers. Indeed, the view shared by the majority of our members is that current legislation and policy often undermines their rights, welfare and safety, and can interfere with the delivery of support services. Nor is the current situation effective in preventing or minimizing exploitation within sex work.

### **1.1.2 Background, Aims, Objectives and Membership of UK Network of Sex Work Projects (UKNSWP)**

From 1993 to 2002, a network of agencies in the UK that provide health and other services to sex workers (Europap-UK), was supported by the European Commission’s Europe Against AIDS programme, through the European Network for HIV/STD Prevention in Prostitution (Europap). In October 2001, it was announced that national networks would no longer receive financial support through Europap, so a series of meetings were held to discuss ways in which the UK network could be continued, leading to the formation of the UK Network of Sex Work Projects. A constitution for UKNSWP was formally adopted on 13<sup>th</sup> June 2002. The network is a voluntary association managed by a board of members [See Appendix 1].

The aim of the UKNSWP is:

*“To promote the health, safety, civil and human rights of sex workers, including their rights to live free from violence, intimidation, coercion or exploitation, to engage in the work as safely as possible, and to receive high quality health and other services in conditions of trust and confidentiality, without discrimination on the grounds of gender, sexual orientation, disability, race, culture or religion”*

This aim is fundamental in shaping our response to proposals and discussion points in *“Paying the Price”*. Our criterion for judging good policy is that it should enhance the health, safety, civil and human rights of sex workers.

The UK NSWP currently receives no external funding and is supported solely by membership subscription. The UKNSWP’s membership currently comprises 64 full members (projects), and 14 associate members (individuals). [See Appendix 2, Membership List]

Member organizations include the main projects for sex workers in most towns and cities with a visible sex industry, and many others. They include those that are sex worker-led, health authority-managed, children's charities, voluntary organizations, and agencies with a religious ethos. Some have sexual health and HIV prevention as a major focus for their work, but wider health issues, protection from violence, housing, drugs, education, and alternative lifestyle choices are also addressed. Some are projects specifically for sex workers, or may address sex work issues within other agendas, such as youth work, drugs, sexual health, health promotion, or work with gay men. Increasingly projects have a range of funding sources and are commissioned to provide holistic services. Individual members include academics and others with expertise in the area of sex work.

## **1.2. UKNSWP's Contribution to the Review**

UKNSWP member organizations have direct contact with thousands of sex workers of all descriptions and in all parts of the country. Several have been active in this field for over ten years. UKNSWP therefore represents a huge body of expertise in the field of sex work, primarily informed by the practical, daily experience of its members.

We are the only UK organization to represent formally commissioned sex work projects. Other national networks specialize in HIV, sexual health, drugs, domestic violence and gender issues, but UKNSWP is the only national organization for sex work interventions. Until now, public debate on sex work in the UK has rarely benefited from the expertise of those that have the most direct knowledge of how policy impacts on the lives of sex workers. In speaking up from this perspective, UKNSWP aims to support sex workers and projects that work with them and to improve public policy in this difficult area.

We therefore feel we can make an important contribution to the review. Member projects throughout the UK have developed considerable knowledge about:

- Different sectors of the sex industry and the diverse service needs of sex workers working across different sectors
- Models of good practice in service intervention and expertise in delivering appropriate services for sex workers.
- Impact of current laws and policies on sex workers and on support services

### **1.2.1 Compiling the UK NSWP Response**

This submission is based on responses from UKNSWP members. Six groups were formed to draft responses to different aspects of *Paying the Price*. (see section 1.3) Drafts from these groups were circulated by email to all members for comment and endorsement. UKNSWP's response was also discussed at two meetings of the Safety, Violence and Policing Networking Group (see below) held on July 30<sup>th</sup> (19 individuals present) and October 8<sup>th</sup> 2004 (17 individuals present), and at a member training event on 20<sup>th</sup> September 2004 (51 individuals present).

The UK NSWP has at the time of writing 64 project members and 13 Associate members. As projects in the network have a varying number of staff, a greater number of individuals have been consulted than the total of member projects.

We estimate that 250 people, the majority of whom work directly and regularly with sex workers, have been invited to comment or have contributed to this response.

### 1.3 GENERAL COMMENTS

UKNSWP's response to *Paying the Price* is divided into topics about which we have major concerns, but where possible we have attempted to address the questions directly asked in the document. The specific topics to be covered are:

- female street sex work; including managed areas
- female indoor sex work, including migrant sex work and trafficking
- male sex work
- sexual health and mandatory testing
- safety and violence
- men who pay for sex

Before we explore these, we have a number of general comments about the review process and the document, *Paying the Price*.

#### 1.3.1 Focus on Female Street Sex Work, trafficking and under 18s

*Paying the Price* focuses on female street sex work, trafficking, and the sexual exploitation and abuse of children through prostitution. There is little information or discussion about other sectors of sex work and groups of sex workers. Despite this, the document considers policy options which would directly impact on other sectors of the sex industry, particularly regarding models of legalization.

Chapter 3, is entitled "Routes into Prostitution", but is solely concerned with routes into prostitution *for children* abused through prostitution, drawing predominantly on studies of young people or female street sex work. We feel the section should have been explicitly entitled "Routes into Prostitution for Children Abused Through Prostitution".

There is no detailed consideration of routes in to sex work for people who started after they were 18, for male sex workers generally and for both women and men working in sectors other than street sex work. One of the key recurrent comments from our members who have responded is this huge gap in the report.

The following are **marginalised** in the review document:

- Indoor sex work (flats, massage parlours/saunas, escort agencies, independent workers utilizing the press or internet). Where indoor sex work is acknowledged it is conflated with "trafficking" and "exploitation".
- Male sex workers
- Adult sex work where no coercion takes place
- Those who pay for sexual services

*Paying the Price* therefore does not reflect the diversity of the sex industry, nor the diversity of sex workers' experience of it. There is a great deal more research in all the above areas than is acknowledged by the document, and even some studies included in the bibliography, have been either ignored or their conclusions misrepresented in the body of the text.

**Recommendation: R1**

R.1.1: The Home Office need to address these omissions, or be clear that they are focusing on female street sex work and the abuse of children through prostitution, and will not be at this stage be making recommendations relating to other sectors of sex work.

R.1.2: To have an "accurate picture of prostitution in the 21<sup>st</sup> century", the Home Office need to include wider information and represent accurately existing research on all aspects of the sex industry.

R.1.3: UKNSWP does not believe it is wise for the government to formulate policy decisions on issues about which they and the public have received only partial information and contentious evidence.

R.1.4: It may have been more beneficial to conduct a staged consultation over a longer period of time, concentrating on specific areas such as under 18s, Street Work, Indoor work etc. N.B. The Scottish Parliament have taken a staged approach in their current review.

R.1.5: The Home Office needs to be explicit about its intentions regarding policy or legislation that will impact on other forms of sex work.

**1.3.2 Need to distinguish between coerced and non-coerced sex work**

*Paying the Price* appears to have been heavily influenced by claims that all sex workers have been coerced into prostitution. UKNSWP and its member projects acknowledge the existence of coercion and exploitation within the sex industry and have campaigned for more effective action against those who abuse, coerce or exploit either adult sex workers or children. Equally, UKNSWP recognizes that others make a choice to work in the sex industry, for example for economic reasons, or because they regard it as a preferable option to other scenarios open to them (McKeganey and Barnard, 1996, O'Neill, 1997). *Paying the Price* rightly gives a voice to those who have been forced into and/or exploited within sex work. It does not give a voice to sex workers who feel they make a choice. The report fleetingly acknowledges this group, but then immediately seems to dismiss them:

*"Some men and women involved in prostitution argue vociferously that it is their occupation of choice. However this does not detract from the task of supporting and protecting those, like Frances, for whom prostitution undoubtedly involves exploitation"* (p. 39)

The Home Office needs to acknowledge different experiences of sex work and develop policies which protect those who are not coerced, as well as those who are.

*Paying the Price* also focuses on the harm suffered by some involved in sex work. The very powerful image used on the front cover represents a child, and speaks of the artist feeling “shattered” by her experience of prostitution. Whilst it is crucial to acknowledge and address such harm, it is also crucial to acknowledge other experiences of sex work. The UK NSWP acknowledges that whilst some people feel harmed by their involvement in sex work, others do not. There is a literature, not included in *Paying the Price* which reflects the views of those who do not experience sex work *per se* as harmful, although this does not mean they do not encounter some difficulties and problems in their work (See sections 3 and 6 of this response).

#### **RecommendationS: R.2**

R.2.1: For balanced and appropriate policies and interventions, UKNSWP feels it is important that changes in legislation and policy acknowledge the distinction between coerced and non-coerced prostitution. Any changes to legislation should work from a starting point of **making a clear distinction between definitions of “prostitution/sex work” and “exploitation, coercion and abuse”**.

R.2.2: The Home Office should aim to frame offences to address exploitation, coercion and abuse, rather than seek to prevent the selling or buying of sexual services.

### **1.3.3 Home Office Consultation with Sex Workers**

The Home Office Review team developed a list of “questions for discussion” with sex workers, which UKNSWP circulated to member projects and associate members (the majority of whom are academics with national reputations for research on sex work). Whilst members welcomed some attempt to consult sex workers, they raised a number of points concerning the design of these “discussion questions” and the practical constraints on this type of consultation:

- Research in this field is known to be resource and time intensive, due to having to ensure ethical practice, contact stigmatized and marginalized people and gain their trust and co-operation. Given these factors, which are well-known to researchers in the field, the time scale of July to mid September was inadequate for a thorough consultation with sex workers across the country.
- No guidance was provided as to how the questionnaire was to be administered or how the results would be used. Good research design generally requires more specifically customized research tools.
- Some UKNSWP projects found that the format was of some use for group discussion in a drop-in or housing setting, but did not lend itself to obtaining views of sex workers contacted through other settings, such as clinics, outreach,

- needle exchange etc. Thus the most marginalised were less likely to be consulted.
- Some questions were unclear, or used terminology which can have a range of meanings. (e.g. use of the word “pimp”)
  - Consultation questions assumed that respondents were street sex workers; e.g.
  - “When you are on the streets, does that make it difficult for you to get the services you need?”
  - “Are you bothered that you might be arrested?”
  - The Home Office did not produce an alternative questionnaire for off street, male or transgender sex workers.

### **Recommendations: R.3**

R.3.1: The Home Office must be explicit in documents reporting on findings from their sex worker consultation about the socio-demographics of the sample of people consulted and the sector within which they worked.

R.3.2: Future consultation processes relating to sex workers should have a timescale and the resources necessary to enable wide ranging consultation with people in all sectors of the sex industry

#### **1.3.4 Use of Statistics and Research in Paying the Price**

Paying the Price often generalizes from research on specific sections of the sex work community, usually street workers, to all sex workers; for example the age people start working in the sex industry; sex workers’ experience of childhood abuse; problematic drug misuse, and experience of the local authority “care” system. The Home Secretary’s Foreword includes the prominent statement

*“Research shows that as many as 70 percent of those involved in prostitution started out as children or young teenagers”*

**Only one of the studies listed in Annex C, Key Statistics, reports such a high percentage, and this study relates to only 48 sex workers.** Research on indoor sex work shows lower proportions of people commencing involvement in sex work at under 18 years old. It is hugely misleading to generalize from studies of specific groups of sex workers to the entire sex working population;

*“To claim that street prostitutes are representative of the population as a whole would make as much sense as claiming that crime fiction is representative of all literature. There is quite simply no such thing as a representative sample of women selling sex” (McKeganey and Barnard, 1996)*

#### **1.4 Challenging myths and misconceptions**

The review document asks; *How can awareness be improved and the common myths and misconceptions about prostitution be dispelled?*

As a first step the Home Office should be more careful about how it quotes various research studies, ensuring that it does not create new myths and misconceptions or reinforce old ones. So if the government focuses on studies of female street sex work and finds high levels of problematic drug use, it should be wary of making statements that all sex work is linked to problematic drug use. This fails to acknowledge the lower levels of drug use amongst sex workers in other sectors and reinforces a myth that all people who sell sex have drug problems.

Secondly the Home Office also needs to ensure it gives equal consideration to other sectors of the sex industry, beyond female street sex work. Only then can it build up a comprehensive picture of sex work in the 21<sup>st</sup> century and in doing so challenge some of the simplistic myths and misconceptions.

The Home Office should ensure that quality research, which reflects the complexities and diversities in sex work, is represented accurately in future Home Office documents concerning the sex industry. The Home Office should also take a lead in commissioning quality research about sectors of the sex industry which are not adequately covered in *Paying the Price*.

The Home Office can challenge the myths and misconceptions about the sex industry by ensuring channels for giving sex workers themselves, in all their diversity, a voice in policy debates and on policy forums. The Home Office must not to listen selectively but hear sex workers from all sectors and with a range of routes into sex work.

#### **1.5 Endorsement of the National Working Group on Young People and Sexual Exploitation**

The UK NSWP is formally endorsing the submission from the National Working Group on Young People Sexual Exploitation in relation to under 18s. Hence this UK NSWP response is focusing primarily on adult sex work.

## **SECTION 2**

# **FEMALE STREET SEX WORK**

## **SECTION 2: FEMALE STREET SEX WORK**

This section covers the main issues relating to street sex work that we would like the Home Office to consider, and attempts to answer the consultation questions regarding street sex work. Other relevant points are addressed more fully in Section 5 “Violence Against Sex Workers” and Section 8 “Support Services for Sex Workers”.

### **2.1 Policing, Enforcement and Criminalization**

There is consensus amongst our members that the criminalization of street sex workers, through enforcement of soliciting and kerbcrawling legislation and the use of ASBOs, creates many problems and is ineffective. These measures

- Create a difficult climate in which to deliver support services to street sex workers. Sex workers respond to crackdowns by working very late at night, moving from their usual locations locally, or to other towns. This disrupts outreach contacts with health and social care.
- Undermine the safety and welfare of street sex workers, who have to work later and longer hours in dangerous locations. Initial negotiations with clients have to be conducted quickly, curtailing safety precautions. (see Section 5, Violence)
- reduce the number of clients in the area. In such situations with fewer clients sex workers are under increased pressure to take more risks e.g. go with clients they would normally filter out, go to places they would normally avoid, consider services they would not normally perform etc.
- Are ineffective in removing street sex work from residential communities, merely leading to displacement, be it geographical (to other areas, or dispersal over wider areas), temporal (different times of the day) or functional (shifting to acquisitive crime).
- Lead to the “revolving” door syndrome whereby sex workers have to work additional hours to raise money for fines, or build up further criminal record for non-payment of fines.

(Barnard, 1993; McKeganey and Barnard 1995; Kinnell 1993, 2004, O’Neill and Campbell, 2002; Hunter and May, 2004; Hester and Westmorland, 2004).

#### **2.1.1 Kerb Crawler Initiatives**

Historically, policing of street sex work in the UK has illustrated “double standard morality”, formerly enshrined in English law: female sex workers were criminalized, whereas their male clients were not. Whilst an enforcement approach which targets clients as well as sex workers is more even-handed, it does not deliver a radically different approach, but rather reinforces criminalisation.

No fundamental benefits to the welfare and safety of sex workers can be demonstrated, instead the experience of outreach projects throughout the UK is that enforcement of

kerb crawling legislation, has the same negative effects on sex workers as enforcement of anti-soliciting measures.

Shifting the focus to men who pay for sex does not address the legal framework which criminalizes sex workers, nor the problems faced by sex workers nor those of local residential communities affected by street prostitution.

#### **2.1.1.1 Conditional Cautioning and Kerb Crawler Rehabilitation**

*Paying the Price* states that;

*“Re-education programmes have proved to be effective” (p. 68)*

The only evidence given of success is that *“police forces offering re-education programmes report that few who attend have been known to re-offend”*. UKNSWP is not aware of evaluation that maps whether these men pay for sex in other towns or cities or in other sectors.

Street prostitution still exists in areas where re-education programmes have been used, e.g. Leeds, Hull and Southampton. West Yorkshire Police discontinued their support for the KCRP after one year (West Yorkshire Police, 2000), as there had been little impact on either kerb crawling, soliciting, or public perceptions of the problem.

Such programmes have rarely been part of a broader co-ordinated strategy to tackle violence against street sex workers, to improve liaison between sex workers, the police and projects working with them, or actively to encourage the reporting of violent incidents. (Wilcock, 1998; Campbell and Storr, 2000)

A Leeds street worker described what she saw as the direct negative impact of the policing attached to the KCRP initiative on the streets where she worked:

*It used to be £20 for straight sex in a car but now the going rate is £10. I used to be out from 7-10.30 p.m. and could earn £130. Now I can be out from 5 p.m. until midnight and I might go home with just £40. It's too easy for men to get caught on the well-lit main roads now, so we're forced into dark side streets where we can't take number plates or get a good look at a client before we decide whether or not he is safe to get in the car with. And there's a lot of tension and hostility between the women that just wasn't there before. (Julia, quoted in Taylor, 1999)*

Initiatives targeting clients increase the pressures on sex workers to take risks in terms of condom use and other safe sex practices. Fewer clients mean greater competition between sex workers, undermining sex worker power in negotiations with clients. (see section 2.1.1).

The KCRP was identified in *Living without Fear*, the first UK national strategy document on violence against women, as an example of good practice in relation to sex offender programmes which aim to reduce sexual re-offending. However there is no evidence that such programmes have reduced violence against sex workers or had any impact on violent clients.

Men who attended programmes have committed kerb crawling offences: there is no evidence that all men who pay for sex are or will become violent towards sex workers.

Indeed such programmes have excluded men known to have committed violent offences. Wilcock (1998) suggested that kerbcrawler re-education initiatives might only deter those clients who were least likely to be violent. Similar concerns have been raised in North America, McElroy notes;

*“The dozens of prostitutes I’ve spoken with are appalled by the development. One of their arguments is that the Johns School is making the streets less safe for prostitutes. The force of such laws will not determine, and historically has never determined, how many women have turned to the streets. But, prostitute activists argue, the laws will discourage a certain class of men from seeking out streetwalkers. Men who are married, with respectable careers and a reputation to protect, will not risk being publicly exposed as a john. On the other hand men who are criminally inclined towards prostitution will not be discouraged by the prospect of a police fine. Thus police/feminist policy keeps peaceful johns off the streets and leaves women to compete more vigorously for johns and screen less rigorously those who approach them. Is it any wonder that violence against street walkers is rising in many North American cities?”* (McElroy 1998: 338)

#### **Recommendations: R.4**

R.4.1: The UK NSWP has serious concerns about conditional cautioning/kerb crawler re-education programmes. The Home Office needs to consider whether they provide a long term strategy to “eradicate” or reduce paying for sex and street sex work, and the impact of such policies on those sex workers who remain on the streets.

R.4.2: We would also recommend that limited resources available be targeted at initiatives to deter and deal with those clients (or those who present as clients).who are violent towards sex workers and who actively seek out children. (see Section 5, Violence)

R.4.3: We do however feel there is great scope for interventions which promote sexual health amongst men who pay for sex, encourage a responsible attitude and respect for sex workers. (see Section 7.2.8, Sexual Health)

### **2.1.2 Law Enforcement and Support Services**

Member projects report that law enforcement strategies often interfere with delivery of support services for sex workers. We would like to see these problems acknowledged and addressed in future policy documents and strategies. Difficulties routinely reported by projects include;

- Making contact with sex workers who are often dispersed over large areas (in some cities, with street sex work dispersed over a number of areas, projects report covering up to 60 miles in one outreach session), or working later at night.
- Engaging with street sex workers who are suspicious of “the authorities” and reluctant to be identified

- Some women issued with ASBOs have been banned from places where drop-ins and other health and social care premises are located.
- Difficulties encouraging women to report violent crimes against them
- Projects still report incidents of direct conflict between policing actions and social care and health service delivery, for example by parking of police cars outside drop-in premises/mobile units/outreach cars, which discourages contact between sex workers and health workers. (see Section 7, Sexual Health)

### **Recommendations: R.5**

R.5.1: UKNSWP supports changes to the legislative and policy framework to allow the establishment of “managed areas” for street sex work, which would remove such barriers to service delivery (See below, section 2.4).

R.5.2: Whether these changes take place or not, we would also like to see national police guidance on street sex work which minimizes the detrimental impacts of enforcement, promotes partnership with support projects, and addresses violence against sex workers. (See Appendix 3)

## **2.2 Anti Social Behaviour Orders**

Question 25 of Paying the Price asks;

*“How can civil measures be used most effectively ? We would be interested in examples where ABCs, injunctions or ASBOs have been used effectively in respect of those involved in prostitution, kerb crawlers and others?” (p.73)*

### **2.2.1 Opposition to ASBOs**

The UKNSWP does not support the use of ASBOs against sex workers, since all the evidence available to us indicates that their use is detrimental to sex workers health, safety, civil and human rights, increases their vulnerability to violence, intimidation, coercion and exploitation, and makes the delivery of health and other services more difficult.

### **2.2.2 Use of ASBOs**

ASBOs have been used against female street sex workers in a number of towns and cities in England. They have not been used against male sex workers, and have rarely been used against kerb crawlers. Their use against female street workers is not universal, even where significant areas of street soliciting exist.

Such were the concerns of projects that the UK NSWP sought a meeting with the Home Office and met with Robin Burgess and representatives from Anti-Social Behaviour Unit

at the Home Office in August 2003. At this meeting it was stated that ASBOs are intended to be used to address the problematic behaviour of individuals, and that there is no Home Office policy to promote the use of ASBOs as a strategy to reduce street soliciting. However, the ACPO strategy, *Policing Prostitution*, and *Paying the Price* contradict this assurance.

It is evident that ASBOs are already being used as a strategy to reduce street soliciting:

*The evidence only pertained to the general problem of prostitution in the area. Neither woman could be identified as having personally caused 'alarm, distress and harassment'. Neither works near houses. The prosecution established that as well-known prostitutes, they contributed to the problem in the area. (Project worker, Midlands)*

ASBOs have also been used against individuals whose personal behaviour has given rise to harassment, alarm or distress. However, these are often very vulnerable individuals, frequently although not always chaotic drug users, often homeless or in insecure accommodation, often victims of violence and coercion.

There is very strong government guidance requiring statutory agencies to respond to under 18 year olds involved in prostitution as victims of exploitation and abuse. Nevertheless, in one case, a girl was issued with an ASBO on her 18<sup>th</sup> birthday, when she was still living in a children's home. A project worker in the Midlands reported the imposition of an ASBO against young woman with learning difficulties, while in Middlesbrough, which had no service for adult sex workers, *"the first ASBO granted against a sex worker was in respect of a 33 year old heroin user". (29.4.03., BBC news website)*

The use of ASBOs against such individuals is merely the punishment of vulnerability.

### **2.2.3 Displacement**

Neither is this strategy successful in reducing the problems of street soliciting. Using ASBOs may displace street soliciting either geographically or in time – women working in the early hours of the morning, when they hope to avoid notice - but because no fundamental problems have been addressed by the use of ASBOs, soliciting is not stopped, while contact between sex workers and helping agencies is disrupted.

- *Fear of ASBOs, in conjunction with heavy policing presence, have pushed women . . . underground, off main streets, made 'new' women wary of approaching van because they think it is a police van, and made a large number of women reluctant to work before 3am, when outreach services have stopped. I have concerns about their general safety at this hour and how their safe practices might be compromised by working at this time – less punters, perhaps more chaotic punters. (Project worker, Midlands).*
- *ASBOs do not reduce the numbers of women working. Even if the ASBO is breached which is often, the women will do their time, come back out and start working again, straight away.*

- *ASBOs are merely shifting women around, we meet women on outreach in Edgbaston, who would normally work Walsall for example, and because they don't really know the area, they are very vulnerable and end up in dangerous situations just through practical things like not knowing their exits/way around/bad punters etc" (Project worker, Sept 2004)*

#### **2.2.4 Lack of Appropriate Support**

Some areas claim to offer an incremental policy in which ASBOs are only issued after sex workers have been offered access to drug treatment and support. Women are stopped by the police and informed that there are services they can engage, and if they do not do so, and continue to be involved in street sex work, they will face an ASBO.

However, the level of support available and accessibility of drug treatment is variable. Sex work projects do their best to support sex workers but capacity to offer the depth and level of support needed is often restricted. Sometimes the offer of support is tokenistic or a fallacy, because there is no such targeted specialist provision in place.

Criminal justice agencies may be expecting "too much too soon" and be setting unrealistic timescales for engagement and change. As Hester and Westmarland (2004) have noted, exiting is a long term process, people exit at different points, the point at which they are threatened with an ASBO may not be that point.

*"All ASBOs served on sex workers should have some accompanying support. It isn't enough to just slap a ban on someone and expect them to stop working especially if they are feeding a drug habit which a lot of street workers are. They need some alternative solution such as detox, rehab, and employment training. Then someone has to ensure employers are willing to take on ex offenders whose offences are prostitution!" (Outreach Worker, Sex Work Project London)*

#### **2.2.5 Engaging and Offering Support to Women with ASBOs**

Reports from projects demonstrate that once ASBOs have been issued against a street sex worker there are heightened problems in engaging them and delivering appropriate services. In areas where women have breached, and sometimes this is a number of times, sex work projects often lose contact, as sex workers move in and out of prison. Campbell (2004) found that projects in areas where ASBOs have been issued reported that finding and engaging women on ASBOs was a major challenge:

*"Maintaining the service to women who are recipients of ASBOs" (London, Project Manager)*

*"Contacting heavily addicted street workers who have ASBOs and breached several times....lack of adequate services for women who have breached after release" (Project Worker, Midlands)*

*"Women issued with ASBOs working in a more isolated way/more difficult to contact and access services" (Project Manager, Yorkshire)*

*“I think in what they are aiming to do- move women off the streets, the ASBOs can only have a limited impact, I do know one woman who has given up sex work as a result of getting many ASBOs, but she had some choice. She has her children with her, is not on drugs and has a lot more to lose than many of the very chaotic drug users who often get them slapped on them but they find going to prison OK. Some see it as a break from the street, a chance to get their health back together somewhat and for them they seem to be no deterrent at all. Only in the long run, I think as workers we will be really struggling in the future with these women when they maybe eventually decide to stabilise, it will be practically impossible to find anyone to house them etc. They will find themselves very trapped and labelled, we are seeing this already to some extent.” (Project worker, Sept 2004)*

### **2.2.6 Human rights issues**

We are very alarmed that the use of ASBOs for street sex work activities has been introduced by “stealth”. There was considerable public support for the removal of imprisonment for soliciting in the early 1980s, but no public debate at all about the implications of the use of ASBOs for sex workers, particularly the likelihood of breach and imprisonment. Nor was there any strategic driver or thinking behind the introduction of ASBOs.

The use of ASBOs has raised a number of human rights issues;

- Imprisonment for a non-imprisonable offence: breach of an ASBO is a criminal offence with a maximum penalty of five years imprisonment. We feel this is an abuse of the legislative framework.
- The right to a fair trial: a number of cases have raised such concerns: e.g. sex workers with learning difficulties and/or literacy problems not being able to read their ASBO documents
- The right to be represented in legal proceedings
- The freedom of movement and of association: the conditions stipulated in some ASBOs issued for sex workers appear to violate their freedom of movement and association

### **2.2.7 Lack of Evaluation and Evidence**

There have been no independent evaluations of the effectiveness and impact of the use of ASBOs against sex workers. Hence any claims that they are effective are unsubstantiated. Birmingham is frequently cited as having used ASBOs successfully, but in reality, women carry on working, as their reasons for doing so have not been addressed. Several have breached their ASBOs more than three times, and are in a cycle of short prison sentences, which disrupt all attempts to stabilise their lives and address their problems. Displacement has also occurred, with women working in the early hours of the morning, and in adjacent areas, to avoid police attention. Street sex workers are now more likely to be heavily drug addicted and/or coerced women. Other women now work in off street settings such as crack houses, where they are difficult to contact.

### 2.2.8 Use of ASBOs Against Kerb Crawlers and Others

Reports from projects suggests that street sex workers are far more likely to be the target of an ASBO than men who pay for sex, but one area (Kirklees) has reported the use of an ASBO against a man (not a client) who was violent to a number of sex workers, was coercing others, and intimidating people in the neighbourhood. They felt that this ASBO had some beneficial affects in preventing this man from harassing and exploiting sex workers and intimidating others in the neighbourhood.

### 2.2.9 ASBOs, concluding comments

The experience of one project in London highlights many of the problems raised in this section in relation to ASBOs;

*“ASBOs don’t work! we have thirteen women with ASBOs one has gone on to another area altogether, one has turned to indoor work but the other eleven are still working in the same area as the ASBO forbids them to work. But they are now working in darker streets and in more unsafe areas and are taking more risks by jumping into punters cars without assessing them first! Some of our women have gone to prison for repeatedly breaching their ASBO’s. None of our women with ASBO’s have got any accompanying support!”* (Outreach Worker, Sex Work Project September 2005)

#### **Recommendations: R.6**

R.6.1: UKNSWP believes the use of ASBOs against sex workers for soliciting and prostitution related activities should be discontinued.

R.6.2: If ASBOs continue to be used against sex workers, a national framework should require responsible authorities to demonstrate that guidance laid out in “Solutions and Strategies” (Home Office, Drug Strategy Directorate, 2004) for provision of appropriate support within a realistic timescale has been followed.

R.6.3: Before considering ASBOs, responsible authorities should provide enhanced social welfare and criminal justice interventions such as targeted arrest referral schemes, which engage street sex workers on a voluntary basis.

R.6.4: ASBO conditions should not exclude sex workers from accessing support services.

## 2.3 Routes into Street Sex Work

UKNSWP feels that *Paying the Price* oversimplifies the reasons for initial involvement in street sex work, and overstates the evidence regarding entry of under 18s and the influence of coercers and exploiters (see Introduction, section 1.3). O'Neill (1997 and 1995) describes multi layered reasons and circumstances leading to entry into sex work, showing that:

*“Routes into prostitution happen within the context of complex lived relations” (O’Neill et al, 1995)*

Many women identify more than one reason for their initial involvement in street sex The most common reasons given include;

- To earn money/make a living
- To get money for drugs
- To pay debts
- To get money for food or accommodation (linked for some to running away from home or care)
- Because they were forced by someone
- Because friends were working

Projects point to a number of other groups of street sex workers who are not as visible in the research picture such as

- non drug using women who work in street sex because it gives them a degree of independence and flexibility not found in other sectors
- women who work on the streets very occasionally or seasonally when they need to pay bills or to earn extra money for Christmas.

Whilst these groups may not form the majority of women currently working the streets in the UK it is important to acknowledge their existence.

### 2.3.1 Street Sex Work and Social Exclusion

The UK NSWP agrees that street sex workers are a socially excluded group, the majority of whom experience a range of social disadvantages, and have a wide range of complex social care, health and legal needs. UKNSWP perceives that these disadvantages and difficulties are compounded by the criminalisation of street sex work. (McKeganey and Barnard, 1996, O’Neill, 1997, O’Neill and Campbell, 2000, Crosby, 1998, May, 1999, Hester, 2004 and Westmorland).

Sex workers’ needs around housing and homelessness; domestic violence; mental health and other support services including support to those who wish to exit from sex work are explored in section 8, “Support Services for Sex Workers”.

### 2.3.2 Problematic Drug Use

The experience of member projects in the UK NSWP confirms that street sex work is currently linked to drug dependency, with large proportion of street sex working populations experiencing problematic drug use. Supporting a drug habit is a key reason for entry into street sex work and in maintaining women involvement. A number of projects have also highlighted the issue of problematic alcohol use.

However, there are variations between areas: for example whilst many projects report increasing crack use amongst street sex workers, others report that crack use is still relatively low. These differences are reflected in varying reports from projects about the relationships between drugs and sex markets. *Paying the Price* reports an overlap between crack and street sex work markets, and some projects confirm this,

*“A lot of our crack houses aren’t necessarily run by anyone “controlling prostitution”, but we have noticed a pattern of behaviour as in the women will work in the vicinity of a crack house and if it gets closed and reopens somewhere else the women will move to where it has reopened” (Project Worker, London)*

Yet other projects currently do not perceive a close relationship between sex and crack markets.

### 2.3.3 Pimping and Coercion

Not all street sex workers are coerced into selling sex by an individual who uses grooming techniques and violence. The level and nature of “pimping” varies from area to area. Some projects clearly report that the majority of their clients do not experience coercive pimping. Others work more frequently with young people and adult women who are controlled and exploited.

Research suggests that whilst some degree of pimping is present in most areas, its extent varies. In the late 1990s Campbell et al (1996) and Crosby (1997) found limited evidence of pimping in Liverpool and Manchester respectively. May et al, (2000) found that 19% (7 of 36) sex workers said a pimp had drawn them into the business. O’Neill and Campbell (2002) found that eight (17%) of 45 women in Walsall said they began working because they were coerced. Whilst pimps clearly have a role in the industry, it is crucial to acknowledge that many sex workers do not have pimps, the proportion who do varies in different locations, and for those women who experience pimping, the point in their “career” where this happens may vary.

Some areas appear to have an entrenched history and network of pimping. Projects are frustrated by the lack of action against those who coerce young people and adults. We welcome proactive policing and multi agency initiatives to prosecute such individuals. We support the need for improved witness protection We would rather see police resources directed at proactive policing operations to collect evidence against and prosecute coercers and those who commit physical and sexual assaults against street sex workers, than criminalizing street sex workers and all men who pay for sex.

## 2.4 Community Engagement: Liaison and Mediation

We welcome the acknowledgement of community engagement work for resolving some of the conflicts that arise between sex workers and communities in *Paying the Price*. However, *Paying the Price* and Hester and Westmarland (2004) only refer to a couple of community mediation schemes, whereas a number of projects work closely with police, other agencies and with residents' associations. The role of projects in changing views and helping to address community concerns should be recognised and encouraged. Projects are rarely commissioned to perform this function, but many take on this role and recognize its value for their clients and the wider community.

One of the issues confronting projects is the need to deal with community concerns about the impact of sex work on residents in street soliciting areas. Some projects now undertake mediation between local residents and sex work communities, to promote a more community-focused approach and reduced tensions. Evidence from Stoke-on-Trent, Merseyside and Coventry shows that community mediation resulted in residents and women sex workers becoming more aware of and responding to one another's concerns, and reducing nuisance. Support services also need to facilitate safe and appropriate disposal of injecting equipment and condoms, which will help to address some of the major concerns of local communities. Community mediation should therefore be encouraged as a key approach by projects. (Hester & Westmarland, 2004, O'Neill and Campbell, 2002, Pitcher and Aris, 2003; Aris and Pitcher, 2004 )

## 2.5 Inclusive Multi Agency Partnerships

The UK NSWP welcomes statutory moves to ensure local areas adopt inclusive, co-ordinated multi-agency partnerships, to develop and deliver a co-ordinated strategy based on local needs assessment, which responds in a balanced way to the needs of different groups.

These strategies need to be co-ordinated, so that, for example, crack house closures are not executed without alternative housing provision for vulnerable sex workers. Any interventions designed to restrict sex work should be accompanied by outreach services which provide support regarding housing, health safety, drug treatment etc, as well as facilitating exit routes.

They should be evidenced based, developed via inclusive consultation, and balanced, taking into account both sex workers' health, safety and rights as well as those of residents, and not be dominated by particular agendas or voices

Many local strategies do not show evidence of consulting sex workers or their representatives. Hence in response to question Question 27 '*What further support do local partnerships need to respond to the issues associated with prostitution?*', UKNSWP regards it is vital that there are mechanisms for ensuring the inclusion sex workers and sex work projects in local and regional partnerships. There are no national guidelines to ensure inclusivity in partnerships, and this need to be remedied. Guidelines should ensure effective involvement by providing support for service users and community representatives. (Brownhill and Darke, 2001, Chahal, 2000; O'Neill 1997; Pitcher *et al* 2002; O'Neill and Campbell, 2002; Kantola & Squires, 2004)

## 2.6 Managed Areas for Street Sex Work

Question 24 of *Paying the Price* asks;

*“How is the nuisance associated with prostitution best dealt with?”*

We feel there is strong evidence that managed areas for street sex work are successful at reducing associated nuisance and taking street sex work away from residential areas. The UK NSWP supports the development of a legislative and policy framework which enables the development managed areas for street sex work in localities who wish to develop them. This was supported at the UK NSWP AGM December 2003.

### 2.6.1 Accept or Challenge the Existence of Street Based Prostitution?

The consultation document asks: *“Should our response to street based prostitution involving adults accept or challenge its existence?”*

UK NSWP believes interventions should be non-judgemental, pragmatic and needs based. It is crucial in health and social care practice that professionals do not make judgements about the lifestyles of sex workers.

UK NSWP supports policies which address all forms of social exclusion, inequality, poverty and work towards equal opportunities. Whilst the socio-economic conditions which shape street sex work persist, policy makers must accept that it will continue to exist. These socio-economic conditions are unlikely to be resolved in the near future. Hence interventions and policies need to work both at a preventative level and to reduce harm, improve conditions and rights for sex workers, and provide safety and support for all in the sex industry, whether or not they wish to exit from it.

*“We have to accept its existence - most women actually started working by choice for whatever reason, and I feel there will always be women who actively make the decision to become prostitutes. Therefore, to challenge its existence we will be no further forward than when the last review was done fifty years ago. I also feel any other approach will drive the workers further underground and make conditions even more dangerous!”*  
(Project worker)

### 2.6.2 Managed Zones for street sex work

*Paying the Price* does not do justice to the benefits of the more successful zones in the Netherlands and Germany, which have lead to a reduction in violence against sex workers, increased access to service provision and removed street sex work from residential areas. Problems in some Dutch zones have been shaped by wider changes in the sex industry, and could be addressed by adaptations in management rather than abandoning zoning. (Kersch, 2004, Van Doorninck, 2003, 2004)

We suggest managed zones provide an option that should be piloted. These would be in non-residential areas, and with proper lighting and adequate waste disposal arrangements. The safety of street sex workers should be a central consideration in their planning and design. By managed areas we are referring to

*“An area officially designated for street prostitution (soliciting and sexual services) between specific hours. The area is actively managed by the authorities and policing, health and welfare services provided” (Campbell, 2004)*

#### **2.4.2 Advantages of managed areas**

We support the piloting of “zoning” or “managed areas” for a range of reasons.

- To improve the safety of street sex workers. Dutch authorities report that no murders of sex workers have been committed whilst working in their zones (Van Doorninck, 2003, 2004). KerschI’s independent evaluation of the Cologne zone shows a near total reduction of violence by clients and pimps in the working area ( KerschI, (2004)
- Improved relationships between the police and street sex workers. Sex workers are not “criminals” on the area, hence not avoiding the police so trust can be built between police and sex workers.
- Reduction of neighbourhood nuisance: Dutch cities with successful zones have seen the removal of street sex work from residential area. KerschI (2004) found that outside the Cologne zone there was almost no street work activity.
- More effective and accessible delivery of health and wider social care services: improved accessibility to harm reduction resources, drug advice, information and treatment, crisis intervention counselling etc. In managed zones such services are on site and so projects do not have to seek out their clients.
- Fast track development of contact/relationship between street sex workers and more rapid stabilisation of sex workers health and lifestyles. KerschI (2004) reported that the continuity and security offered by the Cologne zone;
- *.”.....allow an earlier intervention possibilities for the drug help system and other support e.g. Psycho-social care and support for exit sex work/drug use can start at an earlier stage”*
- Managed areas enable a more targeted approach to policing and prosecuting exploitation in street sex work and tackling the links between sex and drug markets by disentangling the market places. Dutch police in Utrecht say that they have more control than in an unmanaged situation (Schumacher, 2004). They can target enforcement and control on
  - Those committing or attempting to commit attacks against sex workers
  - Pimps and coercers
  - Those exploiting children
  - Drug dealers

## 2.4.2 Support for managed areas

There is also considerable support to pilot managed areas amongst sex workers and communities affected by street sex work. Several local consultations have found majority support from residents (O'Neill and Campbell, 2002). In the largest consultation on zoning in the UK, Clark et al (2004) found that 85% of community respondents agreed in principle, with 83% in favour of a zone in Liverpool.

Amongst sex workers who have been consulted zoning is also popular. A survey of 70 street sex workers in Merseyside (Campbell, 2002) found that 73% thought "*areas where we wouldn't be arrested/policed for safety*" would improve their safety. Clark et al (2004) found that amongst street workers consulted in Liverpool, 96% said they would work in a managed area. A survey of street sex workers throughout the UK, carried out for a Channel 4 documentary, found that 84% wanted a zone (Dodd, 2002).

O'Neill and Campbell (2002) found that sex workers wanted an area where they could work safely without being arrested, but found it hard to envisage that they would not be arrested. This demonstrates the need to reassure and consult sex workers at all stages.

Sex workers also express fears that clients will not use zones due to fear of exposure. (Campbell, 2004). Experience in Dutch and German cities, as well as British cities where informal zones have been operated, e.g. Edinburgh, Aberdeen, Bolton and Northampton, shows clients will use zones.

Claims that drug using street workers are too chaotic to work in a zone, as well as being patronizing, have been disproved by the experiences of Cologne and Dutch zones, which show that drug using sex workers do abide by the regulations of managed areas.

## 2.4.3 Managed Areas as Part of Wider Strategy

Managed areas should not be proposed as a single "solution" to the problems of street sex work, but should be central to a wider, multi-layered strategy (Campbell, 2004), including

- Co-ordinated strategies to address the abuse of children through prostitution and sexual exploitation: preventative initiatives in schools/with young people at risk, specialist sexual exploitation services, exit strategies and ongoing support, plus policies which improve the local authority care system.
- Social policies addressing women's poverty, access to education and training.
- Comprehensive support services: harm reduction/crisis intervention and exiting.
- Strategies to address violence and coercion, ensuring the focus of enforcement is on those who harass or attack sex workers or coerce people into prostitution.
- Improving the rights of sex workers

#### **2.4.4 Authorities Taking Responsibility to Protect its Citizens**

Those who argue that prostitution is in itself violence against women, reject managed areas as condoning such “violence”. Those with moral or religious objections to commercial sex also find the idea unacceptable. We challenge the view that sex work itself is violence against women and argue that, as in other areas of sexual legislation, policies should be pragmatic and focus on reducing harm. Proposals for officially managed zones are not attempts to condone violence, but to actively address real problems. They demonstrate local authorities’ commitment not to abandon street sex workers but to fulfil their duty of care to protect the welfare and safety of sex workers.

**Recommendation: R.7**

The Home Office should provide a legislative and policy framework which enables the development of managed areas for street sex work by local authorities who wish to do so.

# **SECTION 3**

## **FEMALE INDOOR SEX WORK**

## **SECTION 3: INDOOR FEMALE SEX WORK**

### **3.1 Failure to Address Indoor Work and to Acknowledge Voluntary Sex Working**

As outlined in Sections 1.3.1 and 1.3.2., UKNSWP has grave concerns about the lack of balance in *Paying the Price*; in particular, its focus on the most visible form of sex work, i.e. street soliciting, except where it locates sex work under the heading of coercion, trafficking and under 18s, and its failure to acknowledge voluntary sex work.

At a recent consultation with 26 London based indoor sex workers, the consensus was that *Paying the Price* only focused on the problematic areas of sex work and did not acknowledge that it could be an independent and legitimate choice. The emphasis on sex work as only a 'survival strategy' must be also be contested. This belittles sex workers' capacity to make choices about how to earn money. In the same vein, there is an emphasis on characterizing sex workers as suffering from high levels of child abuse, homelessness, problematic drug use, and poverty. This does not characterize many of the sex workers who have appeared in research in the indoor markets. Often indoor sex workers are contemporaneously involved in the formal labour market, hold professional qualifications, and are home owners.

UKNSWP acknowledges that those who are trafficked and coerced need legislation which protects their human rights, but there are thousands of women and men who cannot be described as trafficked or coerced, many of whom choose to work in the sex industry. This is particularly true of those who do not work on the streets, but in a multiplicity of indoor venues. They also need to be allowed to work in safety with the knowledge they will be afforded the full protection of the law.

### **3.2 Research Gaps:**

#### **3.2.1 Organised crime**

The consultation speaks of the links between transnational and organised crime with some specific examples of police interventions. However, the extent to which this organised crime is linked to indoor sex work is not known. There have been no recent research findings that clearly documents any links between indoor sex markets and organised crime.

#### **3.2.2 Numbers of Sex Workers and Patterns of Sex Work**

Question 4 of *Paying the Price* asks for an accurate picture of models of sex work in the 21st century. Several in-depth studies of indoor markets have been carried out, which have not been included in the scoping exercise, are referred to below.

The estimate of 80,000 sex workers in the UK is referred to in *Paying the Price*. This figure was based on numbers of sex workers who are in contact with projects. Given that many independent sex workers do not use sexual health and other outreach services that are specifically for the sex industry, 80,000 may be an underestimate.

A recent document from Eaves Housing (Sex in the City, 2004) presents a prevalence study which is based on London only. It is widely accepted that the London scene is different from the rest of the country, and that any capital city involves different social and economic forces compared to provincial cities, towns and rural areas. Therefore, these findings must be treated with caution rather than as a true picture of the extent and nature of indoor sex work nationally. This is particularly the case for the high proportion of migrant sex workers based in the London sex industry, this cannot be simply extrapolated to other regions of the UK.

### **3.2.2.1 No National Audit**

There has been no national audit of the extent and nature of indoor markets in the UK, and no substantial research on escort agencies or domination services. Indeed, there has been no national audit of street markets, but there is a wider body of localised or multi sited studies. Instead we must rely on in-depth, qualitative case studies of individual areas or groups of sex workers.

The needs of women who are selling sex without breaking the law are not accounted for, and they remain a hidden group of women who are without employment rights and civil acknowledgement. If carried out rigorously, independently, ethically and comprehensively, research to make these workers visible might be useful, and help to inform policy.

Below is a summary of what is known about indoor sex work from existing research.

## **3.3 Models of Sex Work**

Weitzer (2004) argues that;

*“when it comes to prostitution, the most serious blunder is that of equating all prostitution with street prostitution, ignoring entirely the indoor side of the market”*

Weitzer highlights the ‘reality of *variation* in sex work’ based on ‘*different kinds* of worker experiences and *varying degrees* of victimisation, exploitation, agency and choice’. He notes important differences between indoor and street markets, based on the social status of the sex worker; the level of freedom to control working conditions; levels of exploitation and victimisation; psychological adjustments and the impact sex work has on the community.

May, Edmunds and Hough (1999) describe how sex markets differ on three dimensions: the contractual nature of the sexual relationship where money is exchanged; the method of contact between the buyer and the seller; and the organisation and management of the market, ranging from coercive pimping, an employee relationship, to autonomous self-employed sex workers.

Phoenix (1995) also reports differences between street and parlour work regarding the place of work, the mode of client contact, the employment status of the woman, the financial exchange practices, and the risks they face.

There are several different types of indoor markets and methods of selling sex:

- Licensed saunas and massage parlours that are regulated by local authorities to sell massage only
- Unlicensed saunas and massage parlours
- Escort agencies
- Independent workers who operate from rented apartments or as escorts
- Brothels (large establishments where several women pay to work)
- Flat workers who work different days/shifts in premises owned by another to whom they give a percentage of their earnings.

N.B Different nomenclature is used in different parts of the UK. For example, there is no substantial difference between “saunas” and “massage parlours”, but local tradition often favours one term over the other. Also, in some areas, the terms “sauna” and “massage parlour” may be used to describe private premises which do not have a “shop front”, and where only one sex worker may be working. In other areas, “sauna” and “massage parlour” are only used to describe establishments that are clearly described as such externally, are likely to advertise publicly, and where normally at least two and often many more, work at any one time.

Legally, any premises where more than person is selling sex at a time, is a brothel, but in the sex industry, the term is usually used for private premises where several women are working.

Sex workers in all the situations are either self-employed independent entrepreneurs, or they work in other people’s establishments, and pay “shift money” to do so.

### **3.3.1 Independent self-employed workers**

Those who work alone from their own property operate a legal activity because there is no third party or brothel keeping involved. O’Connell Davidson (1998) describes ‘entrepreneurial’ prostitution using the example of self-employed independent worker, who owns a separate property for business. She is highly successful, earning between £1,000 and £2,000 each week, owns two properties and a top of the range car. Although sex workers like this have been described as ‘a very small elite of prostitutes’ (O’Connell Davidson 1996), other more recent research found that this type of worker is now part of an expanding market of businesswomen who advertise and organise their work through the Internet (Sanders 2005).

Sometimes women who work alone employ a ‘maid’ who acts as gatekeeper and monitor of the client interaction (Whittaker and Hart 1996). It has been assumed that, as the ‘maid’ does not offer sexual services, this arrangement does not infringe the law. Passages in *Paying the Price*, and in the ACPO strategy, *Policing Prostitution* indicate that maids will henceforth be targeted for ‘controlling prostitution’, with serious consequences for sex workers’ safety. (see Section 5, Violence)

### 3.3.2 Those who pay to work in other establishments

Based in a middle England town, O'Connell Davidson (1998) describes a typical sauna that involves a complex financial system of fees. Owners receive a 'shift fee' as rent from each worker plus a 'punter fee' from the worker for each client that purchases a service. In addition, a 'receptionist fee' is also paid by the workers to cover the managerial overheads. The owner also receives a 'massage fee' directly from each client who enters the building.

Information from outreach projects indicates that financial arrangements between sex workers and 'owners' can vary greatly. In some establishments the owner will assume all expenses for advertising, laundry etc, whereas in others the workers will be expected pay to for all incidental expenses. The amounts that sex workers pay to work from premises is very largely influenced by economic factors, with those in highly sought-after locations paying the most. Whittaker and Hart (1996) found that some of the working conditions at expensive flats in Soho were poor, with only basic facilities for extortionate rents.

## 3.4 The Nature of the Indoor Markets

### 3.4.1 Positive role of Owners and Managers

Owners of saunas are portrayed in *Paying the Price* as irresponsible criminals who are merely exploiting women with little regard for their safety and well being. This is a grave misrepresentation. Indoor markets and owners/ managers cannot be characterised only in negative terms. May, Harocopos and Hough (2000:26) interviewed managers of indoor premises who established a list of common rules; '*never employ juveniles, no anal sex, condoms always to be used, no partners allowed in the workplace, no overcharging, no rudeness or unpunctuality, no drunkenness and no clients under the age of 18*'. These 'house rules' form a set of standards amongst women who train in saunas and then become escorts.

Many sauna owners manage their businesses as responsible employers, with sex workers needs and safety at the heart of the organisation. An excellent example of this is the Manchester Sauna Owners Forum. Set up in March 2003, it has a growing membership of 44 sauna owners. The aim of the Forum is to 'create a safe working environment . . . and the development of good practice guidelines' ([www.msosf.co.uk](http://www.msosf.co.uk)).

The Forum has developed '*Sauna Watch*', a good practice code for members, which states that sex workers are at liberty to make decisions about the clients they see and the services they provide. Rights of the sex workers are respected, and mechanisms to prevent robbery, dodgy clients and scams are shared between workers and owners. The police and sexual health services have been involved in the meetings and support this forum, as a channel of communication to regulate the industry.

May et al (2000) recommended that the police and responsible authorities should encourage such responsible "risk adverse management" of indoor premises, allowing the police to focus criminal enforcement on disreputable owners and managers involved in coercing and controlling under 18s, trafficking, drug dealing and other forms of exploitation. This is an approach the UK NSWP feel should be considered.

The divisions between owner, manager and sex worker are not always as clear cut as *Paying the Price* seems to assume. Projects work with indoor establishments where there are a variety of “business relationships”. Owners/managers may be non sex workers with varying levels of involvement in day-to-day management, or can be former sex workers, indeed, some are current sex workers who may work occasional shifts in their own premises (Campbell et al, 2004).

### 3.4.2 Drug use

*Paying the Price* constantly links drug use and sex work, but evidence suggests there is limited use of illegal drugs in off street venues. A London study reported that;

*“the split between users and non-users was divided almost exactly between flat workers and street workers” (Taylor 2003)*

Morgan Thomas, *et al.*, (1989) interviewed parlour workers in Edinburgh of whom only one reported injecting drugs. McCullagh *et al.*, (1998) found only five of 55 sauna workers in Merseyside reported ever injecting. Campbell et al, (2004) found that amongst a sample of 90 parlour workers in Merseyside the majority, 61% said they never used drugs, and amongst those who did, most identified cannabis as the main drug used. Brewis and Linstead (2000) highlight how organisational rules within off street sex work prohibit substance use.

- At a recent consultation meeting between the Home Office and ‘off street’ workers those present argued that the picture depicted in the document bore no resemblance to their own reality.
- A North London project manager highlighted the barriers to drug using sex workers being employed in the ‘off street’ markets: employers being reluctant to employ them for fear of falling foul of the law, and long shifts, sometimes 8 to 10 hours, making it difficult for a woman who needs to go and ‘score’.

### 3.4.3 The Role of the Internet

Research on the internet and sex work markets in Britain signals that computer mediated communication has had a significant impact on the organisation of the sex industry. Independent workers use the Internet to market their services and negotiate with clients, and a sex work community has formed where men exchange information about where to buy sex (Sharpe and Earle, 2003). Websites that have been analysed show that “house rules” are reinforced through online chat rooms and message boards (Sanders 2004; Soothill 2004). For instance, the popular website Punternet opposes sex with underage girls asking: ‘*Have you been offered an underage girl? Report child prostitution - ring [Crimestoppers](#) on 0800 555 111*’.

### 3.4.4 Problems With the Law and Issues raised by *Paying the Price*

The main concern for many indoor sex workers is how they can work safely and within the law. Current UK law perpetuates and increases sex workers’ vulnerability to violence if they try and stay within the law. Coercion and exploitation can only succeed when sex workers are working outside of the law. New legislation needs to ensure protection for this group. The following recent legal changes are particularly unhelpful:

- Section 22 of the Sex Offences Act 2003 allows for a 'maid' who washes towels in a sex work establishment to be charged with the controlling and running of a brothel. As 'maids' provide one of the most important defences against violence for sex workers, this provision directly promotes vulnerability and should be amended.
- The Sexual Offences Act 2003 also creates a new offence of keeping a brothel used for prostitution, with a penalty of up to 7 years' imprisonment. This offence will criminalize and result in the closure of the safest and least exploitative forms of sex work. Arrangements between managers and workers are not automatically exploitative merely because the work involves sex, nor is the sex industry alone in exploiting workers. Fair employment contracts negotiated by a trade union are required.
- Q18: in *Paying the Price* asks: *How do we increase confidence in the criminal justice system of those involved in prostitution?* In recent years there has been a rise in violent robberies at indoor premises. It is critical that sex workers and others involved in the industry are assured that their involvement in the sex industry will not be used against them when reporting violent incidents to the police. (see Section on Violence, 5.6)
- The intention of the review is set out clearly: that it is interested in situations of exploitation organised criminality and the relationship between Class A drug and sex work. None of these factors are necessarily associated with the indoor markets (see above research findings) and therefore it is questionable as to why indoor markets have been included in this public protection agenda at all?
- On p 12 there is a statement regarding the use of the word 'prostitute' and 'prostitution', claiming that these are terms that people involved in the industry use to refer to themselves. This is not the experience of an academic member of the UKNSWP having spoken to over three hundred women, only the terms 'working girls' or 'sex worker' was used.

### 3.5 Migrant Sex Workers

Chapter 8 of *Paying the Price* does note the difference between migrants and trafficked individuals, but there are further intermediate situations:

- Independent migrants, on student or tourist visas from countries outside the EU, are permitted to work, but not self employed or in the entertainment industry. As sex work is not perceived as 'work' in the UK it seems ridiculous that if they are found in indoor premises by the police or immigration then they can be deported for breaking visa conditions.
- Individuals who pay an 'Agency' or person to arrange/ facilitate their visit and see this as a legitimate business transaction for themselves, are free to come and go, do as they please and pay their debt off in a structured way during their stay.

- Truly trafficked individuals, who may have been aware they were coming to work as sex workers, but were not aware of the reality. They are supervised, controlled, bullied, and often never see any of their money. This group are often coerced by a small group of mini mafia types from their host country.
- Individuals who are coerced/ controlled in the same way as those above, but who were not necessarily trafficked here

Information given to UKNSWP by a sex worker activist and academic describes the following situation:

*An indoor establishment was raided twice in 4 months, with undocumented women taken directly to the police station and deported. The women were not allowed to take their belongings or change clothes. At least one of the women had significant debt to a migration facilitator to pay off, and wrote to us, her brothel colleagues, asking for financial help. This type of story is all too familiar as trafficking fears have led to increased raids throughout the country: an example of making things worse for individual workers.*

Services which provide support and safe accommodation for coerced migrant sex workers should be expanded, and more resources given to assist outreach projects to promote sexual health and confidence-building with all migrant sex workers. (See Section on Support Services, 8.8)

### **3.6 Suggestions for change**

Section 9.21 of *Paying the Price* states that;

*“the existence of safe legal brothels have not ended street prostitution”*

This should not be seen as a failure of the aims of countries who have some system of legalization. Legalization of brothels was not introduced in most countries to address street sex work, indeed this is a common misunderstanding. The street and off street markets are very different, whilst being aware of the inter-connections and linkages policy makers need to consider different strategies to address different markets. Legalization has been introduced for a number of reasons e.g. to improve working conditions and rights of sex workers or in some places to give greater state regulation of the industry.

*Paying the Price* (9.11, 9.12) describes some key differences between indoor and street sex work, and highlights the fact that brothel keeping laws prevent women working together, contrary to promoting safe working conditions. Section 9.12 of *Paying the Price* states that;

*“There are some concerns that the current legislation defines a brothel in terms of two or more individuals working together to provide sexual services. It has been suggested by groups who support those involved in off-street prostitution that this might be amended to effectively decriminalise two or three individuals working together, to increase their ability to protect themselves, provided that there are effective controls in place to ensure that there is no adverse impact on the local neighbourhood”*

**Recommendations: R.8**

R.8.1: We support changes that enable women to work together free from legal intervention, and ask that this recommendation is enacted. Brothel legislation should be changed to decriminalize the situation where a small number of sex workers work together at indoor premises.

R.8.2: We also feel that licensing of larger establishments, rather than registration of individual sex workers, should be given more consideration. Failures of licensing schemes referred to in *Paying the Price* may well be failures of the systems employed, rather than of licensing itself. With such vast and complex issues, any licensing scheme may take years to perfect.

R.8.3: Further consideration should be given to licensing of larger, managed establishments, so that sex workers' rights can be protected by employment law, in premises that are compliant with health and safety regulations.

# **SECTION 4**

## **MALE SEX WORK**

## SECTION 4: MALE SEX WORK

### 4.1 Invisibility of Male Sex Work

The majority of early research into male prostitution is largely based on street workers\*. This is reflected in *Paying the Price*. Indeed, while the document does state in the introduction (section 1,4) that the term prostitute, used throughout the document “*should be taken to mean both men and women unless otherwise specified*”, there is no substantive analysis of the issues for male sex workers, or distinction regarding how these issues may be different (or similar) to those of female sex workers. Male sex workers are mostly ‘invisible’ within the consultation document.

\*(Allen 1980; Barnard 1993; Davies & Feldman 1991; Deischer et al 1969; Harris 1973; Hoek et al 1991; Luckenbill 1985; McKeganey et al 1990; McMullen 1987; Robinson 1989; Simon et al 1994; Visano 1991).

### 4.2 Routes In and Informed Choice

Most of the consultation document focuses on the stereotypical perception of sex workers as ‘victims of abuse’ who have been coerced into sex work (Introduction, 1.3.1, 1.3.2). The reality for male sex workers is that, whilst there are significant numbers of individuals across the UK who have become involved in the selling of sex due to social disadvantage and problematic family histories, on the whole research conducted by the Working Men’s Project (WMP) and the experience of other projects in our network, such as the Armistead Project, is that many men make an informed choice about selling sex within a range of available options.

Whilst for many, as identified within *Paying the Price*, this is often motivated by acute financial crisis (personal debt, unexpected life events such as redundancy, further education fees, or immigration status restricting more legitimate forms of work), the decision to sell sex is made from an informed perspective, within a range of options. The majority of men selling sex in the UK are not coerced or trafficked, do not have pimps or inappropriate relationships with other individuals who ‘control’ their movements. They may be ‘managed’ in a loose sense of the word, by brothel owners or escort agency managers, who may require a commitment to working agreed hours/shifts, etc, but the individual sex worker chooses when to work and how to work (e.g. what sexual activities will be engaged in). N.B. This is not to deny the cases of younger men, for example in care situations, who are coerced by their peers or exploitative adults into selling sex. Some projects in our network support such individuals.

### 4.3 Invisibility and Diversity of Male Sex Work

In contrast to female sex work which has a visible street sector, male sex work rarely comes to the attention of the police, as it is mainly off-street and does not (in general) have the same issues regarding drug use or coercion. There is a significant focus within *Paying the Price* on female street based sex work, and its associated problems. This was also the focus of the majority of early research into male sex work. However Hickson et al (1994) suggests that the world of male prostitution is more diverse, and that many men are involved in off-street work, in pubs, saunas and escort agencies.

#### 4.4 Key Issues Identified in Paying the Price

Chapter 2 of *Paying the Price* identifies the key issues to prostitution as being:

- abuse through involvement in prostitution for the individual sex worker
- housing and homelessness
- criminality related to theft, soliciting and drugs
- violence and physical abuse
- nuisance to neighbourhoods from sex work related issues
- abuse of young people
- trafficking
- stigmatisation

#### 4.5 Abuse and Vulnerability

The reality of male sex work in relation to abuse and vulnerability needs to be considered along a continuum. There are those men who have been coerced, who have been 'damaged' by their involvement in the selling of sex, who are at one end of that continuum. Young men selling sex are often perceived as "delinquent" rather than vulnerable, so younger men selling sex and their service needs remain largely unseen. The exploitation of young males is often ignored because society often fails to recognize that young men are vulnerable.

Equally, there are a small number of men who have received fame (and fortune) from their public declaration of involvement in the selling of sex (Aidan Shaw for example). However, as with any line of distribution within a population, the majority sit somewhere in the middle, just normal men who make a choice to sell sex. Most do it for a short-term period, and most work in an off-street capacity. They would not consider themselves victims or abused.

Some projects report one of the reasons men may becoming involved in selling sex is linked to issues of rejection from family and society due to their sexual identify. It is important to recognize these complex issues that shape some men's experience of sex work.

*"Many of the men we work in Merseyside are very much in control of their own activities yet there are number of men, who as far as we know are the minority, who are controlled by others, usually using emotional manipulation. There are bigger issues also. Homophobia and rejection from sections of the straight community. Also the gay community itself, can react negatively and aggressively to men who sell sex. I think this needs to be looked at more." (Manager, Gay Men's Project, Merseyside)*

## 4.6 Homelessness

Homeless is a problem for a number of younger men that sell sex from the street. For example SW5 identified that a proportion of their clients are homeless or inadequately housed; many of them are staying on friends floors or couches, others are staying with punters and some are street homeless. They identified such clients as needing a lot of support to maintain tenancies. They identified gaps in crisis housing/hostel accommodation for young men selling sex and generally not enough suitable housing provision for lesbians and gay people and even less for trans people.

But for most men involved in the selling of sex, working off-street through brothels, the Internet or from adverts in the gay press, their difficulties with finding accommodation are no more or less than other young men in the general population.

A significant number of male sex workers are homosexually identified (78% of those registered with the WMP identify as gay), and often it is their sexuality, rather than their involvement in sex work which can present difficulties with finding safe and secure long-term accommodation.

## 4.7 Criminality and Trafficking

It is interesting to note that in the last 10 years, only one London based male brothel has been closed by the police and the owners successfully prosecuted. Yet, even in this case, the charges on which the owners were given custodial sentences pertained to unpaid tax (from the brothel) rather than the running of a male brothel.

In the experience of member projects in the UKNSWP, organised crime in relation to adult male sex work appears to be extremely rare and one expressed the view that it was “non existent”. Brothels (which front as ‘unlicensed massage parlours’) are well run, organised, and the men working in them do so voluntarily, they have not been trafficked and are not coerced. Whilst there is no doubt that an ‘underground’ crime scene exists in relation to young people (children), which includes young boys, and by assumption would include trafficked boys, it is not something condoned by the adult commercial male sex scene. One project working with male sex workers a part of a wider group of clients, men who have sex with men, felt that links to organised crime were rare. But they did not dismiss the possibility that some links may exist, particularly outside of the identified commercial gay sex work scene.

*“We need to always ask ourselves, is something not there because it’s not visible. We shouldn’t dismiss the possibility if we haven’t proactively looked for it, but we do have to keep balanced” (Manager, Gay Men’s Project)*

Some concerns were expressed about coercive drug dealers exerting pressure on younger men.

The UKNSWP welcomes and supports changes to legislation to address abuse of children through prostitution, but cautions that the same approach is not appropriate in relation to adult sex workers making informed choices.

#### **4.8 Drug Use and Male Sex work**

It is acknowledged that an element of street working men as well as women use drugs, solvents and alcohol, and experience the related street criminality that links to that drug culture (Connell & Hart, 2003).

Some projects report that a section of men who are selling sex, like some female street sex workers are selling sex to earn money to support their drug use or exchanging sex for drugs. Problematic drug use patterns reported by some projects are somewhat different from female street sex workers, with projects reporting the use of stimulant drugs such as cocaine and ecstasy and GHB as prevalent.

The Armistead Project in Merseyside reported that this pattern of problematic drug use, and the need to exchange or sell sex for drugs, is currently an issue amongst some young gay and bisexual men (up to 25) selling sex who they are working with. This group of men do not necessarily identify themselves as sex workers. The Merseyside project also reports having worked with heterosexually identified men who sell sex to support their heroin use.

The UKNSWP welcomes the proposals within *Paying the Price* to assist and respond appropriately to the needs of these young men through the provision of timely and appropriate drug rehabilitation initiatives. However, there is a need for increased funding to support such initiatives, and these responses need to be timely – the young persons who has made the decision to enter rehab, articulated to an outreach worker on a street corner at 2am, needs access there and then to an appropriate assessment and treatment service, not to come back at 9am when services open, by then the moment has passed.

#### **4.9 Violence**

Violence against men selling sex is rarely reported. Some projects felt that violence could be unreported because male sex workers may be reluctant to disclose their sex working and/or the stigma of men reporting any sexual crime.

As identified in *Paying the Price*, the role of the 'pimp' can be a source of violence for some female sex workers, yet in the experience of established projects this role does not exist in the same way within the male context. One northern project reported a number of cases where men have an emotional attachment, which is part of an abusive relationship, which may be exploited by their partners in relation to commercial sex.

Violence from clients is very rare with off-street male sex workers. Nevertheless, the murder of a male masseur in London earlier in 2004 suggests that they may share some of the vulnerabilities of female sex workers when operating alone. As one male sex workers states;

*“the major advantage working as an escort at an agency is the safety issue. Many boys\* feel a sense of security working in a house, where as boys working privately or working out calls tend to feel unsafe. Boys that work as escorts find it is an opportunity to make quick and easy money though sometimes they are at risk by others.”*

*\*[generic ‘industry’ term for male sex worker, does not refer to an individual under 18yrs old]*

Violence for street working men is a reality, often though this is related to their problematic drug or alcohol use or homelessness, rather than their involvement in the selling of sex. (Connell & Hart, 2003)

#### **4.10 Nuisance**

Male sex work is mainly invisible within mainstream UK society. Even well established street scenes (young men selling sex in Piccadilly Circle were chronicled in the works of Dickens and later Wilde), yet even in such environments it is often not obvious to the casual passer by. Mostly, sex is sold by men (to other men), off-street and behind closed doors. The most ‘visible’ element of the commercial male scene is the advertisements for escorts in the gay media, but even this is contained within publications which are not accessed by mainstream society, and known to have a high degree of adult sexual content. Brothels tend to be well managed, discreet and orderly, and located in neighbourhoods where they ‘blend in’ to a busy street scene, so a stream of workers or clients entering and leaving the premises throughout the day will pass largely unnoticed. Projects in some cities report that there may be some police attention when men working, sometimes opportunistically, within the clogging scene, are identified as part of wider policing operations.

#### **4.11 Young men and exploitation**

Most of the published research relating to male sex work demonstrates that many men first started to sell sex before the age of 18 years of age (Connell & Hart, 2003), yet many also admit to engaging in consensual non-paid sex before the age of 16 years (as it the case for the majority of the population), however it would be untrue to claim that the majority of the population had been ‘sexually abused or exploited’.

The organised commercial scene is self-regulating around the protection of young people. Brothels often seek clarification in the form of documentation (birth certificates, passports) to confirm the age of new men wanting to work at the premises. Magazines and Internet sites that host photographs and advertisements or listing also have similar checks and will want to confirm the pictures are genuine (e.g. of the person placing the advert or listing).

Indeed, it has been the experience of projects in the UKNSWP that men selling sex independently often raise concerns to appropriate authorities (social services, etc), if

they have contact with a young person thinking of or involved in selling sex, or a customer requesting access to a young boy. Male sex workers report being contacted (from their adverts) by young men considering escort work, and often counsel them about their misconceptions in relation to the work (such as having lots of 'nice' sex with cute guys). Such counsel can result in the young man rethinking his choices.

This is something ignored within *Paying the Price* and peer mentoring or support schemes are not considered. Older sex workers are often the best advocates for dissuading young people from choosing sex work as an option, or where they do, ensuring they develop survival skills to work safely and maintain appropriate boundaries with paying partners, including emotional boundaries (Ziersch et al, 2000, McKinney & Gaffney, 2000).

A study by de Graaf et al (1994) in of 27 male sex workers, nine of whom worked from home and two from brothels (the rest being street based), found that issues relating to the workers sexuality, familiarity with clients and ethnic background, were relevant when it came to practising unsafe sex during paid encounters.

#### 4.12 Stigmatisation and Isolation

Male sex workers are most at risk from isolation. This isolation is often three fold:

- **sexuality** – the majority of adult males selling sex in the UK identify as gay, and even where they identify as hetero or bisexual, because most sell sex to other men, they can face discrimination from society and homophobia.
- **immigration status** – projects report that many male sex workers *in London* are from outside the UK. For many English is a second language, and their visa status may be a contributing factor towards their decision to sell sex. A significant number of the Latino and southern European men selling sex come from small urban or rural communities in their country of origin, with traditional Catholic values, where their identity as a homosexual male would ostracise them from their family and render them a social outcast. They arrive in the UK, to study on a student visa, or to tour on a holiday visa, and find an established gay scene in a relatively tolerant society – then they will do anything to stay, including selling sex. Yet 'sexual orientation' is not a recognised grounds for claiming asylum.
- **involvement in sex work** – apart from being gay and being foreign, many male sex workers also face the stigma documented in *Paying the Price* by those involved in sex work.

These factors combined increase the invisibility of male sex workers, often making it necessary for them to live a 'double life' – student, boyfriend, companion, employee by day, and sex worker by night. This leads to increased vulnerability, difficulty in accessing appropriate health and social services, under reporting of crime (on the rare occasions they are victims of crime), and increased sexual risk taking behaviour, as de Graaf (1994) states:

*"working in relative isolation, have little or no contact with their colleagues, and the resulting absence of social support and control may discourage condom use."*

### **Recommendations: R.9**

During the consultation period for *Paying the Price* the WMP consulted widely with service users and men selling sex. The issues from a focus group run with male sex workers concluded:

- legalising off-street sex work will provide a sense of security and stability for male sex workers
- legalising sex work will also allow the paying partner of the escort to feel at ease, as it would allow standards for the industry to be developed and a legitimate trading framework
- escorts feel almost invisible when it comes to being a sex worker, it is not acceptable, and therefore, apart from the few limited existing services, there is no-one to turn to for support
- there should be a national help-line for sex workers, free to call and 24hrs with emergency information. Some local gay men's services have general help lines.
- access to sexual health screening should remain free and confidential: sex workers should have the freedom to choose to access care. Providing more sex worker specific services would assist in widening access to healthcare.

The UKNSWP supports these views

## **SECTION 5**

# **VIOLENCE AGAINST SEX WORKERS**

## **SECTION 5: VIOLENCE AGAINST SEX WORKERS**

### **5.1 Need to Prioritize Violence Against Sex Workers**

The UK NSWP is alarmed that *Paying the Price* does not adequately reflect existing research evidence and project experience regarding violence against sex workers. It fails to give adequate prominence to this most serious issue, or to initiatives necessary to address violence against sex workers. We had assumed that improving the safety of sex workers would be a priority issue in a review of current policy and legislation.

*Paying the Price* fails to address the central issue of how current criminalisation of commercial sex creates vulnerability to violence by:

- criminalizing indoor working situations
- criminalizing collective working arrangements
- forcing street workers into isolated, dark and dangerous places
- fomenting anger towards street workers in the communities in which they operate
- preventing relationships of trust developing between sex workers and the police
- reducing co-operation between police and witnesses in serious attacks

Instead of accepting clear evidence that the present criminalized situation of most sex workers is the primary factor preventing reduction in violence, *Paying the Price* appears to recommend that current policies which create vulnerability are continued and made yet more punitive.

*Paying the Price* poses the question, “*What problems are caused by the existence of a sex ‘trade’?*”, however, it is clear from the start that vulnerability of sex workers to violence is deemed a secondary issue. This is indicated in Section 2.17, which places “*the nuisance caused to neighbourhoods through noise, litter and harassment*”, and “*the impact on the neighbourhood in terms of undermining economic regeneration and neighbourhood renewal*” first in a list of key concerns, above both violence against sex workers, and abuse of children. Sections 5.15 to 5.22, refer to violence against sex workers merely under the title “Safety advice”, this we feel does not accord sex workers’ human rights to life and protection under the law the priority they deserve.

Chapter 5 is entitled *Supporting adults involved in prostitution*. It concludes with seven questions, none of which asks how vulnerability to violence can be reduced. The question, *How do we increase confidence in the criminal justice system of those involved in prostitution?* ignores the structural factors which precipitate and promote violence in the first place. It also does not raise the issue of whether the criminal justice system has the capacity or the motivation to respond to crimes committed against sex workers.

## 5.2 Violence and Style/Location of Sex Work

Sections 5.17 and 5.20 refer to *A Three-City Comparison of client violence against prostitute women* (Barnard et al 2002), but the clear association demonstrated by this research between violence and style of sex work - .i.e., street work being demonstrably more dangerous, and the relative safety of indoor work being dependent on working in the company of other people – is evaded. Kinnell's paper, *Prostitutes' exposure to rape: implications for HIV prevention and for legal reform (1993)*, which is listed in the bibliography, but not referenced in this section, also illustrates the overwhelming association between street work and violence in comparison to off-street work.

### 5.2.1 Violence and Indoor sex work

Chapter 6, which is the only section of *Paying the Price* to address off-street working, completely conflates indoor sex work with trafficking and exploitation. This seriously misrepresents the true situation, both in areas where migrant sex workers predominate, and in the majority of the country, where British sex workers are still the norm.

It also fails to reflect the fact that indoor work is far safer than street work, and does not examine the reasons for this relative safety.

Safety at indoor premises depends very largely on sex workers working in the company of other sex workers, or with a maid (receptionist) or minder. The demonization of such "third parties" exhibited by both *Paying the Price*, and the ACPO strategy, *Policing Prostitution*, misrepresents these relationships, and the recommendations – already implemented in some areas – that maids, etc should be treated as pimps, will radically undermine the safety of indoor workers.

## 5.3 Outreach Projects' Anti-Violence Initiatives

Section 5.15 states:

*Outreach and drop-in projects have tended to focus on sexual health issues but increasingly it has become clear that harm minimisation should also take account of other risks, including the danger of physical assault. A number of projects now offer safety advice, attack alarms, and training programmes for personal safety.*

The implication of this paragraph is that safety needs of sex workers, and their vulnerability to violence, has only recently been a matter of concern to outreach projects. This is inaccurate, and belittles the efforts made by health outreach projects over the past 15 years, to highlight and respond to violence against sex workers.

For example, in 1995 Streetreach Doncaster, with support from the Suzy Lamplugh Trust, conducted an extensive investigation of safety issues for street workers, which

resulted in the production of a safety leaflet, *Working Girls, Working Safe*, drawing on sex workers' own knowledge and experience.

In 1994, the Southampton Working Women's Project began their *Resistance!* project, investigating sex workers' experiences of violence, and developing a sex worker-led self-defence training programme, which is still running 10 years later.

UKNSWP's national working group on Safety, Violence and Policing has been in existence for over five years (formerly under the auspices of Europap-UK). Through this group, good practice guidance has been generated on running Ugly Mugs schemes and on police liaison regarding violence against sex workers.

#### **5.4 Ugly Mug and Dodgy Punter Scheme**

It is also evident from Section 5.18, which refers to Ugly Mug and Dodgy Punter schemes, that the full extent of what has been done by projects since 1989 is neither understood nor appreciated by the Home Office. The Ugly Mugs system started in Birmingham in 1989, copied from a system devised by sex workers' groups in Australia. Kinnell's paper (1993, see above para.), also makes this history clear. Many UK projects rapidly adapted a version of the scheme, which is now common practice.

Dr Hester, in her presentation about Tackling Prostitution: What Works, on 21<sup>st</sup> October 2004, gave the impression that only two of the "What Works?" projects ran Ugly Mug/Dodgy Punter schemes. In addition to the Linx scheme in Merseyside, amongst projects involved in the What Works initiatives, Manchester, Kirklees, Bournemouth, Stoke and Hull all have systems for collecting and disseminating information about attacks on sex workers. Also, the Hackney project contributes to the London Ugly Mugs List, which has been in existence for several years, and projects for female sex workers in Bristol and Nottingham also run long-established systems.

The Linx Merseyside Trax scheme (funded by What Works), aimed to develop a faster and more systematic approach to disseminating reports of violence and to storing the information, but did not invent the Ugly Mugs system. The Linx project closed in March 2004, due to lack of sustained funding, a circumstance which illustrates the vulnerability of innovative schemes to short-term funding initiatives.

The London Ugly Mugs List is a well-known resource, collating reports of attacks in London and the South-East, which has been in existence for several years. It has been co-ordinated by different projects since its inception, none of which have ever received any funding or resources for this task.

### **Recommendations: R.10**

UKNSWP supports the development of national systems to improve reporting of and detection of violent crimes against sex workers, including:

- National ugly mugs system; to harmonize local ugly mugs systems so that information can be circulated regionally and nationally. We believe such a system needs to be managed and co-ordinated by sex work projects in liaison with the police, since projects have expertise in establishing ugly mugs systems, awareness of the need for sensitivity, anonymity and confidentiality, and experience of circulating information amongst projects. UKNSWP would be keen to be involved in the co-ordination of such as scheme.
- A national intelligence database of dangerous individuals who target sex workers, drawing on the ugly mugs schemes and police intelligence systems. This could be co-ordinated by the police in partnership with projects. This would have the benefit of the police expertise in developing intelligence systems and carrying out crime analysis.

## **5.5 Liaison between UK NSWP and the Police**

Section 5.19 refers to liaison between UKNSWP and the Clubs and Vice Unit of the Metropolitan Police to establish good practice on dodgy punter/ugly mug schemes, but in fact, the current situation is unclear. UKNSWP provided assistance to Clubs & Vice early in 2004, to facilitate contact with projects about ugly mug schemes, but far as we are aware this is currently on hold. We hope that the Metropolitan Police will continue to work on this initiative and the UK NSWP will offer full assistance where possible.

Representatives of the Board of UKNSWP have attended the Gold Group (Metropolitan Police Homicide Prevention initiative) on sex worker murders/violence for over a year. Ideas for a national ugly mugs scheme have been mooted at several meetings, but to date not progressed. In addition, a great deal of effort from sex work project representatives on this group went into preparing a Safety Pack for sex workers in London, with hopes that it would be disseminated across the country. This initiative halted after months of work, because the Metropolitan Police suddenly decided it could not endorse advice on safe ways to engage in sex work. Consequently a great deal of trust was squandered, and many people's time wasted.

The UKNSWP has made a large number of suggestions to ACPO, and to the Metropolitan Police Gold Group on Sex Worker Homicides (UKNSWP, 2003) about ways in which sex workers' confidence in the criminal justice system could be improved.

UKNSWP approached Dr Tim Brain in 1999, to discuss reduction of violence against sex workers. This initiative was followed by several meetings and lengthy correspondence between representatives of UKNSWP and Dr Brain. As a result, UKNSWP drafted a document covering matters we believe should be addressed in national ACPO guidance for policing sex work. (See appendix 3). These matters have not been progressed as we

hoped, and our concerns have not been adequately address in the recent ACPO strategy *Policing Prostitution*.

In recent weeks a representative of Dr Brain's Office approached another UK NSWP Board Member to discuss the possibility of developing a national ugly mugs scheme. This proposal will be taken to the next meeting of the Safety, Violence and Policing Networking Group.

## 5.6 Reporting Violence to the Police

Section 5.20 refers to the *Three-City Comparison* (Barnard et al 2002) finding that those involved in street-based prostitution were most likely to report violence. However, an analysis of London Ugly Mug reports (Kinnell, 2002), found that 38% of attacks reported by indoor workers were reported to the police, compared to 15% of attacks reported by street workers<sup>1</sup>.

*A 'maid' who went to her local police station to provide them with a video of an attacker who threatened the women with a knife was told "we can investigate the incident but we will also have to look into what goes on at the flat" The officer went as far as comparing this incident with a bank robber who was subsequently mugged? Would the police be expected not to investigate the bank robbery?. (reported by owner of the flat to a Project Manager)*

Desire for anonymity and lack of confidence are the only reasons acknowledged by Paying the Price for not reporting attacks to the police. Other research has shown that there are many factors which directly relate to the criminalized status of sex work which discourage reporting, e.g.:

- fear of arrest and prosecution
- fear of ASBOs
- fear of deportation
- fear that offender will not be remanded in custody, revenge attacks
- previous experience of intrusive, irrelevant questioning
- previous experience of unsuccessful prosecutions or early release of attackers

At a recent consultation between 26 London based indoor sex workers and the Home Office the following issues were raised by the workers themselves.

- All present agreed that the law regarding indoor sex work contributed to the violence against them
- Concern over the differences in attitudes between local Police and CO14 and inconsistencies in the enforcement of the law around indoor sex work.
- Violence and sexual assault on migrant sex workers was seen as a priority that the Home Office must address. This group are often targeted because of their

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<sup>1</sup> The reference to Nottingham in this section cannot have come from Barnard's work, which looked at violence in Glasgow, Edinburgh and Leeds

reluctance to go to the police for fear that their immigration status would be questioned and that they would not be treated as a victim.

- The obligation on the Police to report migrant sex workers to immigration when they want to report a serious crime like rape or assault was seen as severely undermining safety, with fears that such sex workers will be more and more targeted by perpetrators who know their fear of deportation.

**Recommendation: R.11**

A number of projects report that significant improvement in levels of reporting depends on police making proactive, sensitive and appropriate efforts in partnership with projects. The appointment of police prostitution liaison officers to build trust and encourage reporting appears beneficial, particularly where the officers have a non-arresting role, are sensitive to the needs of sex workers and work closely with projects. Guidance for police prostitution liaison is included in UKNSWP's draft policing guidance. (See Appendix 3)

Barriers to sex workers reporting violence and seeking the protection of the courts are mentioned in section 5.26, under "Domestic Violence", with the statement that we must,

*continue to change the attitudes of law enforcement agencies and the courts so they properly consider people in this situation as victims of domestic violence who are entitled to the same protection under the law as other victims of violence; and promote specific work to encourage victims of violence from a partner/pimp to come forward.*

It is noticeable that the need for change of attitudes on the part of law enforcement agencies, and for specific work to encourage victims of violence to come forward, is only mentioned in the context of violence from partners and pimps, not from clients or members of the public. The Home Office needs to address this omission or it could be interpreted as indicating that the Home Office is not greatly motivated to reduce violence from these quarters.

UK NSWP supports and would be happy to contribute to the development of national guidance for policing sex work, provided the values, issues and practices contained in the UKNSWP's proposals (Appendix 3) were incorporated. UKNSWP proposes similar guidance for the CPS and others in the criminal justice system.

## **5.7 Murders of Sex Workers**

Section 5.22 refers to Kinnell's report on murders of sex workers in the UK, published in 2001. There are now **87** deaths on this database. A more recent analysis has been published (Kinnell, 2004), and another is in press, confirming the overwhelming association between street work and risk of murder, not mentioned in this section of *Paying the Price*. Those victims who appear to have been killed while working off-street were, with one exception, lone workers.

## 5.8 Conflicts between strategies to reduce prostitution and strategies to address violence

### 5.8.1 Violence and Street Sex Work

Chapter 7, *Protecting communities*, encourages the more vigorous employment of present policies against sex workers and clients in street soliciting areas, despite past failures of these approaches, and without acknowledging their detrimental effect on sex workers' safety.

None of the claims of "success" regarding Kerb-crawler initiatives, civil injunctions, ASBOs, etc, can be substantiated. Re-education programme for kerbcrawlers have NOT proved to be effective, as the West Yorkshire Police Evaluation makes very clear. No independent evaluation of any of these programmes has taken place; if men who attend say they will not offend again, it is hardly proof of either current intentions or future behaviour. The very small number of arrests/men processed through rehabilitation programmes in relation to the predictable size of the client population means that it entirely unsurprising that very few are subsequently re-arrested for kerbcrawling. Neither has the overall volume of street sex work been shown to have declined permanently in any of the sites where these experiments have taken place.

What can be shown is that several murders of sex workers in recent years have occurred around the time of vigorous anti-street policing efforts. (Vicky Glass, Middlesborough, 2000; Suzanne Kelly, Liverpool, 2000; Nikola Higgins, Stoke-on-Trent, 2001; Rebecca Hall, Bradford, 2001; Michaela Hague, Sheffield, 2001, Pauline Stephens and Hanane Parry, Liverpool, 2003)

These strategies to reduce street sex work expose sex workers to increased risks and interfere with investigation of crimes against them, by

- reducing the vital assessment period when sex workers try to judge if a client may become violent
- reducing the availability of clients, so women spend longer in dangerous locations to make their money. Reduced earnings leads to more violence: pimps may beat women for not earning enough; women made desperate may rob clients, who then turn violent.
- disrupting sex workers' contact with regular clients, whom sex workers regard as less risky: in a survey for Channel 4, 90% said they had never done business before with men who attacked them. However, regular clients are more vulnerable to anti-kerbcrawler initiatives than occasional visitors, leaving sex workers fewer "regulars" to do business with.
- dispersing sex workers from familiar areas, where they may not know which areas/punters to avoid
- reducing contact between sex workers and outreach projects so reducing the flow of information about violent incidents

The stronger the measures used to discourage street soliciting/kerb-crawling, the more likely sex workers are to avoid contact with the police, even if they have been attacked. This has implications for the use of ASBOs, civil injunctions, etc. Clients are also likely to be more covert in their behaviour, and there have been cases where clients have attacked sex workers after being charged with kerb-crawling, apparently in revenge for being brought to police attention.

**Recommendation: R.11**

It is the view of UKNSWP that local authorities should be given the powers to establish managed zones for street work, provided that

- sex workers' safety is the paramount consideration in location, design and establishment of a zone
- independent, objective monitoring of the operation of the zone, and evaluation of its success in reducing violence and community conflicts, is carried out.
- zones are given sufficient time and resources to operate effectively and safely.

### **5.8.2 Violence and Off-street sex work**

In terms of off-street sex work, fear of attracting police/immigration officers attention to sex working premises may inhibit reporting of attacks. Prosecutions for carding or other kinds of measures against off-street workers may lead to more street work, where sex workers are much more vulnerable than they are indoors.

Investigation of serious offences against sex workers is hampered when such policies are being pursued, due to

- reduced numbers of sex workers and clients easily accessed
- reduced willingness of sex workers and clients to talk to police
- reduced contact between sex workers and outreach projects, so reducing the possibility of liaison with potential witnesses or of distributing information, warnings, or descriptions

This interference with investigation of serious offences is also seen in relation to indoor premises and migrant sex workers:

*“one of the deported women was a witness to an attempted violent robbery in the brothel, one of a spate in the area last year. A week after her deportation, the officers following the robbery case came to take another statement from her. They weren't surprised to hear that their star witness had been deported, apparently this had happened more often - an example of the effect on attempts to reduce violence. And then there is the effect on health promotion, as these robberies had caused the suspension of outreach for a number of months.” (Sex worker report)*

**Recommendations: R.11**

R.11.1: UKNSWP supports the proposal in Section 9.12 to “*effectively decriminalize two or three individuals working together, to increase their ability to protect themselves*”,

R.11.2: The presence of ‘maids’ and others who contribute greatly to the safety of indoor sex workers must NOT be criminalized. Section 22 of the Sexual Offences Act 2003, and policing practice, must be changed to take this factor into account.

R.11.3: Investigation and prosecution of violent offences against sex workers at indoor premises must take priority over other agendas, such as investigating brothel and immigration offences

**5.8.3 Community Behaviour, Public Relations and Violence against Sex Workers**

In addition to the above factors, these policies are frequently accompanied by hostile reports about sex workers and clients in the press, emphasizing the disgust and anger some people feel about their activities. Such press coverage may inhibit investigations by reducing public sympathy for victims, and by discouraging sex workers and clients from co-operating with investigations.

This fomentation of public anger and rhetoric of disgust may also serve to disinhibit those who attack sex workers, for example, the local resident Darren Brown, who kicked a sex worker in Ipswich to death, in December 2003.

Section 7.8 of *Paying the Price* is particularly insensitive in the context of violence towards sex workers from members of the general public. The actions of community members in Balsall Heath in 1994 is cited as a good example of *local communities reclaiming their streets*, and states that it is *instructive to look at the kind of approach adopted in communities where residents have been instrumental in deterring both kerb crawlers and those involved in street-based prostitution, asserting and maintaining the high standards that tend to deter anti-social behaviour*.

Not only does this section fail to mention that street sex work in Birmingham was not eliminated, but merely displaced to another area of the city, it also fails to mention that the approach used in Balsall Heath included mass intimidation of sex workers, with coach loads of young Muslim men being bussed into the area, armed with baseball bats, hockey sticks and dogs; many sex workers were physically assaulted; non-sex workers including lone women, nuns, and outreach workers were intimidated, and many black men seen in the area were accused of being pimps.

In view of the realities of this kind of community action, the statement that *it is important that such community action should not slide into vigilantism or the aggressive persecution of already vulnerable women*, is inadequate.

**Recommendation: R.12**

Any review of law and policy which genuinely seeks to reduce violence against sex workers must address violence from residents, groups of youths hanging about in street sex working areas and passers-by. The Home Office needs to consider very carefully and at every turn how the implementation of policy will affect community responses, especially those who express open hostility to street sex workers.

## 5.9 Considering the Options

Chapter 9, *Considering the options*, purports to give an informed and dispassionate overview of approaches to sex work policy in other countries, but seems to draw most heavily on the Bindel & Kelly report, both authors being well-known to be hostile to all attempts at “normalization” of sex work.

Section 9.1 asserts that the Government is keen “*to determine what measures are most likely to . . . deliver reductions in violence and exploitation*”. However, inexplicably, under “Managed areas”, the first country listed is Sweden which does not have and never has had, any managed areas for street sex work.

The informal zones which have existed in the UK, in Aberdeen, Bolton, Edinburgh, and Northampton are ignored in favour of Bindel & Kelly’s perspective on the Dutch zones. It seems that the Home Office does not have an objective view about managed zones, since this section states “*Such a move normalises the concept of street prostitution and pre-supposes its continuing existence, and these are assumptions we need to challenge strongly*”.

Section 9.21 also points out that legalizing indoor work in Australia did not lead to the cessation of street work. This was always predictable, due to the different dynamics of street and indoor work, and should not be a cause for disappointment, only an incentive to make different arrangements for street sex work.

UKNSWP supports the proposal in Section 9.12 to “*effectively decriminalize two or three individuals working together, to increase their ability to protect themselves*”, and believes that there would be no necessity for specific controls “*to ensure that there is no adverse impact on the local neighbourhood*”, over any above normal controls covering noise, nuisance and litter.

**Recommendations: R.13**

R.13.1: Policing resources should be concentrated on preventing violence against sex workers, detecting these crimes and contributing to successful prosecution of the perpetrators.

R.13.2: Policy makers must recognize and address the conflicts between current laws and enforcement strategies aimed at reducing prostitution, and the safety of sex workers.

R.13.3: Neither the police nor any other public body should make verbal or written statements which exacerbate public hostility towards sex workers.

R.13.4: Abuse and violence towards sex workers must be firmly discouraged, whether it comes from those who pay for sex, sex workers' partners, or members of the general public, including residents in street soliciting areas.

# **SECTION 6**

## **MEN WHO PAY FOR SEX**

## **SECTION 6: MEN WHO PAY FOR SEX**

Women also pay for sex, as do transgenders, with male, female, and transgender sex workers. However, there has been very little exploration of this aspect of the demand side of sex work in this country, therefore this section only addresses men who pay for sex. For convenience, in this section, men who pay for sex are alternatively referred to as “clients”, i.e., clients of sex workers.

### **6.1 Men who pay for sex**

The overall tenor of *Paying the Price* is one of disgust and condemnation towards men who pay for sex; its content suggests that the Home Office is minded to increase penalties for kerbcrawling, and may advocate the Swedish approach of criminalizing the purchase of sexual services.

UKNSWP, while acknowledging that some clients are abusive and violent, does not believe that demonizing clients is a useful way to approach social policy in this area. There is also evidence that enforcement aimed at clients is unlikely to decrease demand for commercial sex, and may instead increase abuse and violence against sex workers. [See Section 5, Violence Against Sex Workers]

### **6.2 Home Office Client Questionnaire**

The Home Office Internet questionnaire for those who pay for sex is flawed in a number of ways, including

- the question about condom use fails to take into account the many kinds of sexual service which do not involve penetrative intercourse or exposure to bodily fluids, therefore this question cannot produce useful answers about clients' possible role in transmission of STIs/HIV.
- no questions are asked about motivations for paying for sex
- it is inaccessible to all clients who do not use the internet.
- it can be completed by anyone posing as a client

The last two points mean that no reliance can be placed on any results derived from this survey.

## 6.3 Clients and criminality

**6.3.1** On Page 12 of *Paying the Price*, men pay for sex are conflated with those who perpetuate criminal activities in the statement: 'going to a prostitute can mean supporting the illegal drugs industry'. This simplistic assertion ignores many facts relating to both the nature of men who buy sex and the organization of the sex industry. It is known that drugs are not prolific in the indoor markets (where most sex is purchased) and accounts from men suggest that drugs are not frequently offered or demanded.

**6.3.2.** On Page 17 'the user' is described as a 30 year old male who is married in full time employment and has NO criminal record. This suggests that men who buy sex are ordinary citizens who are upstanding members of the community in terms of employment, obeying the law and family obligations.

**6.3.3** In relation to men who pose as clients in order to attack sex workers – this is a separate issue from the wider issues of the men who buy sex, because the majority of commercial interactions do not involve any type of violence. Indeed, many male clients are actively involved in condemning violence and coercion towards sex workers. For instance, on the Punternet message board there is a link to reporting establishments to Crimestoppers as well as frequent discussions about maintaining standards amongst the sex work community.

## 6.4 Who pays for sex and why?

Targetting clients is popular with those who see sex work as intrinsically abusive to the seller, those who regard commercial sex as immoral, those who feel menaced by kerbcrawlers, and those who assert that targetting the purchasers will bring the sex industry to an end. (Kinnell, 2000, in press)

However, there is minimal public awareness of basic information about clients concerning

- the overall size of the client population
- demographic characteristics such as age, ethnicity, occupation, marital status
- patterns of paying for sex: frequency and location
- reasons for paying for sex

### 6.4.1 How many clients are there?

If a sex worker averages 20 clients a week (see May et al, 1999<sup>1</sup>, May et al, 2000, O'Neill and Campbell, 2001, Whittaker & Hart, 1996), and works for only 40 weeks of the year, she will have had 800 client contacts during that year. This is similar to estimates made by Brewer et al (2000), who calculated an annual average of 868 male partners per sex worker per year in the USA.

*A widely-accepted current estimate of the numbers of sex workers in the UK is 80,000. If their average yearly clientele was 800 each, there would be a total of 64 million commercial sex transactions in a year.*

The figure of 64 million commercial sex transactions per year, forces us to consider the likely number of clients participating in these transactions. The lower the mean annual frequency of clients' visits, the larger the whole client group has to be to account for the number of episodes of commercial sex. The 2001 Census recorded 20,393,129 males aged 15 to 79 in the whole population, so either every male in this age group must pay for sex at least three times a year, or a smaller number must do so more frequently.

Professor Liz Kelly, at the seminar on 1<sup>st</sup> November 2004 organised by the Fawcett Society, claimed that there was "evidence" that only 1% of men paid for sex in any one year. If this were the case in the UK, every client would have to pay for sex 314 times a year, or six days out of seven in every week of the year, to account for all episodes of commercial sex.

Johnson and colleagues (2001) found that 4.3% of males aged 16 to 44 reported paying for sex in the past five years. If these episodes of commercial sex were equally distributed over a five year period, the annual client population would be only 175,380, and every client would have to pay for sex every single day of the year to account for all episodes of commercial sex.

As no one assumes that every client pays for sex every day of the year, or even on six days out of seven, every single week, it is reasonable to assume that a higher proportion of men pay for sex than admit to it.

Men whose role as client is criminalized are unlikely to report their frequency of paying for sex accurately. Elliott et al (2002) reported that 82% (36/44) of kerbcrawlers in Middlesborough claimed it was their first time. Only 1% of kerbcrawlers in London (n=518) said that it was an habitual practice (Brooks-Gordon and Gelsthorpe, 2003). However, the scale of the sex industry could not possibly be sustained if most clients paid for sex so rarely.

In contrast, Shell et al (2001) reported that, amongst kerbcrawlers attending a rehabilitation programme in Southampton, participants' comments suggested that "this behaviour is habitual and often of a longstanding nature". Reports on the frequency of client visits in academic literature are scarce and variable. (See Faugier and Cranfield, 1995<sup>ii</sup>, Campbell et al 1996, Barnard et al, 1993, Morgan Thomas et al, 1990).

*The lowest estimate of overall client numbers derived from these reports of frequency of paying for sex is 11% of all males aged 15 to 79, which begs the question, should the government decide to criminalize the purchase of sexual services, what levels of law enforcement would be effective in changing the behaviour of such a large group?*

#### **6.4.2 Client characteristics**

A number of studies report on client characteristics. (See Matthews, 1986, London; Elliott et al, 2002, Middlesborough; Shell et al, 2001, Southampton; West Yorkshire Police, 1998/9; Brooks-Gordon & Gelsthorpe, 2003, London; Campbell et al, 1996, Merseyside; Faugier & Cranfield, 1995, Manchester; Barnard et al, 1993, Glasgow; Morgan Thomas et al, 1990, Edinburgh; Kinnell, 1989, 1990, Birmingham).

The more recent studies of clients all relate to kerbcrawlers, and may be affected by police selectivity regarding who is apprehended for kerbcrawling. Client responses about marital status, frequency of paying for sex and motivations for doing so, may reflect the exigencies of the criminalized situation in which these clients found themselves. They also exclude the great majority of clients who visit off-street sex workers.

### **6.4.3 Age**

Clients' ages were reported on in nine studies. Where a mean age was reported, the range was 33 to 41. However, means do not reveal the wide range of ages found. Seven out of nine studies found clients aged under 20, and eight out of nine found clients over 60. Where age distribution was reported, the pattern was similar to the age distribution of males in the 2001 census. The age profile of men found kerbcrawling was similar to men contacting sex workers in other venues, and although men over 50 were less likely to be apprehended for kerbcrawling, this maybe an effect of policing selectivity, since Wellings et al (1994) found that reporting of ever paying for sex rose through the age bands, with 10.3% of men aged 45 to 59 so reporting, compared to 4.3% overall.

Shell et al (2001) noted that the age profile of their sample was older than other offenders under the supervision of Hampshire Probation, with only 22% of kerbcrawlers being aged 18 to 26, compared to 53% of other offenders. Only 12% of the Birmingham sample were in this age group, and only 13% of the West Yorkshire sample (18-25).

*Age profiles of clients therefore suggest that they are similar to men in general, but dissimilar from male offenders.*

### **6.4.4 Area of Residence**

Clients are often regarded as "outsiders", bringing shame and disruption to otherwise respectable communities. The social psychology of communities wishing to distance themselves from disgraceful behaviour is not difficult to understand, but much of the evidence suggests that, although few clients reside in the areas of street soliciting, most are using the nearest sex market to their homes.

The above client samples in Birmingham, Merseyside, Manchester, West Yorkshire, and Finsbury Park (Matthews 1986) found that the great majority (56%-88%) were resident in the city or locality where the study took place. In Middlesborough, however, 84% kerbcrawlers lived outside the city, but the authors attribute this to the fact that Middlesborough is one of only two places in the region with a street sex market.

*It therefore appears that most clients are accessing sex workers in an area close to their homes, and that, certainly in sites not renowned for their tourism, commercial sex is not primarily a service industry to visitors from outside the region, or a form of tourist entertainment.*

#### **6.4.5 Clients' Ethnicity**

Perhaps due to the political sensitivity of the issue, few commentators have investigated ethnic characteristics amongst clients. Knox et al (1993) found that men of south Asian origin were mostly likely to report having paid for sex. Cultural and religious prohibitions on pre-marital/extra-marital sex with other community members may explain this finding.

#### **6.4.6 Clients' Occupations**

Variations in the way occupational data is reported in different studies makes comparisons very difficult. However, one common finding was that the great majority of clients were employed. Shell et al, (2002) note the contrast with "other offender groups" in contact with Hampshire Probation, only 48% of whom were employed.

#### **6.4.7 Clients' Marital Status**

Reports of clients' marital status also vary, but findings of different studies all indicate that a majority of clients do, theoretically, have sexual partners who are not sex workers.

In terms of sexual health promotion, the fact that the majority of men who pay for sex are concurrently in other types of sexual relationships, suggests that it is men in the general public that need to be educated about safe sex with several sexual partners.

#### **6.4.8 Reasons for seeking Commercial Sex**

There are common stereotypes of client motivations: the desire for "kinky" sex; absence of other sex partners, and in recent feminist literature, the assertion that clients are expressing a dominant masculine identity through gendered control of women (O'Connell-Davidson).

Other research suggests a more complex picture. Kinnell (1989 and 2005, in press) found that while 42% of clients stated that they had no other sexual partner, 25% wanted sexual experiences, usually oral sex, which they could not get from other partners. Only 10% said they paid for sex because they liked to be "in control of the situation", compared to 19% who explained their choice of commercial sex simply in terms of liking sex workers and enjoying their company. The most common reason given for paying for sex was the desire to avoid emotional involvement.

Campbell (1997) and Warr and Pyett (1999) note how men buy sex because they are lonely (usually working away), find it more difficult to form sexual or social relationships (e.g., because they are disabled, involved in caring for elderly parents etc.), seek intimacy that they do not find in conventional relationships; seek emotional support and friendship; prefer to pay for sex rather than have an adulterous affair that could result in devastating the family home.

## 6.5 Men who pay for sex, conclusions

It is not currently illegal to pay an adult for sex, and indeed the commodification of sex is not included in the Review as something that the government wants to debate or legislate on.

The information above demonstrates that men who pay for sex, far from being a tiny minority of men, are a substantial subsection of the male population, and broadly representative of it on most demographic variables. The Home Office must consider whether it is necessary or desirable to criminalize such a large proportion of the male population, when the criminal justice system already struggles to deal effectively with rapists and child abusers.

Whatever observers imagine client motivations to be, research findings indicate that clients themselves think their behaviour is largely about otherwise unmet sexual needs, which they are unable or unwilling to fulfill in emotionally significant relationships. These are the realities of the demand side that the Review has not included as fundamental to why prostitution exists. Since sexual behaviour is notoriously difficult to change, it is likely that the demand for commercial sex will persist, despite police enforcement and social disapproval.

### **Recommendation: R.14**

UKNSWP therefore recommends that the Home Office adopt policies which allow such law enforcement resources as can be made available to be focused on preventing and detecting violent crime against sex workers, rather than attempting to prevent consenting adults either buying or selling sexual services.

# **SECTION 7**

## **SEXUAL HEALTH AND MANDATORY TESTING**

## **SECTION 7: SEXUAL HEALTH, HIV PREVENTION AND MANDATORY TESTING**

### **7.1 Sexual health and HIV Prevention: summary of UKNSWP's response to *Paying the Price***

- UKNSWP is disappointed by the negative and poorly-informed comments on sexual health and HIV prevention in *Paying the Price* (Sections 5.8 to 5.14).
- There is no mention of the extensive medical and health promotion literature dating back nearly two decades on this subject, nor of the long history of outreach work to address these issues
- Unjustifiable and stigmatizing assertions are made in several sections of *Paying the Price*, relating to sex workers as supposed vectors for STI/HIV transmission to the general public.
- UKNSWP would like to see the positive contribution by sex workers to safer sex promotion acknowledged by the Home Office.
- No mention is made of the barriers sex workers may face in accessing appropriate services, nor of the negative impact law enforcement strategies can have on practice of safer sex and on delivery of sexual health services
- UKNSWP opposes mandatory sexual health checks and registration of sex workers as these measures are counter-productive and violate sex workers' human rights.

### **7.2 Sex Workers and risk of STIs and HIV**

#### **7.2.1. Stigmatizing and inaccurate statements regarding sex workers' risk of STIs/HIV**

Section 5.8 of *Paying the Price* states accurately that “*Research into the risk of HIV among women involved in prostitution has only shown higher rates where there is shared use of injecting equipment*”, but other statements portray sex workers as a threat to public health, reinforcing inaccurate and stigmatizing stereotypes of sex workers as high risk vectors for the transmission of HIV and other STIs, including sections 1.17 and 2.17.

Section 7.22 also states:

***“Every effort must be made to deter men from this activity, sending a clear message that it is seriously anti-social, that is fuels exploitation and problematic drug use, and that going to prostitutes contributes to the spread of HIV/AIDS and STIs.*”**

There is no evidence that recent increases in STIs or drugs-related infections are related to commercial sex.

Section 7.22 of *Paying the Price* continues, “*There is some evidence that local media campaigns can have some success in getting this message across. A national campaign might have even greater effect.*” This implies that the Home Office favours a media campaign asserting that “*going to prostitutes contributes to the spread of HIV/AIDS and STIs*”.

UKNSWP would like to remind the Home Office that several incidents occurred in the early years of the HIV epidemic, where people thought to be HIV positive (mainly gay men) were subjected to threats, harassment and violence, including having their homes firebombed. For two decades, only the most disreputable media organs have fomented this kind of public hysteria about minority groups. It is extremely unhelpful to see the Home Office perpetuating stigma in this way, and it is perhaps pertinent to point out that it has never been suggested that the public should be warned against sexual intercourse with people from sub-Saharan Africa, who form the largest heterosexual group amongst those who are HIV positive (Hinsliff, 2004).

**Recommendations: R.15**

R.15.1: The Home Office, government bodies and others in positions of public influence must avoid reinforcing simplistic, stigmatizing stereotypes and misconceptions which invariably increase social exclusion and reduce contact with health services..

R.15.2: No local or national media campaign should assert that “*going to prostitutes contributes to the spread of HIV/AIDS and STIs*”. Such as message is inaccurate, could heighten hostility towards sex workers and as such would be irresponsible.

R.15.3: The UK NSWP would like to see such non-evidenced based, stigmatizing statements removed from all future Home Office documents.

Section 5.8 of *Paying the Price* also mentions various sexual health concerns regarding sex workers. This section is wrongly referenced. Kinnell’s paper cited is about violence against sex workers and does not mention sexual health issues. The source for this section is a paper written by the same author (Kinnell, 1999) for the Department of Health, in the context of developing the *National Strategy for Sexual Health and HIV(NSSHH)*. This paper references a number of studies, none of which is more recent than 1999, and none of which gives comparisons with non-sex working populations. It was written for health professionals who would understand the limitations of the data presented, and should not have been used out of context, as it has been in *Paying the Price*.

Recent research (Ward et al, 2004) shows declining prevalence of STIs amongst sex workers in London between 1985 and 2002, while data collected for this response to *Paying the Price* in Birmingham shows that, over a five month period in 2004, amongst 138 women attending a sexual health clinic for sex workers, there were only six diagnoses of acute STI (Safe Project, 2004).

Section 5.13 of *Paying the Price* asserts that there are “*likely to be long term physical effects arising from repeated penetration*”. No reference is given for this assertion, and no evidence is known to support such a statement.

### **7.2.2 Sex Workers as Promoters of Safer Sexual Practices**

UK research has found high levels of reported condom use during commercial sex encounters (Ward et al, 2004). Research and experience of sex work projects shows that when sex workers are empowered to do so they will protect their own sexual health and promote safer sexual practices amongst their clients (ARHTAG, 1998).

The majority of those that pay for sex are also aware of the need for safer sexual practice. Those who do not want to practice safer sex will offer sex workers more money for this, and some sex workers who are under great financial pressure may take this risk. The effects of criminalization and law enforcement practices on increasing such pressure on sex workers, so undermining safer sex is addressed below in Section 7.4.

### **7.2.3 Sex Workers as Peer Educators**

UK NSWP feels that there is potential for developing peer education projects, building on the existing situation whereby many sex workers act as informal peer educators, passing on information to working colleagues and clients (ARHTAG, 1998). Empowerment of sex worker communities is recognized as the most effective strategy to reduce risks of STI/HIV, and to promote the reduction of exploitation, violence, and abuses associated with ‘trafficking’ (IHAA, 2004). This should be a key strategy in future programmes to raise awareness about sexual health issues in the sex industry.

### **7.2.4 Real Sexual Health Needs**

Studies of HIV infection rates amongst sex worker communities in the UK show low levels of infection. Research indicates that HIV infection amongst sex workers is particularly associated not with their commercial sex but with

- a. Injecting Drug use (sharing injecting equipment)
- b. Sex with an infected drug using non-paying partner

Reducing the risk of HIV/STIs has been associated with the use of condoms and of clean injecting equipment.

The historical and ongoing work of harm reduction outreach projects is also likely to have contributed to low rates of HIV/STIs amongst sex workers in the UK. Nevertheless, sexual health practices and service needs may vary geographically, and across different sectors of the sex industry. Local needs assessments are required to ascertain local needs. (Blakey, V & Frankland, J; 1995, Day, S, Ward, H and Perrotta, L, 1993; McKeganey, N and Barnard, M (1992 & 1996); Morgan Thomas, R (1990 & 1992); Scambler, G and Scambler, A 1995; Ward and Day, 1997, Ward et al, 2004)

**Recommendations: R.16**

R.16.1: Future government documents on sex work and related interventions should acknowledge the considerable body of UK research developed since the mid 1980s, the low levels of HIV demonstrated amongst sex workers in the UK, and the successful outreach strategies that have been adopted by health workers with this target group.

R.16.2: It is important that responsible authorities do not get complacent about low levels of HIV/STIs, since reductions in funding for services that deliver effective preventative work, will reverse past achievements in this area

### 7.2.5 Barriers to Sexual Health Services

The Home Office and others need to acknowledge documented factors inhibiting sex workers' access to sexual health services.

- Stigma and prejudice: fear of judgemental attitudes from health professionals can result in non-disclosure of sex work or drug use, so that all appropriate services may not be accessed. Others may be deterred from accessing services at all). This is especially true for those who also belong to other socially-excluded groups, such as drug users, the homeless, migrants, and the under-18s (Faugier, 1994, Campbell et al 2002)
- Poverty, drug use and homelessness: cost of travel, rigid opening hours and appointment systems can make access difficult for those affected by these problems.
- Night-time working and/or the long hours demanded in some indoor establishments may also limit access to "9-5" services.
- Lack of knowledge about free and confidential services: this may particularly affect migrant sex workers who may not have access to service information in their own language.
- Limited services available: 54% of GUM clinics are open for less than 21 hours a week (Meikle, 2004).
- Some sex workers who are controlled and/or coerced may be deterred from accessing services

- Fear of losing care and custody of children may deter sex workers, especially those who use drugs, from contact with health professionals.

### **7.2.6 Barriers to Sexual Health Services for Migrant Sex Workers**

*Paying the Price* mentions migrant sex workers solely in the context of trafficking (Section 8, Links with serious crime). No reference is made to the health needs of non-UK sex workers, who may be ineligible for many NHS services, and afraid to access others. Several UKNSWP member projects noted that migrant sex workers had specific needs which required targeted interventions and resources, particularly:

- Language and other barriers to accessing information and services.
- Fear of authorities and of deportation for illegal migrant workers.
- Lack of access to termination and other non-STI health care services

One London project reported that sex workers with irregular immigration status were,

*the most hard to reach women . . . . They are hidden in the sex industry and may be going without important health checks for fear of deportation”*

*Having spoken to these women . . . (they) want a non – judgmental confidential service open to the needs of women from different ethnic and cultural backgrounds. So far these needs are not being met*

Assertions are often made that migrant or “trafficked” sex workers are coerced into unsafe sex with customers. However, the most comprehensive recent assessment of sexual health amongst sex workers in London (Ward *et al*, 2004) shows a significant *decrease* of STIs amongst sex workers between 1985 and 2002, despite the rise in numbers of non-UK sex workers over this period.

### **7.2.7 Barriers Safer Sex Practice**

Whilst most sex workers are knowledgeable and conscientious about safer sex practice, there are a number of factors which may disempower them and increase the possibility of “risky” practices:

- Pressure to maximize earnings: problematic drug use, pressure from coercers, the need to pay debts or fines, may make sex workers less resistant to offers of extra money for unsafe sex.
- Lack of up to date, accurate and comprehensible information about sexual health: this may be exacerbated for sex workers for whom English is not their first language.
- Lack of access to condoms: particularly difficult for those who are poor and whose earnings from sex work are committed to drug use or debts.
- Physical and sexual assault when “risky practices” are imposed on the sex worker

- Criminalization and law enforcement practices, see below.

### 7.2.8 Sexual Health Promotion for Men

Some of our members felt an important way of educating men who pay for sex and protecting sex workers involved wider changes in the sexual health awareness and behaviour of the wider population.

In the light of research indicating enduring pressures from clients for unsafe sex and enduring violence against street workers, a number of researchers have suggested interventions with clients which address issues of respect for prostitutes and prostitutes' rights (e.g. McCullagh 1998).

### 7.3 GUM Services and the National Sexual Health Strategy

UK NSWP is concerned that *Paying the Price* gives an over-optimistic picture of sexual health services in the UK, and does not acknowledge the many barriers that make services inaccessible to many sex workers.

Section 5.10 of *Paying the Price*, notes that the *National Strategy for Sexual Health and HIV(NSSHH)* identifies sex workers as a target group for HIV/STI prevention services. NSSHH also states that there is “*a clear relationship between sexual ill health, poverty and social exclusion*”, a relationship that *Paying the Price* singularly fails to highlight.

However, there is very little in the NSSHH that refers specifically to the needs of sex workers, or to existing or potential difficulties in providing accessible services to them. Nowhere is there a paragraph outlining the nature of the problem, nor how Commissioners and responsible Trusts might respond. Also, the *NSSHH Implementation & Action Plan* (Department of Health, June 2002), makes no mention of sex workers at all: the section referring to *Prevention for groups at special risk*, (Action Plan, item 12) excludes sex workers.

Section 5.10 of *Paying the Price* also refers to government investment of “*over £35 million invested in improved access to specialist STI clinics*”. UK NSWP members report that many STI clinics are seriously over-stretched; open access clinics, specialist sessions and fast track arrangement for sex workers have been discontinued, and waiting times for appointments can be up to 6 weeks. In view of this crisis situation, the amount of extra funding referred to above appears woefully inadequate.

One UKNSWP member project comments:

*“GU services are not easily accessible, due to long waits and limited times when the clinic can take phone calls (9-11 a.m.). This reduces the likelihood that many of the people who are most likely to engage in higher risk sexual activities (i.e. people with substance misuse problems) will have difficulty in arranging or attending appointments. Many smaller towns do not have GU services”.*

The National AIDS Trust has also highlighted the UK government's failures to comply with the UNGASS Declaration of Commitment on HIV/AIDS (NAT, 2004) regarding vulnerable groups, including sex workers.

### 7.3.1: Teenage pregnancy

Section 5.12 of *Paying the Price* states, "*Tackling teenage pregnancy is central to the Government's work to prevent health inequalities, child poverty and social exclusion.*"-

Unfortunately, some areas are spending sexual health funding only on teenage pregnancy and ignoring other issues. Also only a minority of sex workers are teenagers, focusing resources on this age group excludes the great majority of sex workers.

#### **Recommendation: R.17**

Sex workers should be identified as a group in need of targeted sexual health information and HIV/STI prevention in ALL National Sexual Health Strategy documents, in recognition of their particular sexual health services needs and the impact of *social exclusion and stigma on their use of services*.

## 7.4 Law Enforcement, Policing and Sexual Health Promotion

Criminalization and law enforcement practices, including the use of ASBOs, and raids on indoor premises, undermine the effectiveness of sexual health promotion. (Campbell and Hancock, 1998). Sex workers respond to these police actions by changing their working places or times, thus disrupting contact between agencies and sex workers and blocking sex workers' access to free condoms and health information. Vital treatment regimes may also be interrupted. The Home Office should be aware, for example, that **someone suffering from early syphilis needs daily treatment for up to three weeks**. If this treatment regime is interrupted, the patient quickly becomes infectious again. Combined with lack of access to condoms, this situation presents severe public health risks.

In some areas sexual health objectives have been subordinated to other agendas. Birmingham is a case in point: opposition from local communities has curtailed on-street sexual health work, to the extent that no condom distribution can take place during street outreach.

Also, contact through street outreach is the most important method of attracting street workers into other services. In 1999/2000, before community opposition was allowed to dictate outreach practice in Birmingham, 30% of attenders at the project's clinic were street workers. Over a five month period during 2004, under 6% were street workers (Safe Project, 2004).

Other conflicts between law-enforcement and public health are:

- Anti-kerbcrawling initiatives reduce sex workers' clientele, increasing the pressure on sex workers to accept offers of higher payment for unsafe sex. (Wilcock, 1998, McCullagh, 1998, Campbell and Storr, 2001)
- Police interference with and harassment of health workers. In recent incidents police have threatened those who supply condoms and health advice, at both street and indoor venues, with charges of "controlling prostitution". This is intimidation, not based on law, and should be stopped.
- Condoms and sex worker-specific literature are still used as criminal evidence by some police forces. As a direct result, some sex workers are reluctant to take more than a small number of condoms from outreach workers. This is clearly counter-productive to public health and should be stopped.
- Incidents are reported of police vehicles or officers on foot locating themselves very close to outreach vehicles or drop-in premises, thus deterring sex workers from access to services and safer sex supplies.

These points demonstrate the need for ongoing liaison between the police and health agencies, to attempt to balance conflicting law enforcement agendas with public health requirements. Some projects have negotiated local agreements with police, e.g. that condoms will not be used as evidence, that officers will be sensitive to service delivery and not interfere with outreach or drop-in services. These efforts should be applauded, and recommended in statutory guidance to the police.

**Recommendations: R.18**

R.18.1: Policies which have undermined the sexual health aspect of outreach work (e.g., dominance of criminal justice agendas, lack of funding for sexual health work), and have reduced contact between sex workers and outreach projects, need to be reversed, rather than having fingers of blame pointed either at sex workers or their clients, regarding HIV/STIs.

R.18.2: UK NSWP recommends detailed guidance for police regarding the policing of sex work, (see Appendix 3) to promote sensitive, collaborative working with outreach and support projects. Training for police officers regarding the sexual health and other service needs of street sex workers and the role of projects is also required.

## 7.5 Mandatory Health Checks and Registration

*Paying the Price*, asks; “Would registration help safeguard public health?” In short, no since, as *Paying the Price* itself states;

### **Opposition to Registration and Mandatory Testing**

The UK NSWP opposes both registration of sex workers and mandatory health checks because:

- Many sex workers would avoid registration, to preserve their anonymity, and because of concerns over who would have access to the information.
- Registration would exclude those most in need of contact with helping agencies - drug users, the very young, those being exploited and abused, and those without permission to work in this country. A two-tier system would result: unregistered illegal workers would avoid services that might report them to the police or other authority. This occurs in countries where there is a registration scheme, e.g. Greece, where the majority of sex workers are not registered.
- Registration and mandatory screening reinforce stigmatizing views of sex workers as a “threat” to public health, who need to be forced to register and submit themselves for testing.
- Sex workers’ needs for sexual health care vary enormously. Many never have penetrative sex. Many never physically touch their customers. Many are proficient and conscientious condom-users. Many have regular check-ups without any compulsion. It is unnecessary and insulting to demand policing of their sexual health.
- Mandatory testing has no preventative value. A clean bill of health from the clinic will be meaningless after the first episode of unprotected sex. Unless all clients are also compulsorily tested before being allowed to have sex with sex workers, there is no point in imposing tests on the sex workers.
- Mandatory testing undermines the incentive for clients to use condoms - arising out of the wholly inaccurate assumption that it is only sex workers who can transmit infections to clients. Reliance on cleanliness labels reduces compliance with condom use and other safer sex routines.
- Such systems fail to address much wider sexual health matters of relevance to sex workers

*“Mandatory testing produces a two-tier system of registered and non-registered prostitutes, with the latter having very limited access to healthcare”*

The group of experts on prostitution drawn from across Europe to produce guidance for delivering health services for sex workers were unanimous in their opposition to mandatory testing and point to the following problems;

*“Mandatory testing quickly leads to an administrative struggle, with circulating false certificates, bribery of doctors etc. Many sex workers will be tested for no reason, taking away health resources. Temporal removal of sex workers with a positive test from the work place without compensation will drive sex workers underground. But most importantly mandatory testing takes away responsibility from the individual to decide what is best for his or her health” (Europap, 2003)*

Paying the Price itself notes;

*“There is some evidence that voluntary and confidential testing, provided that it is offered in an accessible way, can be the most effective way to safeguard public health”*

We argue that all the good practice guidance relating to sexual health and sex work produced by credible medical, health and social researchers is opposed to mandatory screening for sexual health and stresses the importance of voluntary access.

## **7.6 Proposals to criminalize men who pay for sex**

Legislation involving outlawing the payment of sex is likely to decrease the likelihood of those paying for sex accessing sexual health services or getting the information and advice that they need. Criminalisation would mean men would be even more secretive about their commercial sexual activity and more wary of discussing their sexual health needs with health professionals. (See section 6, Men who pay for sex)

## **7.7 Inaccuracies Regarding Legalized Systems and Sexual Health**

Section 9.15 of Paying the Price states that

*“License conditions commonly require mandatory health checks and the promotion of safe sex and condom use”*

This is misleading. Licensing systems for sex work premises do not have to include mandatory testing. The Netherlands has brothel licensing, but does NOT require mandatory health checks. Instead Dutch policy supports well resourced mainstream and targeted, community based, sexual health services.

Section 9.23 of Paying the Price comments that;

*“in New South Wales the Chief Health Officer found that gonorrhoea among men had increased substantially since 1985 when this system was introduced. This was concluded to be a clear indicator of risky sexual behaviour.”*

Rates of gonorrhoea have been rising all over the world, including here, where we have no legal brothels to blame. Australian researchers at Monash University, Melbourne, found that sex workers in legal brothels had far lower rates of STIs than amongst street workers who are still criminalized.

*“ the prevalence of sexually transmitted bacterial infections was 80 times greater in 63 illegal street prostitutes than in 753 of their legal brothel counterparts. All the illegal street prostitutes with infections were in the group who had not been screened for infections in the past 3 months, whereas none of those screened in the last 3 months were infected.” (Loff et al, 2000)*

Specialist sexual health services for sex workers are vital and should be adequately resourced. They should not be provided in response to a discourse of "contamination" and infection but as part of a discourse of "equity" that recognises the enduring cultural and legal barriers to accessing appropriate health and other services (Campbell, Van Nooijen and Young, 2002). Fully equitable access to appropriate sexual health care will only be possible with ongoing challenges to stigma and the legal management of the sex industry, within a labour rights model.

## **7.8 Good Practice**

*Paying the Price asks, What needs to be done to raise the awareness of sexual health among those involved in prostitution, including those who buy sex?*

In addition to the recommendations made above, UKNSWP draws the attention of the Home Office to existing evidence-based guidance on effective strategies for raising awareness about sexual health amongst sex workers and their clients, and for the provision of targeted services.

- Hustling for Health: developing services for sex workers in Europe, European Network for HIV/STD Prevention in Prostitution (EUROPAP) (1998), available at <[www.europap.net](http://www.europap.net)>
- Practical Guidelines for Delivering Health Services to Sex Workers EUROPAP (2003), EUROPAP, European Commission DVG, available at <[www.europap.net](http://www.europap.net)>
- Making Sex Work Safe AHRTAG (1997), London, ARHTAG/Network of Sex Work Projects, available at [www.nswp.org](http://www.nswp.org)
- World Health Organisation (2004) Sex Work Toolkit: Targeted HIV/AIDS Prevention and Care in Sex Work Settings, WHO.  
<http://who.arvkit.net/sw/en/index.jsp>

**Recommendations: R.19**

R.19.1: The HO and DOH should acknowledge and promote existing good practice guidelines for the provision of quality, accessible sexual health services for sex workers.

R.19.2: Government need to provide adequate resourcing to allow implementation of this guidance

**Summary**

In summary we argue the following are critical in meeting sexual health need of sex workers;

- Decriminalization of indoor venues and the establishment of managed zones for street workers, to make the open promotion of safer sex and condom use easier, improving contact between sex workers and health workers.
- Challenging stigma and prejudice against sex workers, so they feel more comfortable accessing services
- Making mainstream services more accessible, through open access appointments and fast track arrangements, training for health professionals and partnership initiatives with sex work projects.
- Adequate support and funding for services providing targeted community based sexual health promotion, advice and harm minimization information, including through outreach clinical services, to all sectors of the sex industry.
- Targeted sexual health promotion initiatives aimed at men who pay for sex, which are non-judgemental and do not “demonize” them. Peer education through sex workers

**SECTION 8**

**SUPPORT SERVICES FOR SEX  
WORKERS**

## **SECTION 8: SUPPORT SERVICES FOR SEX WORKERS**

### **8.1 Good Practice Guidance and Home Office Publications**

There is existing good practice guidance for the provision of services for sex workers, and much expertise amongst established sex work projects to learn from. Evidence based reports documenting good practice principles include,

- (1993) “Services For Sex Workers”, National AIDS Manual
- (1997) Making Sex Work Safe, Network of Sex Work Projects/Arthtag
- (1998) Hustling for Health: developing services for sex workers in Europe, EUROPAP
- (2003) Practical Guidelines for Delivering Health Services to Sex Workers, EUROPAP
- 2004 Solutions and Strategies: drug problems and street sex markets, May, T and Hunter, G, Home Office
- 2004 Tackling Street Prostitution: towards an Holistic Approach, Hester, M and Westmarland, N, Home Office

The good practice principles that emerge from these documents are the need for ;

- Harm minimization
- Practical support
- Holistic approach & services
- Needs assessment and needs based interventions
- Service user consultation & involvement
- Peer education strategies
- Accessible and flexible services
- Community-based approach and provision
- Flexible outreach strategies
- Non-judgmental approach
- Adequate resourcing
- Multi-agency working
- Recognising diverse and special needs

#### **8.1.1 Endorsing Home Office Recommendations**

UKNSWP endorses many of the recommendations of recent Home Office publications addressing the service needs of street sex workers. (Hunter and May, 2004; Hester and Westmarland, 2004).

These documents both recognise the need for

- sustained funding for interventions with sex workers
- harm reduction interventions
- outreach and drop-in facilities
- safe emergency accommodation
- action to prevent violence against sex workers
- fast-tracking into drugs treatment and rehabilitation
- addressing problems of drug dependence and homelessness as an essential prerequisite of major lifestyle changes including exiting from the sex industry

## 8.2 Recognising Diverse Service Needs

UKNSWP welcomes all the above recommendations. However, both *Solutions and Strategies*, and *Tackling Street Prostitution*, like *Paying the Price*, focus almost exclusively on female street sex workers who are drug-dependent, and have little or nothing to say about sexual health issues, male and transgender sex workers, sex workers who are not drug-dependent, those who do not work on the streets, or those who do not wish to leave the sex industry.

Projects and agencies engaging with a diverse range of sex workers should recognise and respect that diversity. Male, female and transgender sex workers may have significantly differing needs, as may outdoor and indoor workers. Individual sex workers have different reasons for entering the industry and differing experiences within it. Some, but not all suffer problematic drug use, which is more often an issue for outdoor than indoor sex workers. (McKeganey and Barnard, 1996; O'Neill, 1997; Ward and Day, 1997; Sanders, 2004; Cusick *et al*, 2003).

Sex workers should be seen as individuals, not categorised merely as 'sex worker', 'drug user' or other label. Focusing on one particular issue, such as drug prevention or exiting, will deter some from accessing support projects, while not all venues will be appropriate for all clients: Ward and Day (1997) cite examples of women being averse to attending a 'drop-in' because of their fear of being categorised as one of a group of sex workers. Thus it is important that services take a holistic approach, offering a range of services to cater for differences between sex workers. (National AIDS Manual, 1993; Ward and Day, 1997; Pitcher and Aris, 2003)

### 8.3 Drug Support and Treatment

The UK NSWP contributed to the development of *Solutions of Strategies* (Home Office, 2004), and endorses many of the support options/guidance outlined, including:

- Making mainstream drugs services more accessible
- Resourcing and funding accessible, targeted harm minimization and drug treatment initiatives for street sex workers.

A number of interventions taking drug treatment and support out of mainstream services and into sex work projects are proving successful. Some of these involve a low threshold prescribing service e.g. SAFE Project (Birmingham), Streetreach (Doncaster), STASH (Manchester), Base 75 (Glasgow). We would like to see these good practice models replicated elsewhere.

*“Not only do we provide a sexual health service but along side this we provide a methadone service based on a harm reduction model. . . . One of its aims is to reduce the amount of use of heroin therefore reduce the amount of sex work the client has to do in order to fund their habit. This in return reduces the amount of times they put themselves not only at physical risk by standing out on the street and getting into unknown punters cars but also from receiving an ASBO . . . therefore becoming another statistic in the criminal justice system”*

Some areas are increasingly linking support interventions to offending behaviour, via CJIP and now Drugs Intervention Programmes (DIP). Whilst this does present an opportunity for linking street sex workers to services, we believe that

- Interventions need to be realistic about the time needed to engage with services, the possibility of relapse and the level of support needed
- Drug treatment, access to support and exit programmes should be based on a voluntary and non coerced relationship

Much can be learned from existing “voluntary” arrest referral and court diversion schemes, such as the models at MASH and SWISH, to break the offending cycle and give street workers the opportunity to access available services. (Pitcher and Aris, 2004)

## 8.4 Arrest Referral and Court Diversion Schemes

Women arrested for offences related to street prostitution have been habitually forced back on the street to pay the fines imposed. In response to this “revolving door syndrome”, an increasing number of projects are now providing arrest referral or court diversion schemes, in liaison with criminal justice and other agencies. In Manchester and Coventry, women arrested for loitering or soliciting are bailed to appear in court on specific days when workers from support projects are in attendance. They are then given the option of engaging with the project and referral on to partner agencies, in place of a fine. Instead of punitive law enforcement, this approach begins to address the many problems street sex workers commonly face.

However, it must be recognised that any lifestyle changes will be a longer-term process. In the evaluation of a similar project, the Capital Care Project in London’s King’s Cross, it was noted that such projects need a longer time period to win the trust of their client group, such that the authors were ‘not surprised that there should be very limited changes in the early months’ (May *et al*, 2001).

## 8.5 Informed Choices and “Exiting”

*Paying the Price* places great emphasis on support for those who wish to leave sex work. UK NSWP supports exiting interventions, indeed, many sex work projects have always attempted to support both those who wish to leave and those staying in the industry. The extent to which they can do this has often been limited by resourcing.

Sex work projects play an important role in supporting sex workers in addressing problems and assisting them make informed choices. Without focusing exclusively on exiting, a holistic, client-centred approach may enable sex workers to make lifestyle changes. For example, the SWISH project in Coventry, recorded ten clients as having exited in two years (Aris and Pitcher, 2004).

UK NSWP does not think it necessary to have “exit” projects separate from services providing harm minimisation, crisis intervention and general support to sex workers. Many projects who have supported women to exit sex work also provide wider support. Services can provide separate spaces and initiatives for clients with different needs. A seamless, holistic service has the advantages of being known to clients and available when they are in crisis, fewer referral points - where people can get “lost”, ensures ongoing contact, relationships and trust, and allows expertise to be developed within projects.

UKNSWP members made a number of points relating to exiting;

- It is misleading to assume that all sex workers wish to exit, or are at point where they feel empowered to do so.
- Prior engagement and a relationship of trust needs to be built up, before any exiting process can begin.

- Exiting can be a long process, which requires ongoing, holistic support to address a range of needs, including harm minimisation, crisis intervention and general support work, all tailored to sex workers' individual needs..
- Commissioners need to be realistic about this process and timescale Projects require the capacity to provide the intensive support that may be needed to support people
- Access to drug treatment is of critical importance for many street workers. Funding must be available for this, including residential care if required.
- Housing is also critical, so that sex workers have a safe base from which they can make lifestyle changes.

### 8.5.1 Limitations of 'Exiting'

UKNSWP supports exiting programmes, but the success of these projects should not be judged on reductions in sex work. The structural causes of prostitution are not addressed by these projects. Just as drug treatment programmes serving individuals can not reduce the prevalence of drug use, so prostitution intervention programmes can not reduce the prevalence of sex work.

## 8.6 Homelessness and Housing Difficulties

*"Many were homeless or had very unstable housing arrangements. This lack of housing and the lack of adequate housing away from the locality where they are known as sex workers/drug users and away from the control of partners/pimps further complicates their ability to take advantage of services offered by the project."* Pitcher and Aris, 2003)

UK NSWP endorses the emphasis of *Paying the Price* on sex workers' housing needs. The experience of projects and research in the UK confirms that a high proportion of street sex workers are homeless, in temporary hostel accommodation, in prison, or encounter other accommodation difficulties. (Stewart, 2000, May, Edmunds and Hough, 1999, May, Harocopos, 2001, Shelter, 2004)

*"If we as support agencies are to help women who have suffered some of the most horrific upbringings then we need adequate accommodation as part of the package for them. This seems to be the missing link here". (Project Worker)*

Homelessness, whether rough sleeping, "couch surfing" or staying with clients, heightens vulnerability to exploitation and violence. It makes it difficult for people to be in a safe and stable place physically and emotionally, and is a major destabilising factor for women in street sex work. It is a barrier, to addressing many problems and accessing services; for example;

- access social security benefits
- access to health, drugs and GP services

- access to education and training
- notification of appointments
- maintaining contact with services
- undermining motivation, emotional well-being and self-esteem

Outreach in soliciting areas is usually the only way health workers can make contact, but finding people homeless on the street and not being able to find crisis accommodation for them is very frustrating. Homeless sex workers have basic needs to be met: food, warmth, showering, clean clothing, which support services need the resources to provide.

Sex work projects have identified serious gaps in appropriate housing for their clients, and experience regular difficulties in finding suitable or any accommodation for them. The difficulties associated with housing for sex workers identified by projects included the following:

- Women or men who are “staying with someone” are often turned down for emergency housing on the grounds that they have been “managing until now”. In practice this often involves being pressurised into providing sex in exchange for accommodation.
- In hostels, sex workers may be approached by other residents/ tenants and offered money/ drugs in exchange for sex. Sex workers are often barred from hostels having broken hostel rules and regulations: e.g. curfews
- Supported housing provision often requires a degree of stability regarding drug use, and a commitment to exiting sex work, so does not address the early stages in this process. *“Unfortunately (it) is a very slow process and many women need a lot of support to reach this stage. It is disempowering not only to project workers but also to clients who try so hard but cannot access adequate housing where they can stabilize”.*
- Private rented sector accommodation is often of a poor standard, and in areas where they are known as drug users or sex workers. This identification can lead to harassment from others in the neighbourhood, even when the tenant is not causing nuisance to the neighbourhood or demonstrating anti-social behaviour
- Secure tenancies with social landlords or local authority providers are often disrupted by domestic violence or imprisonment.
- Sex workers are often barred from local authority accommodation due to rent arrears, and when accused of using the premises for sex work.
- Social landlords and supported housing schemes routinely bar drug users. As well as these formal bars, some services have an informal policy of not housing street sex workers regardless of their drug using status..
- lack of suitable options for sex working women with children

- lack of suitable crisis housing/hostel accommodation for young men selling sex and generally not enough suitable housing provision for lesbians and gay people and even less for trans people.
- age restrictions on some accommodation: *“ in our city . . . the percentage of accommodation for women is much lower than it is for men. . . . we have one twelve bedded fully supported house for women. . . . Unfortunately this falls short by a large margin for what is needed.. Although the unit is extremely well run, catering for just about all women’s needs it only houses over 25’s and . . . is the only one of its kind”*

NB. Most projects were referring to female street sex work but one project worked with male sex workers. (Campbell, 2004; Safe Project, 2004; Pitcher and Aris, 2003)

### **8.6.1 Need to Address a Range of Accommodation Needs**

Projects identified three levels of accommodation need;

- crisis accommodation: literally a bed for a night or a temporary short term period
- Supported housing for those who accessing drug treatment/attempting to stabilize
- Supported housing for people who are trying to leave sex work

A number of initiatives have been established to address sex workers’ accommodation needs, although all projects felt that these are small steps and there remains a huge unaddressed need. (Campbell, 2004)

Safe, Birmingham, have for some years worked very closely with the homeless outreach team. Joint outreach is carried out and the housing officer can place homeless women in emergency accommodation. The project has a service level agreement with the City Council to refer up to five women a month for housing (Shelter, 2004, Safe Project, 2004).

Streetreach, Doncaster, felt they had relatively good provision for young people, borne out of sustained partnership work, including accessible safe housing for both under 16s and under 25’s and a supported lodgings scheme. For adults Streetreach work with local housing providers to support clients in tenancies, and also mediate if any aspect of the contract is being broken. Streetreach also offers family support as well as client support, when clients who have come off drugs are living back at home

SWANN Project: Northampton, NEST Initiative (Now exiting the sex trade): The Office of the Deputy Prime Minister are to fund a scheme to provide accommodation for sex workers, funding a full time housing support worker and a housing association rented property. There will be two emergency beds for homeless sex workers to allow access into more permanent accommodation, and supported accommodation for a sex worker who is in treatment and who wants to exit. The Home Office will evaluate the project.

A recent Shelter report (Shelter, 2004) profiles the Safe Project initiative mentioned above, The Well (Alabare, Bristol), and two St. Mungo's projects in London. It highlights the need for, and shortage of, a range of short and long term accommodation, confirms many of the housing problems reported by projects, and points out how homelessness contributes to serious health problems, mental distress, and vulnerability to violence. It found that enforcement can make it more difficult for street sex workers to access projects who can help them with their housing needs and exiting.

#### **Recommendations: R.20**

- There is a need for considerable resourcing of a range of housing options for sex workers. It is vital that all levels of housing need are addressed and funded.
- There a few housing initiatives for street sex workers from which lessons about appropriate provision and can be learned
- Mainstream funding programmes such as Supporting People should be part of partnerships addressing sex work and consider ways of supporting the development of appropriate accommodation for current and former sex workers
- Mainstream providers need to review how their services meet the needs of sex workers and proactively liaise with specialist sex work services.
- Current sex workers or men and women with a history of sex work should be in the "priority need" category for housing

#### **8.6.2 Other housing needs**

Not all sex workers face such housing problems and such a degree of exclusion and economic disadvantage, but have other difficulties relating to housing, arising out of the stigma of sex work. Some projects report sex workers who have difficulties applying for a mortgage because they are reluctant to reveal their occupation and source of income.

#### **8.7 Domestic Violence, Refuge Accommodation/Support and Safe Houses**

Sex work projects have difficulty placing sex workers in refuges, due to their "sex working" or drug using status. Many hostels will only accommodate one or two women with problematic drug misuse at any one time; some may not accommodate drug users at all. This is demonstrated by the following comments;

*"It is also very important for woman's refuges to have the same sort of training as police need. Victims first and foremost not prostitutes, that is their job not their name!. I know of three working woman who didn't get help from woman's aid because of their profession!"*  
(Outreach Worker, London)

There are exceptions, with some projects identifying more positive responses and good joint working with refuges e.g. The Haven in Wolverhampton.

Projects have also identified the lack of an appropriate network of “safe houses” for sex workers who wish to get away from a violent partner, “coercer” or other crisis situation. Such accommodation should not be tied to exiting, but provide a safe place for women in crisis. They could present an opportunity to offer support, assess client need and provide customized packages of care and referral.

**Recommendations: R.21**

- Provide adequate resourcing to domestic violence support services
- Require mainstream providers to raise awareness amongst staff about the needs of sex workers and provide more accessible services for this client group
- Fund specialist provisions for sex workers
- Review current safe house accommodation, identify quality, range and accessibility of available and develop/resource an adequate network of services providing appropriate accommodation

## **8.8 Services for Migrant Sex Workers**

Services which provide support and safe accommodation for coerced migrant sex workers should be expanded. The London based Poppy Project is often full and projects then have difficulties finding safe accommodation with appropriate support. The criteria that a women must agree to inform on traffickers in order to remain at the Poppy Project has to be changed. Any new services for people who have been trafficked should not have such criteria attached.

Money confiscated from trafficking gangs should be channelled to support projects and to retrain women before they go home, as they will often return while poverty and no choices continue to characterize their home countries.

Projects working with migrant sex workers use a number of strategies to address their needs, such as; information leaflets in a range of languages, insuring interpreters are accessible at clinics (e.g. CLASH clinic, SHOC and Praed Street). A new initiative is the development of “a communicator” by the Open Doors Project. These have been developed internally with little additional resourcing. The TAMPEP network have disseminated good practice for working with migrants.

**Recommendation: R.22**

The government need to ensure adequate resourcing for specialist provisions to enable projects to address migrant sex workers needs.

## 8.9 Mental Health Needs and Appropriate Counselling

Member projects felt that their was a lack of detail in *Paying the Price* about sex workers' mental health support needs, which can be varied and complex. Projects report that the issue of dual diagnosis means that the mental health needs for some with problematic drug misuse often go unaddressed, with neither drug treatment or mental health services taking responsibility or offering appropriate care.

Other sex workers may not need support from mental health services, but require access to counselling in sex worker friendly settings, to deal with a wide range of personal issues, such as the loss of children into care, family break down, loss of a partner, or childhood sexual abuse. Several members noted the particular impact of the loss of a child into care.

Member projects also stressed that many sex workers do not suffer mental distress, and that for many, selling sex did not itself create mental health needs. One experienced project worker draws out these differences;

*“The majority of women who access our service are mentally stable with no greater depression or other problems than your local housewife. There are those who show clear signs of low self-esteem and self worth. I don't feel that sex work alone should be highlighted as the major cause of this. Yes it can for some be a contributing factor but when you consider that a woman may have been though the care system, been abused throughout her life both sexually, mentally, physically and, or has experienced post traumatic stress. All of this BEFORE she became a sex worker, then no wonder she has low self esteem”*

**Recommendations. R.23**

- Mainstream mental health services should provide appropriate assessment and care
- Resourcing is needed for specialist counselling provisions within sex work support services, employing counsellors who were non-judgmental in relation to sex work and who do not “pathologize” sex work itself.
- Access to ongoing counselling and support for people who have left sex work
- Preventative initiatives to support street sex workers who are pregnant, parenting support and support to people who lose children into care

## 8.10 Addressing Stigma

The difficulties for delivering services to sex workers in a context of stigma, social exclusion and criminalisation have been referred to above, but addressing stigma is also vital to enable sex workers to work in other sectors of the labour market without facing prejudice. In the context of criminal records, sex work related offences should not be an automatic barrier to doing social care work, for example.

### **Recommendations: R.24**

R.24.1: The government need to consider how any policy and legislative developments which maintain stigma and criminalisation will impact on sex workers' health, safety, and human rights, as well as on effective service delivery

R.24.2: Support projects should be seen to be independent of mainstream services, especially criminal justice agencies, even if they are funded by or have links with those services.

R.24.3: There is a need for clarification and guidance form the Home Office regarding criminal records procedures and prior convictions for sex work related offences. It appears that it may be at the point of police checks, rather than at the Criminal Records Bureau, that soliciting offences are categorised as "sex offences".

## 8.11 Funding for Support Services

Funding for many projects tends to be limited, short-term and tied to particular services, such as sexual health or drug treatment. For the majority, funding is not mainstreamed. These limited, inflexible and intermittent resourcing patterns present great challenges to agencies tasked with providing interventions that can only be successful if they are sustained over the long term. (Campbell, 2004)

There are big variations in the level of support funded across England and Wales. In some areas with street sex work there is no dedicated service for sex workers; in many areas there is no outreach or support for the off street sex industry or targeted work with male sex workers.

Many sex workers have had negative experiences of public agencies and fear discrimination if they reveal details of their lifestyle. It is thus important for support projects to be seen as independent from mainstream services, even if they are funded by or have links with those services. (Ward and Day, 1997; Pitcher and Aris, 2003; Pitcher, *forthcoming*)

**Recommendations: R.25**

R.25.1: For projects to deliver services successfully and assist a maximum number of clients, the need for sustained and adequate funding must be recognised.

R.25.2: Services for sex workers must be provided in all areas, and address the patterns of sex work in those areas.

R.25.3: While criminalization and stigma persist, services for sex workers need a degree of independence from statutory agencies, to win the trust of sex workers.

R.25.4: We hope that the government will identify new funding to deliver adequate services.

## **8.12 Sharing Good Practice and Supporting Networking**

The UKNSWP is an independent voluntary organisations which aims to facilitate networking and share good practice in service provision for sex workers. The work of the network is sustained purely by funding from membership affiliations and the voluntary efforts of members. We feel this is valuable work. The government should identify ways of supporting existing networks such as UKNSWP and the National Working Group on Young People Sexual Exploitation in relation to under 18s, while respecting their independent role.

# **SECTION 9**

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## **9. BIBLIOGRAPHY**

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# 10. APPENDICES

# **APPENDIX 1**

## **UK NSWP**

### **BOARD MEMBERS**

**2004-2005**

## **UK NSWP BOARD MEMBERS 2004-2005**

- Rosie Campbell, Chair (Associate Member, Volunteer with , Armistead/Portside, Liverpool and Trustee, Manchester Action on Street Health)
- Michelle Farley, Vice Chair (Manager, Sexual Health On Call, Haringey, Barnett & Enfield)
- Ruth Morgan Thomas, Secretary (Manager, Scot-PEP, Edinburgh)
- Graham Dobkin, Treasurer (Director, Manchester Action on Street Health)
- Linda Cusick, Academic representative (Associate Member, Imperial College)
- Ciaran McKinney, IUSW/GMB Link (Manager, SW5, London)
- Jenny Pearce, National Network of Young People and Sexual Exploitation Representative (Associate Member, Middlesex University)
- Hilary Kinnell (Associate Member and former UKNSWP and Europap-UK Co-ordinator)
- Trudy Hannington (Manager, Streetreach, Doncaster)

The Network liaises with the GMB International Union of Sex Workers, the IUSW has been represented on the Board of the Network.

# **APPENDIX 2**

## **UK NSWP**

### **MEMBERSHIP LIST 2004-2005**

## Membership of UK NSWP, November 2004

Area	Project
Aberdeen	Aberdeen Drug Action
Birkenhead	Response
Bournemouth	Dorset Working Women's Project
Birmingham	Safe Project
Birmingham	Anawim
Bradford	Bradford Working Women's Project
Bradford	Yorkshire MESMAC Blast Project
Brighton	Oasis
Bristol	Bristol Drugs Service
Bristol	Second Step
Bristol	THT West
Coventry	SWISH
Coventry	THT Midlands
Crewe	South Cheshire Drugs Service
Deeside	Harm Reduction Team
Derby	The Edge Project
Doncaster	Streetreach
Edinburgh	Scot-PEP
East Elmbridge & Mid Surrey	Health Promotion
Exeter	Positive Action South West
Grimsby & Scunthorpe	SHAPE
Gravesend & Rochester	Grand & Isis Projects
Hillingdon	Bodytime
Hull	SHADOW
Hull	Cornerhouse
Ipswich	East Suffolk CDT
Leeds	Genesis
Leicester	New Futures/WHIP
Liverpool	Portside Projects
Liverpool	Armistead Project/Safe in the City
Luton	Luton Drug & Alcohol agency
Manchester	Manchester Action on Street Health
Manchester	Safe in the City
Manchester	Community Midwifery Service
Middlesborough	SECOS
Newcastle-on-Tyne	Streetwise
Northampton	Maple Access Practice
Northampton	SWAN Partnership

<b>Norwich</b>	<b>Matrix</b>
<b>Nottingham</b>	<b>POW!</b>
<b>Oldham</b>	<b>Phoenix Sexual Health Centre</b>
<b>Preston</b>	<b>Foxton Centre</b>
<b>Reading</b>	<b>Project SASHA</b>
<b>Rochdale</b>	<b>SWAP</b>
<b>Salford &amp; Trafford</b>	<b>STASH</b>
<b>Sheffield</b>	<b>SWWOPP</b>
<b>Southampton</b>	<b>Working Women's Project</b>
<b>Southend</b>	<b>THT East</b>
<b>Stoke-on-Trent</b>	<b>The Women's Project</b>
<b>Surrey, West</b>	<b>Health Promotion Outreach Team</b>
<b>Tranmere</b>	<b>HIV Prevention Unit</b>
<b>Wolverhampton</b>	<b>PROTECT</b>
<b>LONDON</b>	<b>Central London Action on Street Health</b>
	<b>Healthy Option Teams</b>
	<b>Hammersmith SSD</b>
	<b>Lambeth Working Women's Project</b>
	<b>New Horizon Youth Centre</b>
	<b>Open Doors</b>
	<b>Praed Street Project</b>
	<b>REACH</b>
	<b>SHOC</b>
	<b>Streatham Streetlink</b>
	<b>SW5</b>
	<b>Working Men's Project</b>
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<b>Hanne Hoeck</b>	<b>SWISH, Coventry</b>
<b>Hilary Kinnell</b>	<b>UKNSWP</b>
<b>Ana Lopes</b>	<b>IUSW/GMB</b>
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<b>Maggie O'Neill</b>	<b>Staffordshire University</b>
<b>Jenny Pearce</b>	<b>Middlesex University</b>
<b>Teela Sanders</b>	<b>University of Leeds</b>
<b>Claudia da Silva</b>	<b>London Centre for Personal Safety</b>
<b>Catherine Stephens</b>	<b>IUSW/GMB</b>
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# **APPENDIX 3**

**UK NETWORK OF SEX WORK PROJECTS**

**PROPOSALS FOR**

**NATIONAL GUIDELINES**

**FOR**

**POLICING ADULT PROSTITUTION**

**NATIONAL GUIDELINES FOR POLICING ADULT PROSTITUTION**  
**UK NETWORK OF SEX WORK PROJECTS (FORMERLY EUROPAP) SVP**  
**WORKING GROUP INITIAL SUGGESTIONS FOR AREAS TO BE INCLUDED**

The Safety Violence Policing (SVP) Group of the UK NSWP supports the development of national guidance regarding the policing of adult prostitution and specifically multi agency responses to violence against sex workers. At a number of previous SVP networking meetings members have been asked to identify areas/issues/practices they would ideally like to see covered and included in any guidance with regards to policing. We will continue to consult members on these issues. Here we summarise those identified to date. These will be circulated to working group members so further consultation can take place at this stage.

**NB.** These focus on policing and if guidance goes beyond policing and is more multi-agency in scope we would need to encompass wider issues relating to number of agencies such as the Crown Prosecution Service.

**INITIAL AREAS/ISSUES/PRACTICES IDENTIFIED**

**GENERAL**

- Clear guidance on professional policing practice when dealing with sex workers: e.g. clear warnings against police abuse of sex workers including for example
- Direction that in terms of good practice lone officers should not be policing the beat: no accountability and if an incident occurs it is the police officers word versus the woman
- Appropriate professional behaviour and language - avoidance of sexual innuendo and sexist and abusive language (can be perceived as threatening even if not intended)
- No use of threats to caution or arrest for soliciting if sex worker fails to give information e.g. on a local drug dealer.
- Clear channel and point of contact for complaints regarding unprofessional behaviour

**N.B. *Such professional behaviour is a crucial basis for building the trust necessary for encouraging reporting of violence.***

- Unified, co-ordinated responses to concerns around prostitution
- In force areas where more than one police area involved in policing prostitution: one take lead or have a Vice Squad, or failing that regular meetings of all areas
- Production and publication of policing strategy on prostitution: should be a consultative strategy that links into wider city/borough multi-agency strategy

## **PARTNERSHIP AND MULTI-AGENCY WORKING**

- Involvement on multi-agency forums and development of unified multi-agency strategy: with involvement of appropriate senior officers who have the duty to disseminate information and agreed approaches. Appropriate operational officers integrated into multi-agency partnership arrangements at some level
- Ongoing and regular communication and liaison with sex worker projects: be in touch with local outreach services, be aware of hours of outreach services and routes
- Informing projects of forthcoming operations: minimise disruption to outreach sessions
- Promotion of local outreach and support services: officers fully armed with project promotional literature
- Where possible avoid intensive enforcement policing at times when outreach services are active, near outreach and drop-in sites
- One point of contact for projects re: prostitution issues (particularly important when more than one police area involved). To facilitate effective communication. For example if outreach hours change services can go to contact point and info will be disseminated to relevant people. Also this contact can inform services of nature of residential complaints and then services can pass this information to sex workers. Crucial with regards to violence against sex workers, see point (N.B. May be need for strategic lead and contact and also operational contact)
- Close liaison with other agencies who can respond to prostitution via multi agency forums and on going operational basis. E.G need to ensure appropriate agencies respond to specific residential complaints e.g. discarded condoms

## **TRAINING**

Holistic training on commercial sex for all probationers and also as part of diversity/equal opportunities training. Ideally delivered via joint training model. Such training should cover;

- Routes into prostitution
- Information about different sectors of sex industry
- Drug use and sex work
- HIV and sexual health, violence, work of sex worker projects.
- Impact of enforcing soliciting and kerb crawling laws on service interventions and sex workers
- As a minimum all officers with an operational role regarding the policing of prostitution should receive such training

## VIGILANTE ACTION

- ❖ Clear policy on police response to vigilante action: we assume police have responsibility not to condone vigilante attacks on sex workers and sex worker projects and also community action which infringes laws. Also obligation on police to investigate vigilante attacks.

**N.B. *Again we feel all the above conducive to promoting relationships which would facilitate trust, clearer channels of communication, prevent violence and encourage the reporting of violence.***

## VIOLENCE AGAINST SEX WORKERS: PROACTIVE WORK IMPROVING RELATIONS AND ENCOURAGING REPORTING

- As part of strategic and operational planning process consider impact of policing initiatives on safety of sex workers and enter into multi-agency discussions and arrangements to attempt to minimise impacts which impinge on safety. E.g. period of intensive policing, use of Anti Social Behaviour Orders may heighten distrust of police and reduce reports of violence against sex workers to the police
- Commitment to initiatives to proactively encourage reporting of violence and ensure more effective response and detection
- Good witness protection
- Active response to “ugly mugs reports” from projects
  - Take incidents reported by sex workers seriously
  - Develop collaborative incident report systems with local outreach and support projects which build on project “ugly mugs” schemes. Develop agreed information sharing protocols.
- Develop effective central database systems for monitoring incidences of violence and other crimes against sex workers: which enable tracking of outcomes
- If women are willing to give witness statements, arrange for these to be taken in “safe” environment, e.g. sex work project office/drop-in
- Women should not be charged with other offences when they are reporting an attack, nor should warrants be acted on at this time
- If police get reports of attacks directly rather than via projects, the information should also be passed on to the outreach projects
- Liaison over high risk sex offenders in the area
- Training and computer software to enable projects to get photo fits/e-fits
- Feedback to projects on progress of investigations, outcomes of prosecutions, dates of release of violent offenders

**Police Prostitution Liaison:** the effectiveness of above enhanced if linked to appointment of Prostitution Liaison Officer or Unit/team. Prostitution Liaison Officer/unit: serve as one point of contact, but also proactive, ongoing liaison with sex worker projects and sex workers to improve and promote relations between sex workers and the police and to have a specific role to encouraging reporting of reporting and investigation of violent and other crime committed against sex workers. e.g. Edinburgh, Manchester, Street Liaison Team Glasgow. This requires:

- Specific named officer/s, able to dedicate adequate time to carry out this role, and not involved operationally in cautioning/arresting re: prostitution including kerb crawling
- Regular/ongoing liaison with sex worker projects: liaison officer/s and other officers to set up regular liaison with outreach workers, the latter being a potentially important bridging gap between the sex workers and the police
- Building up of relationships and channels of communication with sex workers
- Proactively encourage reporting of violence
- Flexibility with arrangements for meetings and offer a regular base away from the police station so that sex workers can drop-in to chat with the officer. (This may involve attending project drop-ins etc to offer services - depending on acceptability for individual projects- this may be against policy for some projects)
- Working closely with project/s on developing and enhancing ugly mugs and incident report schemes
- Specialist training including issues pertaining to sex working and violence: include experienced outreach professionals in the delivery of such training
- Officers with appropriate skills, knowledge understanding. (N.B. some cases reported by projects of officers appointed with derogatory attitudes to prostitutes, this undermines the aim of the role). If one officer only is taking on this role some projects feel the officer should ideally be female, others feel attitude, skills and experience override gender.
- Work within transparent parameters: e.g. if obliged to share certain information disclosed make it plain when the first engage
- Police liaison officers must have a role that can be clearly explained to sex workers: provide a clear protocol and promotional leaflets of their brief for agency staff and sex workers, emphasising their supportive role
- Named officer and other police officers to be responsible for developing other safety initiatives for on and off street prostitution as part of preventative measures (e.g. organising self defence training where there is a demand, giving advice to women about safe work practises and the latest technology

to help combat attacks like panic alarms, personal alarms and video equipment).

- Clear procedures for projects to communicate with a senior officer if there is reason to complain about the liaison officer - or any other police officer.

#### ❖ **Report Taking and Investigative Work**

- Sensitive and appropriate manner: awareness that many (but not all) sex workers have been in abusive situations and also should be treated like any other woman. No assumptions that because the person reporting is a sex worker that the attack/incident has less of an impact
- In terms of taking reports from sex workers, avoid asking about warrants or officers explain why they are asking if they do so i.e. "if we can't find you we know to check the custody suites". Openness and clarity about the need to ask certain questions
- Ideally a liaison officer should attend initial inquiry. The fact that the officer is known to the outreach worker, and some of the sex workers should make the discussion about police involvement easier than at present.
- The officer to ensure that initial needs have been met such as safety, medical assistance, escort home, contact with family or friends etc.
- The officer to ensure that the sex worker understands what their rights are, what will happen to the statement, and what a court appearance may involve to clarify issues in order that the sex worker can make an informed choice
- The officer should emphasise the special nature of their situation and explain a range of practical issues the police can help with during a court appearance, including the use of pseudonyms, confidentiality, where necessary the use of disguises. police escorts, closed court sessions and segregated court waiting rooms.
- Effective feedback and communication to projects/individuals on progress of reported incidents at all stages: The officer should continue to up-date and liaise regularly with the outreach project.
- Option of using project as address for correspondence
- The liaison officer (if there is one) or one named officer should remain as the sex workers key contact and source of support throughout any subsequent court case
- Confidentiality policy: confidentiality should be highlighted and maintained during all conversations. The sex workers agreement to help with investigations and proceed with the case should never directly be used to encourage others to help.
- For sexual assaults consider central location where reports can be made with health and other services on hand. Also place where forensic evidence can be taken without commitment – backtracking can then happen

- HIV and Rape Training Procedures: police officers may need to have regular updates on HIV & STD testing procedures when a sex worker reports a rape, or wrong information can be given - liaison with outreach projects/GUM services essential. Standards of confidentiality when dealing with possible HIV cases needs to be very high.

#### ❖ **Investigation of Serious Assaults and Murders**

- Obtaining co-operation from potential witnesses in such cases should take priority over routine policing of street nuisance etc.
- Need for police forces to consider the impact of enforcement on investigations: e.g. if kerb-crawlers are being intensively arrested and “named and shamed” this may reduce the chance that they will volunteer to come forward as witnesses.
- Witnesses who volunteer information - sex workers or clients - should be treated respectfully and sensitively. If the word goes round that to volunteer information will lead to your identity being disclosed either to the presumed offender, or to other parties (eg client’s wife, employers), this will reduce the chance that other witnesses will co-operate.
- Need to explain to projects and sex workers how and why investigations are carried out in a particular manner. E.g. during a murder investigation one person may be asked to speak to the investigating officers police a number of times about different specific issues. This may be experienced by the individual as unnecessary or even harassment yet it is likely to be legitimate follow up of a lead.
- Need for ongoing communication between investigative murder squads and sex worker projects, with regular updates
- In case of murder investigations commitment for murder squads to deal with other crimes against sex workers which come to light in the course of investigations

#### ❖ **Considerations Regarding Court proceedings**

- The use of pseudonyms (in statements) should be offered to all sex workers who wish to proceed with a case in court. The public and often highly visible nature of their work makes them extremely vulnerable to reprisals and consequently, where possible, the protection of their identity should be offered.
- Police officers should remind any sex worker who decides to proceed with the case that should a court appearance be necessary, they may alter their appearance for court through the use of dark glasses, wigs etc. if they so wish, in an attempt to disguise their appearance.
- Police escorts to and from the court room should be offered to all sex workers. The transport should not be an identifiable police vehicle. Where this is the only vehicle available or it is necessary for the transportation of several women, the pick-up points should be flexible to allow for discretion. Escort from court should not be

delayed and should avoid any contact with the defendant and the defendant's family or friends.

- Closed court sessions should be offered to all cases involving sex workers as one of the main concerns of sex workers facing a court appearance is that they will be identified by members of the public and more importantly, the media looking for sensationalist stories.
- Where sex workers are waiting to give evidence in court they should be directed to a waiting room with access to facilities such as toilets and refreshments which is segregated away from the defendant and the defendant's family and friends.
- During any delays prior to and during court appearance, the police officers should liaise directly and regularly with outreach workers and the named liaison officer who will offer support to the women and attempt to answer any questions and allay any concerns they might have about their court appearance.

### **COERCION AND PIMPING**

- ❖ Proactive police action to investigate coercive pimping: Need to remind forces about the guidance on under 18s. Many of the problems around pimping of juveniles are exactly the same for adults, therefore the need for discretion, persistence, safe accommodation, witness protection, collection of evidence which does not depend on the woman's statements all apply to adults. Could targetting of abusive, coercive pimps be included in police objectives? (This might overcome problem of forces taking no action on these cases with the explanation that resources are all committed to policing of street nuisance). Must try to distinguish between abusive, coercive pimping and ordinary partners to obtain co-operation.
- ❖ N.B. These are initial thoughts and much wider consideration of this issue is needed

### **OFF STREET SEX WORK**

- ***Much of above applies***
- Consistency of criteria for taking action against indoor premises: police action in terms of sexual exploitation of children, evidence of coercion, trafficking and other exploitative practices.
- Named officer/s for women to ring with information (promotional material distributed around off street locations).
- Police to liaise closely with sex work outreach and support projects providing services to off street sex worker
- Police and other partners to apply the law in a manner which allows one woman AND a maid/receptionist to work from off street locations for safety purposes.
- A 'neutral' location should always be offered to women when they request contact away from flats, women's homes and police station.

- Liaison officer should encourage and promote the use of health and support services when in contact with women.
- Clear guidance about the use of personal details requested by vice squad officers when visiting women in flats and saunas (i.e. whether police checks will bring up details of any name, including maids, associated with flats and saunas hampering future employment prospects which require police checks).
- Practical safety advice/devices offered (e.g. bolts, spy holes, alarms, panic buttons).
- Police officers should avoid escorting other officials (immigration and social security officials) to flats (spreading panic and hampering health services and their own safety due to women working 'underground' to avoid police attention)
- Police officers should refrain from confiscating condoms and other safer sex materials as evidence in prosecution cases.
- Possibility for a code word to be issued for fast track response to flats when police are called.
- Liaison officer and outreach worker to be notified when incidents are attended by police response units.

**Paper prepared by: UK Network of Sex Work Projects (formerly EUROPAP) SVP Working Group, 2001**

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