

As is the Daily Mail poll "Should it be illegal to pay for sex?"
No 72%
Yes 28%
In the Daily Mail!

[http://www.politics.co.uk/news/opinion-former-index/policing-and-crime/massive-support-legalisation-prostitution-\\$1251359.htm](http://www.politics.co.uk/news/opinion-former-index/policing-and-crime/massive-support-legalisation-prostitution-$1251359.htm)

Politics.co.uk

Massive support for legalisation of prostitution



Massive support for legalisation of prostitution

Thursday, 27, Nov 2008 09:32

There is massive public support for a law legalising prostitution, a politics.co.uk poll revealed today.

The news follows government plans to criminalise paying for sex when the worker is "under the control" of someone else – effectively criminalising 90 per cent of transactions.

politics.co.uk asked users what should be done with the industry. Seventy-two per cent called for legalisation, with only 5.4 per cent saying it should be banned completely.

The Home Office plans unveiled last week enjoyed very little support with only eight per cent of respondents saying they supported the measure. Thirteen per cent said there should be no change.

Asked whether the new law will work, responses were overwhelmingly negative, with 91.8 per cent of people saying 'no'.

Similar numbers thought there was no chance of ever abolishing prostitution in the UK, with 95 per cent saying it will always take place.

Responses to a question about the purpose of prostitution laws were equally emphatic. Eighty-nine per cent of *politics.co.uk* users said the purpose of legislation should be to keep sex workers safe.

Just five per cent said the purpose should be to crack down on prostitutes. The same percentage thought the guiding aim should be to protect trafficked men and women.

The changes to the prostitution law followed an extensive research period in the Home Office, with ministers visiting Sweden, where the trade is criminalised, and Holland, where it is legal.

<http://www.politics.co.uk/news/opinion-former-index/equality/comment-prostitution-law-1251571.htm>

Comment: Prostitution law



Comment: Prostitution law

Politics.co.uk

Thursday, 27, Nov 2008 01:04

The Home Office recently unveiled its plans for prostitutes, to a fanfare of derision. Thankfully at least some of this derision came from people the Home Office may listen to – journalists, pundits, the professionally opinionated, and, most importantly, the general public – because they certainly don't seem to be interested in what people actually working in the sex industry have to say.

Presumably we're not considered expert, or relevant, or important: neither the organisation I work with, the International Union of Sex Workers, nor the English Collective of Prostitutes were listed as stakeholders in the Home Office document "Tackling the Demand for Prostitution: A Review", published November 2008. Admittedly, this is probably a footling administrative omission rather than wilful perpetuation of our social exclusion, but it does seem wearily indicative of government attitudes to the inclusion of sex workers in the consultative process.

So it has been with enormous relief I have witnessed the extraordinary outburst of common sense that has swept across the pages of many national newspapers. Yes, the proposed changes in law are virtually unworkable (hell, even Jacqui Smith has acknowledged that in some of her interviews); yes, the proposed adoption of strict liability for an offence of this gravity tramples on long held liberties (some of our more fulminating commentators have been mentioning Magna Carta); yes, the likelihood of prosecution is infinitesimally small (thank you, Jacqui Smith, again), but the point is, we are told, it will make men think.

I've met men. I get paid to have sex with quite a number of them. I have news for the home secretary: they already think.

But Jacqui Smith's new improved version will think twice. That's the aim of this new law: "My proposal is that men should think twice about paying for sex."

How intermittent pondering will combat international trafficking has not yet been made clear to us.

How unlikely it is to be prosecuted thankfully has: Ms Smith described the scenario of an unlucky punter being caught in a brothel raid. If this were followed by successful prosecution of the brothel owner for controlling for gain, said punter would automatically be guilty (strict liability, remember) so presumably would receive a letter saying to pay up a grand, the maximum fine bruited as punishment, strict liability rendering the unpleasantness of a court case unnecessary. That won't act as a deterrent.

What will act as a deterrent (and I'm trying hard not to believe this is actually The Plan) is the increased confusion of Britain's already confusing sex laws. It's hard to sell sex and do so legally, making it very hard to work safely. It's legal for me to work in a flat (incall), or visit a client (outcall), in total isolation. It's legal for me to work incall or outcall, with a receptionist, security guard or driver – but whomever answers the phone, keeps an ear out for the untoward, or helps me get from A to B, is at risk of prosecution for controlling for gain. If I'm working for a third party who negotiates on my behalf, they are controlling me for gain, and if I'm working for a third party who, having hired me for a specific job description, tells me where to go, what to do, and how much I'll get paid for it (you know, work, as most of the country knows it), they're bang to rights as soon as the cops come calling, regardless of whether they offer a safe, honest and fair working environment or one that is exploitative and abusive. Coercion, violence and trafficking – the bad stuff – is not included in the definition of controlling for gain, and are not addressed by Home Office proposals.

The politics.co.uk poll shows that what most people worry about is the bad stuff. Thankfully, nearly 95 per cent of respondents thought increasing safety – for all sex workers, or, most importantly, for victims of trafficking – should be the purpose of the law. Under current legislation – which, as we've already seen, criminalises almost all of us - sex workers are not safe: there is an inherent contradiction between the police roles of enforcement and protection. As a result, criminal gangs target sex workers – only for robbery if we're lucky, for robbery and rape if we are not. And they know, too, the increased vulnerability that comes with migrant sex work; there have been cases of perpetrators calling the police or UK Border Agency as they leave, to ensure everyone vacates the premises as quickly as possible.

That's the problem. If you're from certain countries, and you want to enter the UK, but you have no particular skills, qualifications or high level sponsorship to offer, you will have to enter illegally. By definition, anyone who helps you gain entry is a criminal. And although many migrants shop around and make educated – and/or lucky - choices about whose services to use to facilitate their travel, there is no doubt that some migrants encounter some very bad people. Some will lock them in containers and hope the air lasts till disembarkation. Some will lie to them about their expected occupation (though most sex workers know in advance they will be selling sex) or, more likely, about costs for travel, conditions of work on arrival, realistic remuneration, living expenses in the UK and a whole host of other issues. And they put up with it, because if they complain to the authorities, the best outcome is deportation.

As a society, in effect, we are prioritising the integrity of our borders over the physical safety of migrant sex workers. Personally, I think that's a vile ordering of priorities, but what makes it vile and hypocritical is the refusal to acknowledge that's what we are doing, and to debate the issue of trafficking for sexual exploitation in the most lurid and melodramatic ways. Amongst sex workers' rights advocates, Italy is generally regarded as having the most humane approach to victims of trafficking: NGOs are able to act as intermediaries, rights of residence are easier to obtain and co-operation with prosecution of traffickers is not a requirement. However, when this is raised as an option for British policy, vague mutterings about the "pull-factor" of looser immigration controls forestall discussion.

There is similar vagueness concerning the actual numbers of trafficked women in the UK sex industry. Denis MacShane believes the UK holds 25,000 sex slaves and also believes this to be a Home Office figure, despite this statement from Barbara Follett in parliament: "No research has been undertaken which would provide either evidence or provide a basis for estimates on the proportion of non-British sex workers who have been (a) trafficked and (b) subject to coercion." Home Office ministers have quoted a figure of 4,000 as recently as June 2008 (to put this into perspective, it is generally accepted that approximately 80,000 women work in the sex industry as a whole).

The truth is that the only reliable figures we have are from the criminal justice system. Pentameter 1 and 2 - nationwide police operations - over the course of more than a year raided 1337 premises, locating, respectively, 88 and 167 victims - 255 in total. These operations were supposed to be intelligence lead, so presumably targeted premises more likely to contain victims of trafficking. That leads us on to another point in the survey - the fact that more than 90 per cent of respondents think the government's new proposals won't work. If the aim is to target trafficking, to do so successfully requires an accurate perception of what trafficking is and how it happens, in order to locate the very real victims of this appalling abuse. If the aim is to prevent violence against people in the sex industry, it cannot be done if you see all sex work as violence and choose to ignore the inconvenient voices of sex workers themselves, who say that criminalisation and lack of rights are responsible for the abuses we suffer.

That gives the answer to the question "What should be done about prostitution?" Decriminalisation is the essential first step towards safety for sex workers. We don't need laws specific to the sex industry to target exploitation, coercion, violence and trafficking - the bad stuff: we already have laws against those things, aimed at protecting everybody, not just sex workers. It's just that the criminalisation of people in the sex industry means that the laws that protect you effectively don't apply to us, so we don't have the full protection of the law.

Sex workers deserve more than a home secretary whose best proposal is that people have a little think - we deserve inclusion in the political process to create effective policy for positive change: this will not happen without us. We deserve more than a minister for women and equalities who will not treat women who sell sex as worthy of equal treatment, dismissing criticisms because "the majority of [sex workers] are being exploited. The government's job must be to protect the vulnerable." Proposals which drive the industry further underground will only have a negative effect for all women who sell sex, and play into the hands of criminals and traffickers; they make us all vulnerable.

To make policy on the basis of ignorance and ideology is a shameful abrogation of responsibility to those in the sex industry.

Somebody needs to think twice, and it's not our clients.

The writer is an active sex worker and a representative of the International Union of Sex Workers

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http://www.bournemouthecho.co.uk/news/3887402.Ex_brothel_owner_in_battle_over_law_reform/

[Daily Echo, Bournemouth](#)

Ex-brothel owner in battle over law reform 7:30pm Wednesday 26th November 2008

By Louise Dunderdale »

A FORMER brothel owner was among a group who lobbied the House of Commons on Tuesday in protest at plans to bring in a new law to prosecute men for rape if they use trafficked prostitutes.

Home secretary Jacqui Smith has proposed legislation for England and Wales where men could be prosecuted for sex with a trafficked woman, or one who is under the control of a pimp, even if they did not know this was the case.

In addition, first-time kerb crawlers would face prosecution and there would be new police powers to close brothels.

Former Bournemouth brothel keeper Vanessa Coleman said it was a "ridiculous law" that was being proposed, her business had been "empowering" for women, and that trafficked women were in the minority in the sex trade.

She believes brothels should be legalised, taxes paid and official checks made.

"My concern is for sex trafficked women. It would be a living hell to be a woman in that position," she said.

"This law they are intending to bring in will not help these women. It will send it underground.

"The only way you can find things out is to bring it to the surface."

Mrs Coleman, a mother and grandmother, was jailed for eight months in 2006 after admitting running houses of ill-repute and possessing counterfeit goods.

Her sentence was later cut to two months.

Annette Brooke, Liberal Democrat MP for Mid-Dorset and North Poole, said similar legislation had not worked in Finland.

"I have visited Moldova to look at the whole issue of children being trafficked for the sex industry.

"I think it is an appalling crime," she said.

"However, I have great reservations about this legislation.

"I will support anything that cuts back human trafficking but I think we have got to scrutinise this very closely."

Christchurch's Conservative MP Chris Chope said: "The home secretary seems to want to outlaw the oldest profession in the world."

He added: "The actual problem they want to address, the problem of trafficked women, it's not going to deal with that at all."

The Sun Newspaper
Sex with hooker could mean rape
By DAVID WOODING
Whitehall Editor

Published: 20 Nov 2008

MEN who knowingly pay for sex with a trafficked girl will be charged with RAPE under tough new laws. Home Secretary Jacqui Smith wants to end the evil trade of smuggling women into Britain to become sex slaves.

She claimed seven out of ten hookers are run by pimps or had been trafficked into Britain by organised crime gangs.

Ms Smith explained she is targeting men to cut demand.

The laws unveiled yesterday would also see fellas who have sex with hookers controlled by pimps slapped with a £1,000 fine.

The Home Secretary said: "Men should think twice about paying for sex because most women don't want to be involved in prostitution.

"Trafficked women don't have a choice — men do.

"What I disapprove of is women being exploited in this country, coerced, trafficked into the country, effectively treated as slaves. We need to turn the spotlight on those who create the demand in the first place."

The vice clean-up will also allow cops to name and shame kerb-crawlers.

And those drivers are set to face prosecution for a first offence under the zero-tolerance laws.

Ms Smith warned them: “In my book, once around the block is once too many.”

The Home Secretary stopped short of banning prostitution altogether.

But soliciting and pimping will be an offence, bringing England and Wales into line with Scotland. Cops will be able to close brothels and display photos of men who pick up hookers in the street.

Lap-dancing clubs will fall within the same rules as sex shops and sex cinemas — and will be outlawed in main shopping areas.

Councils will have greater powers to control their spread and clubs will face higher licence fees.

Last night call girls claimed the Government was exaggerating the power of pimps.

Nikki Adams, of the English Collective of Prostitutes, accused Ms Smith “making up” the number of trafficked women — and insisted most prostitution was “consenting sex”.

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http://www.timesonline.co.uk/tol/comment/columnists/minette_marrin/article5213486.ece

From The Sunday Times

November 23, 2008

Slithery Jacqui Smith wants a backdoor ban on prostitution

Minette Marrin

The curious thing about common sense is that it is so uncommon. Jacqui Smith, the home secretary, is so short of it that at times she seems uncommonly silly. Last week she unveiled a proposal about prostitutes that is clearly silly, regardless of one's opinions about the control of prostitution.

Her central idea in these proposals is to make it illegal for anyone to pay for sex with someone who is being controlled for another's gain. And, crucially, her plan placed the duty on the punter to discover whether the prostitute is controlled by a pimp, a trafficker in human flesh or a drug dealer. Ignorance would be no defence.

Anyone with a tittle of sense would see that this is unworkable and unfair. Yet Smith insists she sees no disadvantage at all, apart perhaps from the necessity of "marketing" the idea to men. I think she is going to have considerable difficulty marketing it to women as well, even to those who disapprove of prostitution in any form.

How could any punter, no matter how well meaning and fearful of the law, find out for sure that the woman of his choice is with him by her choice as well? If she is under duress, she will certainly deny it out of fear of her pimp or of the villains who have bought her into sexual slavery. So will everyone around her. If the punter comes to the wrong conclusion about her he will be prosecuted for a criminal offence, even though he thought he was within the law.

Of course it is wrong to force women into sex against their will in any circumstances. To do so is to break laws that already exist against rape, sexual assault and trafficking. It is also true that there must

be some situations that are obviously dubious and that any law-abiding man ought to get out of as fast as possible. If, for example, the girls are very young and speak hardly a word of English, it is a fair bet that something is wrong.

Normally, though, how is a man to tell? I've come across a lot of prostitutes, some in the red-light districts of Hong Kong, Bangkok and Luang Prabang in Laos, some in the smarter parts of London's Mayfair. I once spent the weekend on a boat on the South China Sea with a Playboy Miss April, who distinguished unselfconsciously between "jobs" and "f***-jobs". I even know of a few women who, between alimony cheques, have occasionally turned a few tricks for men of their social acquaintance, whom they would not normally dream of charging for the privilege. And I know of one woman who charges her lawfully wedded husband for sex. Feminists used to say that marriage itself is prostitution and, to judge from the tabloid newspapers, in some cases it is.

From all this one thing stands out. Prostitutes vary enormously (as do punters) and so do their situations. Some are forced, more or less; others are not. Some are wretched; some seem content. And if there is no way that a man could find out reliably whether a woman is under duress, then to prosecute him for his ignorance is in effect to trump up charges against him. It is unmistakably unfair.

When confronted on Radio 4's Today programme by this knockdown argument, Smith repeatedly ignored it; she said instead – and irrelevantly – "I'll tell you what I think is more unfair and that's that there are women in this country who are effectively held in slavery." That is a perfect example of what used to be called female argument – irrelevant, emotional and beside the point.

In talking like this she may have revealed her true motives. She would, like Harriet Harman, the minister for women and equality, like to ban prostitution but accepts that the public is "not ready at the moment" for that. However, she knows that voters are strongly opposed to trafficking and sexual coercion. So perhaps she has come up with a ban by the back door.

In the name of protecting those unfortunate women who are genuinely controlled for another's gain, she has proposed a plan that she knows is unworkable and unfair. Its real point is that it's designed to make men "think twice about paying for sex". All men with all prostitutes, in effect. A virtual ban. What she wants is to deal with the "demand side" of prostitution: if only men didn't demand sexual services, there wouldn't need to be any nasty supply. The otherworldliness of this was bettered only by Baroness Warnock's recommendation last week that rather than use prostitutes men should masturbate – a quaint variant on "let them eat cake".

The justification Smith gives for making men think twice (and go home to follow Warnock's advice) is that "the majority of women don't want to be involved in prostitution". How slithery. Her proposed law is supposed to protect a particular group of bullied prostitutes, not all prostitutes. Now suddenly we hear about a majority of women who don't want to be involved with prostitution.

Which women? Which majority? And what about the freedom to choose of those women who do want to be involved in prostitution? Niki Adams of the English Collective of Prostitutes is sceptical about the home secretary's statistics. She believes that most prostitutes do not work for pimps or traffickers. "The government figures are completely fabricated," she claims. Even the Home Office estimates that of 80,000 prostitutes here, about 4,000 are trafficked – an unacceptable but still small minority.

If Smith's main motive were to protect the most vulnerable prostitutes, there is a way to do it. All prostitutes should be licensed and all should work off the street and only in licensed premises run by licensed people. This would have the side effect of legalising prostitution, which many would regret.

However, it would have huge advantages: if every prostitute had to get an up-to-date licence showing her photograph, birth certificate, nationality, licensed place of work and registration with the police and show it to every punter to prove she was not under duress, many of the worst traffickers and pimps would be forced out of business. The punter could have a photocopy of his prostitute's licence to protect him in case of any future prosecution.

Once again this government is trying to override common sense, human nature and personal freedom in the interests of a policy not fit for purpose. Judging by Smith and Harman, if there's one thing worse than the man in Whitehall who knows best, it's the woman in Whitehall who knows best.

<http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2008/11/21/do2108.xml>

“We don't need McCarthyism in the bedroom”

Telegraph Newspaper

By Dr Belinda Brooks-Gordon

Date: 12:01am GMT 21/11/2008

This week's [proposals from the Home Office](#) to criminalize clients of trafficked sex workers may seem noble at first sight, but combined with its proposals on brothel closure, kerb-crawling, and lap-dancing clubs, they will inevitably put more women at risk and compromise the safety of our streets.

For starters, the new offence of 'paying for sex with person controlled for gain' is so broad that it will be unworkable. Under existing laws 'controlling' can include advising what to charge, and 'for gain' currently means 'any financial advantage'. 'Trafficking' already includes providing food or transport on a journey – even giving someone a lift to a train station. Theoretically, the proposals criminalise a prostitute's landlord as well as her client.

And when clients are criminalised, the situation becomes impossible to police: just look at Sweden. Clients and sex workers won't testify against each other because it is in neither of their interests. Besides which, how would clients know that a worker was trafficked or not? The unintended consequence will be to force the sex industry further underground, where it is harder for workers to access services or help.

A civil order to enable police to close brothels would be one of the most punitive in Europe, raising the prospect of more women being forced out onto the street. This would be a more dangerous place than ever given that the proposed clampdown on kerb-crawling would effectively banish sex workers from well-lit areas and give them less time to negotiate safer terms. The Ipswich murders serve as a grim reminder of the dangers at stake.

The Government argues its case by insisting that 'paying for sex fuels the demand for trafficked women' but there is no evidence either way to state whether sex markets are demand-driven or supply-led.

As for trafficking, the only official report from the police operation Pentameter 1 shows a tiny proportion, just 0.11 per cent, of people in the sex industry have in fact been trafficked. A subsequent operation, Pentameter 2, found 167 trafficked people, which is still only 0.21 per cent.

The proposals are based on myriad flawed and inadequate reports written by lobby groups who have a vested interest in the criminalisation of clients and the victim status of women.

The many dubious ideologies behind these groups include the radical feminist thesis that all heterosexual sex is exploitation, a Marxist view that all work is exploitation, and a religious evangelism which argues that all non-procreational sex is wrong. The recent All Party Parliamentary Group on Prostitution, chaired by Fiona McTaggart, was funded by a religious group with separatist feminists out in force.

The prohibitionists' passionate but inaccurate arguments have manipulated debates and policy on sex work since the Sexual Offences Review in 1999 and will result in sexual McCarthyism and the policing of bedrooms. It is not the place of the criminal law to police personal morality.

The consequences of such prohibition means that we end up with symbolic or status law, seen in prohibition of alcohol in USA, which leads to institutional evasion, as previously witnessed in England with divorce and abortion law.

These proposals must be resisted if we want to avoid increasing the prison population, fracturing families and pushing the creaking criminal justice system towards meltdown. A more sensible option would be to redefine brothels so that two or three sex workers can share lodgings to improve their safety.

Or better still, ministers should scrap the prostitution laws and start again by following New Zealand's lead in decriminalising the industry, which empowered workers and reduced violence. It also led to better cooperation between the police and sex workers against coercion, something which will do more to help the victims of trafficking than any amount of wrong-headed government meddling.

http://www.economist.com/opinion/displaystory.cfm?story_id=12637017

Economist

AN AMBER LIGHT

Nov 20th 2008

Britain's muddled half-ban is no way to deal with commercial sex

IN QUIET suburbs and off busy high streets, Britain has a modest trade in rape. Most prostitution, which is legal, is consensual. But worries about abuse are rising. Performed behind closed curtains and often by people who fear to seek help, prostitution has always been a job in which exploitation is possible. Now, like most unappealing, low-paid occupations, it is increasingly carried out by immigrants: eight out of ten London prostitutes are foreigners, police think. Isolated, lacking knowledge of English or the law and sometimes trafficked by criminal gangs, the new arrivals are especially vulnerable. In the past two years police have rescued 251 women whom they believe were trafficked to Britain for sexual slavery.

The situation is shameful, but the proposal the government unveiled this week--to make those buying sex liable to criminal charges if it subsequently emerges that the prostitute was controlled for another person's gain--is no way to remedy it. This newspaper tends toward a liberal view of these matters, but even those who do not will find this amber light a waste of space. Better by far either to criminalise outright the purchase of sex or to legalise it and regulate what ensues.

Britain's dilemma is not unique: all countries have prostitutes of varying sexes and nationalities. Some, such as New Zealand, have tried to minimise the problems that usually accompany the trade--violence, coercion, drugs, exploitation of minors and migrants--by allowing

prostitutes to operate openly. This seems both fair to those who choose to sell sex and good for exposing any abuses. Other countries, including most American states, have sought to expunge prostitution's unpleasant aspects by banning it altogether. Sweden, and some imitators, have opted to criminalise only the clients.

No system works brilliantly. But this British proposal would only make matters murkier in a country that already has some of the world's most confusing vice laws. Buying and selling sex is legal now (a situation that older voters, in particular, support, as the chart shows), but most of the things that make it possible--kerb-crawling, soliciting, pimping and brothel-keeping--are not. As the law stands, punters who knowingly have sex with an exploited woman can face charges of rape. The new law would criminalise the oblivious as well.

That is unjust, and inconsistent with the law in other areas. A man who has sex with an underage girl, for example, may be acquitted if it emerges that he was fooled. There are areas where the law rejects ignorance as an excuse, as any tourist caught driving in London's congestion zone knows. But that refers to ignorance of the law, not ignorance of facts that were withheld. Furthermore, women deemed to be "under the control of another" could include those who support their boyfriends, or work with a mate. The most ethical punter could easily be caught out. Good, says Jacqui Smith, the home secretary: it will make potential clients "think twice".

MAKE YOUR MIND UP

If that is her view, she should outlaw buying sex altogether, rather than backing a confusing law in the hope that (mostly) men will decide not to risk it. Better still, she should legalise prostitution fully, and tackle trafficking and exploitation with better policing. There is something to be said for either extreme. The proposed compromise is a muddle that will put men in the dark and make women no safer. The Home Office has a track record of poorly drafted legislation on terrorism, which the courts have repeatedly found holes in. The proposal on prostitution is another corker. MPs should scrap it.

See this article with graphics and related items at http://www.economist.com/opinion/displaystory.cfm?story_id=12637017

<http://www.guardian.co.uk/society/2008/nov/21/letters-prostitution-sex-government>

Pulling in the sex punters

- guardian.co.uk, Friday November 21 2008 00.01 GMT
- [The Guardian](#), Friday November 21 2008

So, the government is proposing a set of measures whose aim is to control, criminalise and punish those who purchase sex, with the most punitive responses reserved for those who buy sex from women who are trafficked or exploited by a pimp (For men who pay for sex with trafficked women, ignorance is no longer a defence, November 19). Surely Jacqui Smith and others in the government know that such proposals are unworkable in practice. But no matter - they will, we are assured, deter potential purchasers, and through this will work towards ending or at least reducing "the virtual slavery" of women in prostitution.

In other words, even though selling sex is legal, the Home Office is proposing a set of measures which are largely symbolic: they send a message to the population about what is considered acceptable and what is not. How fitting for an area of policy where myth and conjecture often masquerade as fact, where force and compulsion are confused with the cancerous social and personal effects of (global) poverty, social exclusion, drug and alcohol problems and so on; where an individual sex worker's possibly violent, possibly exploitative relationship with a partner is no longer seen as domestic violence and abuse, but becomes seen as something different (ie pimping).

How fitting for an area where the complex realities of the sex industry - from street work to escort and specialist services, from the drug-addicted stereotypical victim of men to the highly knowledgeable, self-assured and confident businesswoman - are ignored by government in the service of headline-grabbing proposals that do nothing to address the underlying problems of women's poverty and men's violence.

In their drive to tackle prostitution, perhaps the government should think more about being tough on causes of women's poverty and less punitive about the ways such poverty is survived.

Dr Jo Phoenix

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<http://www.guardian.co.uk/commentisfree/2008/nov/19/prostitution-humantrafficking>

Propose less, listen more

If the government wants to reduce the social exclusion of sex workers, they should include us when consulting on new laws

- [Catherine Stephens](#)
- [guardian.co.uk](http://www.guardian.co.uk), Wednesday November 19 2008 18.40 GMT

In the nearly ten years I've been working in the sex industry, everyone I've met has had an opinion about my work. When it comes to prostitution, everyone has an opinion. Moreover, everyone feels entitled to their opinion, and sure it's based on some sort of reality about the sex industry – even if the limit of their knowledge is seeing the hooker get shot in the first reel of the movie to get the plot going. Indeed, there seems to be some sort of inverse correlation between the ignorance of the speaker and the vehemence with which they hold their opinion.

So it is with the laws being proposed by the Home Office today. Well-intentioned they may be, but they are entirely out of touch with the reality of working in the sex industry, and they would know this if they had chosen to listen to sex workers themselves.

I've met staff from an enormous, and enormously well-funded, anti-trafficking organisation, who solemnly assured me that the presence of different women in the same brothel on different days of the week was "an indicator of trafficking": it is, in fact, standard working behaviour in an industry in which two women working together are automatically criminalised.

Brothel law enforces sex workers' isolation (with the inevitable consequences for our safety) – even Fiona Mactaggart, the former Home Office minister responsible for sex work policy,

still believes that women should be allowed to [work together](#), an idea she proposed when in office. However, every time I've heard her speak on the subject since, she has referred bitterly to the media's designation of her as "madam minister": even at such a remove from actual sex work, the stigmatisation that we endure has bite.

The government has had a chance to do something to reduce the stigmatisation and social exclusion experienced by sex workers, by actually involving us in the consultation. Surely even those with the most vehement, not to say vitriolic, opinions, on sex work, could be prevailed upon to admit that we in the industry will be most affected by legislative changes. However, while on 21 May a "practitioners' meeting" was held in "one of London's most unique five-star hotels", attended by police, health workers, and other "stakeholders", as the Home Office described them, but no actual hookers.

Instead, in July, the [UK Network of Sex Work Projects](#) was given two weeks notice to arrange a meeting for then Home Office minister Vernon Coaker to see (and possibly even hear) some of the people over whom he had such power. Sex workers are a notoriously difficult group to contact, and the government has repeatedly bewailed our social exclusion – more notice, more funding and more accountability would all have made this effort to connect with us less of a figleaf and more of a commitment to change. The UKNSWP made a heroic effort and brought together 21 sex workers from across the country – street workers, "high class escorts", dominatrixes, parlour and flat owners, and men who sell sex to men. The 21 people around the table had between 250 and 300 years of experience in the sex industry, and all spoke positively about their clients, described the problems caused by our criminalisation, warned that driving the industry further underground would only endanger us and expressed hope this event would be part of a continuing process of involvement.

This meeting has not been repeated. There have also been brief meetings with the organisations that campaign for – and would enable – sex workers' involvement in the political process, the [English Collective of Prostitutes](#), and the [International Union of Sex Workers](#). But we have not been notified by the Home Office of the new proposals, or yet had a response to any of our submissions to the review of demand.

Sex workers themselves are the experts on their own lives. As the origin of many political and civil rights organisations, including the Labour party itself, shows, the way to prevent exploitation is to recognise the human, civil and labour rights of stigmatised and excluded groups. Sex workers have been denied these rights for too long.

The new Home Office proposals are just business as usual.

<http://www.guardian.co.uk/commentisfree/2008/nov/19/prostitution-ukcrime?showallcomments=true>

Don't criminalise our clients

The government's latest proposals to tackle prostitution will deny sex workers the right to earn our living as we see fit



- -
 - [Douglas Fox](#)
 - guardian.co.uk, Wednesday November 19 2008 12.00 GMT

It is disappointing that the government has chosen to ignore the legitimate rights and aspirations of sex workers by ignoring our calls that our human rights be recognised. It is our choice to become sex workers whether we are male, female or transgender. The government's proposals to [criminalise our clients](#) if we are controlled for gain will effectively deny the vast majority of us our right to earn our living as we see fit.

Most British subjects are, in one form or another, controlled for gain, but apparently a sex worker's consent to work through the agency of another is to be illegal and worse, clients are to be expected to know the personal working arrangements of the sex worker he/she/they are visiting. Sex workers for good legitimate reasons choose to work through agencies or brothels. These agents offer sex workers security, anonymity and general companionship. It would be considered an abuse of our human rights if the government were to force every worker in the land to work alone and without contact with fellow workers and it would be in contravention of the charter of human rights article 23.

The idea of criminalising consensual sex between adults is a retrograde step. What is particularly sad is that the very people whom the government claim that they wish to help by enacting these draconian laws are the very people who will suffer most. The very people best placed to inform on abuse either because of trafficking or coercion are the very people who will be criminalised, the clients and the managements of sex workers.

This is a missed opportunity. The government could have chosen to follow the example of New Zealand and [recognised the rights of sex workers](#) and allowed sex workers to create safe areas to work and to negotiate working conditions without fear of reprisal by the state.

The Independent Newspaper

<http://www.independent.co.uk/opinion/leading-articles/leading-article-there-are-better-ways-to-protect-trafficked-women-1026171.html>

Leading article: There are better ways to protect trafficked women

The Government's proposals threaten to do more harm than good

Thursday, 20 November 2008

The Government's latest proposals on prostitution are doubtless well-intentioned. Who could argue with a desire to increase protection for women who have been trafficked into prostitution against their will, or with the urge to shift legal culpability away from vulnerable and often brutalised sex workers and on to their customers? But there is a serious danger that what the Home Secretary, Jacqui Smith, proposed yesterday – creating a new offence of paying for sex with prostitutes who are "controlled for another person's gain", increasing penalties for kerb-crawling and new police powers to close down brothels – will not achieve those noble ends. Indeed, they could end up putting exploited women at greater risk than before.

The crucial point to bear in mind is that if it was possible to eradicate the sex trade through legislation and ratcheting up social stigma, it would have disappeared long ago. Prostitution has thrived in more censorious and judgemental eras than our own. It is an uncomfortable lesson, but history teaches us that as long as there is a demand for commercial sex, supply will spring up to service it. And demand is showing no signs of declining. That is the context, unpalatable as it is, in which we need to evaluate the new plans.

Increasing the force of law is not going to stop men from visiting prostitutes, but it will make them more wary of being caught. There will be an incentive for prostitutes to reduce the chances of their clients being arrested. That means they will be tempted to ply their trade in more secluded areas, to travel further from their homes and colleagues. The effect will be to help push the trade further "underground", out of the sight of the authorities. How would this help trafficked women, or any

prostitutes for that matter? And how would increasing the powers of police to close down brothels help get women off the streets, which is the most dangerous environment for sex workers?

The Government would be better advised to shelve these well-meaning but misguided plans and instead consider a more effective method of protecting women involved in the sex trade: the establishment of "tolerance" zones and brothel licensing schemes. This offers no panacea. But such schemes would enable officials to monitor the trade, making it harder for traffickers to operate. It would also give sex workers greater "safety in numbers" and access to sexual health advice. The obvious objection is that few people will want their neighbourhood turned into a red-light zone. This is no idle concern and the Government does not have an encouraging track record in this area. The foolish decision of ministers to allow lap-dancing clubs to be licensed in the same category as cafés and pubs has resulted in a proliferation of these seedy establishments, often in wholly unsuitable areas.

But prostitution is different from lap dancing. Brothels do not tend to profit by attracting passing punters from the street. And discreet "massage parlours" can already be found in even the most outwardly genteel of neighbourhoods, above shops and homes. Tolerance zones would actually help to cluster them in more appropriate areas. The majority of residents would probably be pleased with the results of a licensing scheme.

The Government should certainly be doing more to raise general public awareness of the plight of trafficked prostitutes. But if ministers want to help such women directly, they need to examine ways to achieve the thing likely to do their captors and brutalisers the most harm: drag the sex trade out of the shadows and into the light.

<http://www.guardian.co.uk/commentisfree/2008/nov/19/prostitution-home-office>

Society is all the crueller for prostitution

The government is right; we must use the law to protect victims of the sex trade



- - - [Fiona Mactaggart](#)
 - [guardian.co.uk](#), Wednesday November 19 2008 20.30 GMT

If prostitution is about [choice](#) we need to start by asking, "who chooses". Few prostituted women have chosen it as a career. Research shows that some 80% start as children, groomed into prostitution often by a man posing as a boyfriend. Others, unable to earn a living in other ways, turn to prostitution and the drugs they use to help them deal with that experience end up controlling their lives. A significant number of women are controlled by violent gangs, some have been trafficked across borders, some between different towns where they offer "fresh meat" to clients who see the women they pay for as a mere commodity for pleasure.

These clients really do have a free choice, yet their choice causes violence towards women – prostituted women are 40 times as likely to die a violent death as other women. So policy needs to target the men who choose to buy women. In countries where prostitution is legalised the violence does not end. Nevada, where prostitution is largely legal, has [the](#)

[highest rate of murder of women](#) of any US state. As a woman from New Zealand, working in a legal brothel, said after she had been violently raped, "I can't report it, it's part of the job." And because countries which make this legal find that their sex markets grow hugely, more women are at risk.

The Home Office is right to direct [policy in this area](#) towards the men who pay for sex. I believe that it would be preferable to have the simple approach which Sweden has adopted, which is to criminalise all payment for sexual services. Because the argument is already focusing on how can the poor man know if a woman has been trafficked or controlled. The law in Finland requires the man to know and no one there has been prosecuted. But the offence proposed for the UK is subtly different. The two separate aspects are that the man has paid for sex, and the woman was trafficked. If both are proven, he is guilty.

The debate still tends to start from the premise that men cannot control their demand for sex. I do not accept that, and think that buying the sexual services of women can be stopped. The fear of arrest is a deterrent. An American study found that being arrested reduced the likelihood of future demand for prostitution by 70%.

In a society where women and men are not equal, prostitution reinforces inequality, reducing women to commodities, and by commercialising sexual relationships makes society more cruel and brutal and less loving for us all.

<http://www.guardian.co.uk/commentisfree/2008/nov/19/humantrafficking-prostitution>

The shadowy world of sex across borders

The government's latest proposals for sex workers do little to tackle the problem of human trafficking



- - - [Laura Agustín](#)
 - [guardian.co.uk](#), Wednesday November 19 2008 16.06 GMT
 - [Article history](#)

Today the government proposes that paying for sex with those "controlled for another person's gain" be a [criminal offence](#). High on the list are victims of trafficking, and punters' defence that they didn't know women were trafficked is declared inadmissible. But clients may still have an out. How, they will ask, can the police prove that sex workers were trafficked?

The police will have to identify the real trafficked victims in order to identify customers at fault – a notoriously difficult enterprise. In a few high-profile cases, self-identified victims name and help find their exploiters, and sometimes these traffickers are successfully prosecuted. But these cases are few and far between. More often it is difficult to point to migrants who knew nothing about their future jobs, who agreed to nothing about their illicit travels and who are willing to denounce perpetrators who may be family or former friends and lovers.

More than a decade ago, while working in a Caribbean Aids-prevention organisation, I visited a small town famous as a market for informal migration. In one cafe, a waiter offered me anything I asked for in return for helping him reach anywhere in Europe. Later, I met a woman determined to travel to Paris to work. Highly informed about prices, she steered clear of brokers promising to "take care of everything".

I visited a village where most families spoke proudly of daughters who maintained them by selling sex abroad. And I met many people who arranged papers and transport for travellers, some charging fees and others as a family obligation. Scholars understand these as social networks and community strategies used [to get migrations underway](#). Where few jobs are available at home, local institutions rarely try to prevent such trips. To those involved, this travel may feel irregular but not criminal, given the market for migrant labour abroad.

The rub is that most jobs available are not recognised by national immigration regimes that only value highly educated professionals and formal-sector employment. Work permits are not granted for low-prestige jobs in kitchens, sweatshops, night clubs or agriculture. The strict regulation of labour markets can fairly be said to [promote](#) an increase in unauthorised workers.

The UN convention against [transnational organised crime](#) tries to distinguish between the trafficking and smuggling of human beings, but there is still confusion about which means what. The trafficking protocol mentions women, coercion and prostitution but not the will to migrate, whereas the smuggling protocol discusses men as migrants. Meetings to arrive at definitions were prolonged and conflicted, and disagreement is still rife as to what key words like coercion, force and deceit mean in concrete situations.

No one can have the right statistics where journeys involve false papers or overstayed visas and where jobs are in the informal economy. The US federal government's annual [trafficking report](#) relies on CIA, police and embassy guesstimates of situations that are not understood the same way across all cultures and social classes. Some figures for trafficked victims refer to all migrants who sell sex, while others require proof that the victims knew nothing about what was happening. To prove a case, investigators must focus intensively and at length; knowledge of multiple cultures, political contexts and languages are required. Even then, stories tend to be ambiguous and victims implicated in wrong-doing.

Successful migration requires some sophistication and access to social networks providing knowledge, contacts and expertise. Migrants find them amongst friends, families and small-time entrepreneurs, most of whom would not qualify as [organised crime](#), with its demonic overtones, or even as gangsters. This helps account for the failure of the police to locate large numbers of traffickers: migrants are not eager to denounce people who helped them, even when they didn't get the deal they hoped for. Successful migrants need to be adventurous, flexible risk-takers; they are often proud of the trials and tribulations they have survived.

Some imagine migration involving the sale of sex as fundamentally different, because they view sex as intrinsic to the self and ruined by money. Others view sex as yet another human activity engaged in for all kinds of reasons. What is not realistic is to insist that all migrants who sell sex be either completely forced or completely free. Many of these migrants object to being pigeonholed as passive victims – a [poster](#) brothel-workers made in Chiang Mai, Thailand, lists how rescue operations do harm. This is not to say that the situation is fair or that no one suffers, but rather that rescuers often don't understand.

If, as many Guardian commentators declare, you believe a British woman may [prefer selling sex](#) to her other options, then you must allow that possibility to people of other nationalities, whether they are living outside their birth countries or not. Anything else is colonialism. It's similarly patronising to declare that they were always forced to migrate, as though they had no will, preference or ability to plan a new life.

The problem for the government proposal to criminalise the buying of sex from those "controlled for gain" (whether migrants or UK citizens) is how to define control – another word with slippery meanings that don't jibe with relationships that may involve feelings of affection and obligation as well as coercion and deception. Clients of sex workers may demand that prosecutors prove the unprovable: that migrants were unambiguously exploited against their will and wish instantly to be deported – or, as the government will put it, returned to their families and homes.

The underground nature of so much migration promotes all kinds of exploitation. But these networks have always existed. It's only with the current hyper-anxiety about the sex industry that the entrepreneurial side of crossing borders is attacked en masse, as though a new evil race were trying to take over the civilised world.

It shouldn't be so difficult to maintain two ideas at the same time: some people prefer selling sex to their other options, no matter where they were born, while some other people find it unbearable. Some migrants get a raw deal from intermediaries or do not want to migrate at all, while other migrants get more or less what they want by paying people to help them. The greater issue is the near-impossibility of getting legal permits and visas based on informal-sector work. If that problem were ameliorated, those who don't want to sell sex could move into other jobs, and those who do would not be worried about police persecution – or, indeed, being rescued when they don't want to be.

Outlawed: sex with trafficked prostitutes

By Nigel Morris and Ben Russell

Wednesday, 19 November 2008

Independent Newspaper

<http://www.independent.co.uk/news/uk/crime/outlawed-sex-with-trafficked-prostitutes>

Hundreds of thousands of men who buy sex risk acquiring a criminal record under plans set out today to clamp down on prostitution.

It will become illegal to use prostitutes who have been trafficked into the country or who work for pimps or drug traffickers. Ignorance of the new law, or of a woman's circumstances, will be no defence.

An estimated 100,000 men pay for sex in Britain every year, the vast majority of whom will be targeted by legislation being announced today by the Home Secretary Jacqui Smith. At least 80,000 women work in the vice trade – most foreign nationals – and the numbers are thought to be growing.

After years of agonising over how to control the illegal industry, Ms Smith will conclude that tough action is required against those who pay for sex. It will become an offence to buy sex from anyone "controlled for another person's gain". Only women who work for themselves will not be covered, and men who knowingly use a prostitute who has been trafficked could be prosecuted for rape.

The proposals fall short of the total ban on buying sex demanded by some campaigners, but the Government believes they cover up to 90 per cent of occasions when men visit prostitutes. Ministers say the measure, backed by the police, will be a powerful deterrent. The new offence, which will carry a large fine and a criminal record, is expected to be announced in the Queen's Speech on 3 December.

But critics warn it could drive women underground, making them even more vulnerable. They could also put themselves at risk by being forced to work alone rather than in brothels.

A spokeswoman for the English Collective of Prostitutes said: "These plans are not going to make any women's lives safer and will increase the criminalisation and stigma of those working in the sex industry."

Fiona Mactaggart, a former Home Office minister, said the proposals did not go far enough. She told the BBC: "Finland has a similar arrangement where men who pay for sex with prostitutes commit an offence if the woman is trafficked and it hasn't had any prosecutions under it."

Chris Huhne, Liberal Democrat home affairs spokesman, said: "Any system which cuts out pimps would be welcome, but the difficulty is always in the drafting and application. The Finnish system has not had a great track record."

Dominic Grieve, shadow Home Secretary, said: "The Government's proposals won't protect the most vulnerable – they need to properly enforce the laws we already have."

ALAN TRAVIS, HOME AFFAIRS EDITOR

GUARDIAN.CO.UK, WEDNESDAY NOVEMBER 19 2008 00.01 GMT

[THE GUARDIAN](#), WEDNESDAY NOVEMBER 19 2008

For men who pay for sex with trafficked women, ignorance is no longer a defence

- **New law threatens rape charges and imprisonment**
- **Kerb crawlers and brothels face police crackdown**

New prostitution laws to be set out today will mean a plea of ignorance is no defence for men facing prosecution for buying sex from a woman who has been trafficked or is being exploited by a pimp.

Under proposals to be published today by the home secretary, Jacqui Smith, a man who "knowingly" pays for sex with a woman who has been trafficked or is under the control of a pimp could face a charge of rape, which carries a potential life sentence.

The new offence of paying for sex with somebody who is "controlled for another person's gain" is to carry a hefty fine and a criminal record.

The decision to criminalise men who pay for sex with trafficked women is likely to have a widespread impact. The Metropolitan police have estimated that 70% of the 88,000 women involved in prostitution in England and Wales are under the control of traffickers.

It forms part of a wider package of reforms to tackle street prostitution, including prosecuting first-time kerb crawlers and implementing stronger police powers to close down brothels.

The package marks a sharp change of approach for Labour, which four years ago proposed a partial decriminalisation of prostitution in red-light "tolerance zones", and then powers to allow two or three women to work together in a brothel to provide protection for each other. The first proposal, by the former home secretary David Blunkett, was blocked by Downing Street, reportedly because of fears of a hostile media response.

Despite some expectations, today's package will not include changes to the licensing of lapdancing clubs, although Smith has indicated that proposals will be made in future to regulate them on the same basis as sex shops. This is expected to give residents stronger powers to object and to lead to the closure of some clubs, especially in residential areas.

The change in the law follows a six-month Home Office-led review of prostitution laws which included visits by ministers, including Harriet Harman and Vernon Coaker, to Amsterdam and Stockholm to see how the law worked there.

Harman has described the flow of women brought into Britain by human traffickers as "a modern slave trade", and said that it only exists because men are prepared to buy sex: "So to protect women we must stop men buying sex from the victims of human trafficking."

The home secretary has made clear that under the new offence it will not be enough for a man to say "I didn't know". The new offence will include a "strict liability" test so that police will only have to prove that the man paid for sex, and that the woman had been trafficked. There will be no need to prove he knew it at the time.

The tougher approach will allow first-time kerb crawlers spotted by the police to be prosecuted. At present, the police can only prosecute persistent offenders. Police will get powers to close down brothels where there is evidence of trafficking.

The former Home Office minister Fiona Mactaggart yesterday warned that the new criminal offence of paying for sex with a trafficked woman might fall apart in practice, and said there had been no prosecutions in Finland, the only other country where it had been made law.

The English Collective of Prostitutes said yesterday that experience had taught them any law against consenting sex forces prostitution further underground and makes women vulnerable to violence.