



**RESPONSE TO HOME OFFICE “TACKLING THE DEMAND
FOR PROSTITUTION: A REVIEW” (2008)
&
POLICING AND CRIME BILL (2008)**



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FURTHER INFORMATION

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1. INTRODUCTION

1.1 ABOUT THE UK NETWORK OF SEX WORK PROJECTS (UK NSWP)

The UK Network of Sex Work Projects is a voluntary sector umbrella organization to which projects providing support services to sex workers can affiliate. UK NSWP is a charity which facilitates networking and the sharing of good practice in the provision of support services for sex workers. The aim of the UK NSWP 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”.

Our criteria for assessing policy and law relating to prostitution is that it should enhance the health, safety, civil and human rights of sex workers and enable the provision of accessible, quality & needs based support services.

1.2 OUR MEMBERSHIP AND DIRECT CONTACT WITH SEX WORKERS

UKNSWP currently has **63 full members (projects)**, and 20 associate members (individuals). Member organizations include key projects for sex workers in many towns and cities with a visible sex industry where specialist services are commissioned. They are staffed by professionals striving to deliver quality services informed by good evidence based practice. Our member projects offer frontline support services to and have direct weekly contact with thousands of female and male sex workers throughout the UK. Hence they are well placed to identify gaps in support services; to observe the impact of laws, policing operations and policies on sex workers and on targeted services for them. There are no other organisations with such a level of frontline contact with sex workers. Projects have varying remits and work with a range of client groups in different sectors of the sex industry. Amongst our Associate members are some of the most renowned academics and researchers on sex work in the UK. We hope there will be serious consideration of the points we make regarding the proposed legislation.

1.3 OUR RESPONSE

The following document contains the response of UK Network of Sex Work Projects to each of the key recommendations made in the Home Office “Tackling the Demand for Prostitution: A Review” and the associated legislative proposals related to prostitution in the “Policing and Crime Bill”. UKNSWP consulted members about the review recommendations and proposals in the “Prostitution and Crime Bill”; this document draws together the comments made by our members. UKNSWP has some serious concerns about many of these proposals. UKNSWP members agreed that it should be a priority to prevent and address exploitation in the sex industry, protect vulnerable people, and assist those who have been forced, trafficked or faced other abuses of their rights.

UKNSWP agree that sex workers should be given greater resources to assist any desire for change and transition, indeed resources for such support, and broader necessary specialist support is variable across England and Wales. There is limited resourcing and gaps in provision in many areas. There is still no statutory obligation for local authorities to provide any sort of support services to people involved in sex work and sexual exploitation. Yet there is currently no evidence that the government intend to commit adequate resources to strengthen support services and fill gaps in provision. This must be a key priority.

Responses from members expressed considerable concerns that the proposed changes in legislation (in their current form) have the potential to:

- Drive sex work further underground making it more difficult to find and tackle exploitation
- Make it more difficult for health/support services to locate, visit and offer support services to sex workers
- Increase control by organised crime & exploitative individuals and further undermine the safety of sex workers.
- Shift the focus from voluntary to obligatory engagement to access support services: The proposed orders for people found guilty of soliciting continues to criminalise a group of very vulnerable group of women and reinforce a criminal justice approach to assisting women rather than voluntary court diversion.
- Fail to invest further in support services for sex workers: no funding has been attached to the support side of the proposed orders. It would be extremely poor social care planning to go ahead and introduce these orders into law without an adequate funding stream for the necessary support mechanism which the government claim they want to engage people involved in street sex work with. Any government seriously committed to supporting people who want to exit street sex work need to fund the support necessary to address the reasons why people are involved in street sex work, this means for example, well resourced specialist support services, harm reduction and routes out work, housing options, drug treatment services, counselling and emotional support, appropriate training, employment advice and support.
- Fail to do anything to address violence against sex workers and improve their safety: UKNSWP has since its establishment proposed that enhancing the safety of sex workers should be a priority for policy makers. This was again acutely highlighted by the murders of 5 women involved in street sex work in Ipswich in 2006. From the information we have we are aware that there have been a further 8 homicides of sex workers in the UK since then, all involving separate perpetrators (3 women in Doncaster, 2 women in Kirklees/Huddersfield, 1 woman in Glasgow, 1 woman in London and 1 woman in Stoke on Trent). Yet there has been little further work to develop the “Ensuring Justice” element of the Home Office “Co-ordinated Strategy on Prostitution” and investment of time and money in developing practical measures to improve the safety of sex workers.

The Home Office “Tackling the Demand for Prostitution: A Review” November 2008 made 6 key recommendations. Some of these recommendations have lead to proposed new law in the “Policing and Crime Bill” December 2008. In this document we comment on each of these recommendations and associated proposed legislation. We also comment on the review process itself.

2. OFFENCE FOR PAYING FOR SEX WITH SOMEONE CONTROLLED FOR ANOTHER PERSONS GAIN

In the demand review the Home Office recommended that:

“ The Government should consider introducing a specific strict liability offence of paying for sex with someone who is controlled for another person’s gain, in order to protect vulnerable individuals, for example those who have been trafficked or exploited by any other means”

The Policing and Crime Bill part 2 Sexual Offences and Sex Establishments includes the following offence:

Prostitution Clause 13: Paying for sexual services of controlled prostitute: England and Wales

69. This clause inserts a new section 53A into the Sexual Offences Act 2003, creating a strict liability offence of paying or promising payment for the sexual services of a prostitute who is controlled for gain by a third person.

70. *Subsection (2)* of the new offence provides that it does not matter where in the world the sexual services are to be provided. It also explains that an offence is committed regardless of whether the person paying or promising payment for sexual services knows or ought to know or be aware that the prostitute is controlled for gain or not. In other words the offence is one of strict liability and that no mental element is required in respect of the offender’s knowledge that the prostitute was controlled for gain.

71. *Subsection (3)* of the new offence states that a prostitute is controlled for gain if a person intentionally controls the prostitute’s activities relating to the provision of sexual services for or in the expectation of gain, for himself or a third party. This is essentially the same definition as is used in the offence of controlling a prostitute for gain in section 53 of the Sexual Offences Act 2003.

72. *Sub-clause (4)* provides that the maximum penalty for this offence will be a fine not exceeding level 3 on the standard scale, currently £1000.

Creating specific policy to address the direct exploitation of people in the sex industry and the trafficking of people for sexual exploitation can only be commended as a measure to ensure human rights abuses are addressed, deterred and those perpetrators of such crimes are brought to justice. However, this generic proposal to make it a crime to pay for sex from anyone who is ‘controlled for another person’s gain’ is fundamentally flawed and misdirected in respect of both sex workers and those who buy sex.

- **‘Controlled for another person’s gain’:** our key concern with framing of the proposed offence is this wide reaching term would include virtually everyone involved in selling sex, from those vulnerable people the law intends to protect, as well as those who are voluntarily working with others (including family members) involved in the organisation of their sex work. For instance, those who work collectively in massage parlours and brothels, or two women who work together sharing the rent costs would also be included. Escort agencies and websites that charge a fee for organising bookings, and hotels that rent out rooms where individuals can meet clients, all come under the ‘controlled for gain’. An escort whose partner drives her to meetings with clients, and shares some of her earnings, or lives in a house where she is paying the mortgage, would also be included.

Hence this law effectively has the potential to criminalise a large proportion of men who buy sex, as there are few circumstances where sex workers work alone with no other party benefiting from their earnings in some way. N.B. This is not the same thing as saying that sex workers are always exploited, coerced, or are forced to sell sex, UKNSWP recognises both voluntary and forced prostitution. Also we acknowledge that there are some circumstances in which sex workers work entirely independently and no other party benefits from their earnings.

- **Applying the law:** The ‘controlled for gain’ legislation already exists and itself is rarely used. Hence how would this new offence be policed and proved? How will it be proved that the person is “controlled for gain”? Will the police have to have brought “control for gain” charges against an individual and then prosecute people who paid for services with people who they “controlled”? Will those individuals who were “controlled” have to give evidence in court?
- **Strict liability offence:** It is preposterous to impose strict liability on a person buying sex from someone who is trafficked when they have very little means of finding out if the person is in the sex industry by force. This logic is the same as saying that when shoppers buy vegetables from a supermarket which have been harvested by people who have been trafficked to the UK to work in agriculture, that those shoppers are culpable for exploitation. How is a person supposed to assess whether a person is held against her will? The organised crime that we are told by the Home Office is running the sex industry will surely not allow these signs of force and ‘slavery’ to be visible to the fee-paying customer? Will the government be supporting/developing ways of sex workers communicating/demonstrating that they are not “trafficked” etc? Will the government encourage men who pay for sex to be responsible clients and provide guidance about how to do this? UKNSWP advises that new law should focus on violent and exploitative individuals and in the case of trafficking those people who **know** a person is trafficked or forced into prostitution. This proposed law does not do this.

Disincentive for male clients to provide intelligence to the police: In a number of trafficking related cases recently, the police have made pleas to male clients to come forward with information. Some of this information has helped with convictions

e.g. 1 In Swindon in December 2008 three people received custodial sentences related to sex trafficking. Investigations by the Serious Organised Crime Investigation Team followed an anonymous call from a man. Police representatives stated “We hope that this case will encourage others to come forward safe in the knowledge that Wiltshire Police are committed to investigating any allegations received of this nature”. “It shows that Wiltshire Police will act on such anonymous information and I urge other punters who suspect that young persons are being ‘used’ within the premises to contact either Wiltshire Police direct or Crimestoppers, anonymously, in order that we take the necessary steps to protect those involved and prosecute the offenders.”
http://www.thisiswiltshire.co.uk/news/headlines/3991164.Three_jailed_for_sex_trafficking_in_Wilts_hire/

e.g. 2 In November 2008 police made a plea to men who had been customers at a brothel in Paignton Devon to help them with their enquiries. “Detective Inspector Dale, of the force's Serious and Organised Crime Investigation Team, said it was alleged this woman was 'forced to indulge in sexual activity against her will at the address in Hyde Road'. He added: "She was traumatised when we rescued her on Wednesday night after concerns had been expressed for her welfare. He urged any men who had visited Flat 2 at 2a Hyde Road recently to make contact with his team by ringing 08452 777444, and quoting log 576 of November 28. And he promised: "We will not take any action against these men. They will be listened to sympathetically and in complete confidence. They have nothing to fear” <http://www.thisissouthdevon.co.uk/news/visited-brothel/article-511014-d\>etail/article.html>

This kind of co-operation would be much more difficult to encourage if the proposed law was in place which criminalised purchasers of sexual services, especially as a strict liability offence. Men with concerns would be more fearful of coming forward (even anonymously) due to anxieties about being prosecuted under this proposed offence. Some countries have had considerable success positively encouraging men who pay for sexual services to report concerns about trafficking, this may be a constructive approach the government could consider.

- **Entrapment and blackmail:** A number of member projects, particularly those who work with male sex workers or who work with Lesbian Gay Bisexual or Transgender projects in their responses raised the fear that the proposition to criminalise the purchasing of sex from people “controlled for gain” (with the wide ranging meaning of control for gain) in the context of the male sex industry puts in place a regulatory system that is not dissimilar to that which existed prior to the legalisation of homosexuality (pre Wolfenden) and when consensual adult sexual relations were seen to require intervention from the state to remain within the realms of ‘morality’. This had devastating effects on individuals and on the gay community. This offence could provide opportunities for gay men and men who have sex with men to be “set up” and black mailed. What is at stake here is not that the criminalisation of privately enacted sexual transactions between consenting adults would add criminal prosecution to the humiliation and disgrace that often accompanies being ‘found out’ as being a male client of a male sex worker. Rather, the very precepts of the Wolfenden Report and the liberalisation of laws regarding homosexuality and prostitution i.e. that the law had no place regulating questions of sexual morality for consenting adults would be seriously undermined.
- If those convicted of paying/attempting to pay for sex with a person who is controlled for gain are classed as sex offenders, the Sex Offenders Register would become wholly unmanageable, thus making it far less effective in monitoring those who are truly dangerous. What will be the other practical, financial and social implications of this.
- Some projects who have experience of working with migrant sex workers (many who are not trafficked and some who are) raised concerns about how this will impact on those migrants facing forms of exploitation. Migrant sex workers sometimes report that some clients do ask them if they have been trafficked. One project reports that the majority of migrant women they work with report that they have not been trafficked. Yet it is feared that the proposed legal changes will cause women who are being coerced and exploited who will adopt further strategies for hiding their circumstances, making it even harder to access and build relationships with vulnerable women to give them the help that they need.

In summary, this current proposal does nothing to address the complex issue of trafficking or victim needs, nor does it make any stronger laws other than what exist under the SO Act 2003, which would apprehend traffickers and those who coerce people into the sex industry. The approach of criminalising, what would be in effect a large proportion of men who pay for sexual services would detract from prioritising the real issues of addressing perpetrators of violence and other crimes against sex workers.

We advise that that this proposed offence be dropped. Yet if the government are determined to persist with an offence targeting people paying for sex with trafficked or coerced people they should produce legislation which does not use the “control for another person’s gain” language but actually specify that the crime is knowingly paying for sex with someone who was been trafficked or forced by another individual. Any such offence should not be a strict liability offence. Those accused of this offences should have the opportunity to show that they did not know if someone was “trafficked” or “forced”.

3. MARKETING CAMPAIGN

In the demand review the Home Office recommended that:

“The Government should consider running a marketing campaign aimed specifically at sex buyers to raise awareness about trafficking for sexual exploitation”

- An educational campaign based on men’s responsible behaviour in the sex industry is well overdue. Such a campaign which focuses on how to legally buy sex, stressing that it is a crime to pay for sex with under 18’s, sexual health information and respecting the rights of sex workers would be a welcomed campaign. In addition, pointing out that there are sectors where people are not working by choice would also be part of a wider campaign. However, the ‘awareness raising’ referred to on page 16 of the Review of Demand report suggests that all Eastern Europeans are trafficked persons.
- **Where is the evidence that a large proportion of men who want to buy sex are looking for people who are trafficked?** One project who works with large numbers of women in the indoor industry replied to this proposal by stating that in their experience: ‘the majority of men do not want to be seen by a trafficked woman’.
- The awareness raising campaign that was based on posters with the headline ‘walk in a punter, walk out a rapist’ is entirely misleading and assumes that all men who want to buy commercial sex are looking to harm women. This ignores academic studies of men who pay for sex.
- Page 17 of the demand report refers to an evaluation of this awareness raising campaign. UKNSWP is not aware that this has been published; we would like to see the full details of this evaluation. We feel it is important that Home Office is transparent about the “evidence” on which recommendations are based.
- In addition, page 16 of the Review of Demand report (which makes minimal reference to the academic research literature-see Section 10 of this response) does use a quote from the ‘Big Brothel Report’ (2008) authored by Bindel and Atkins, for the Poppy Project. This came under heavy criticism from 27 leading academics in the prostitution field, who produced a joint critique as they were alarmed at the methodology, ethics and way data was presented in the report (this critique is attached to this report).

4. AMENDMENT TO KERB-CRAWLING LEGISLATION

In the demand review the Home Office recommended that:

“The Government should consider amending the offences of kerb-crawling and persistent soliciting (s.1 and s.2 of the Sexual Offences Act 1985) to remove the requirement to prove that a person has acted persistently, thus allowing prosecution for a first offence”

The Policing and Crime Bill includes such a change:

Clause 18: Soliciting: England and Wales creates a new single offence of soliciting to be inserted in to the Sexual Offences Act 2003 and replaces both sections 1 and 2 of the Sexual Offences Act 1985. These two sections currently cover offences for kerb-crawling in a street or public place (section 1) and persistent soliciting in a street or public place (section 2) for the purposes of prostitution. Both activities require an element of persistency in relation to the person kerb-crawling or soliciting in order for an offence to have been committed or, in the case of kerb-crawling, for the soliciting to be shown to be likely to cause nuisance or annoyance to the person solicited or others in the neighbourhood. *Subsection (1)* states that it is an offence for a person in a street or public place to solicit another person for the purpose of obtaining another person’s sexual services as a prostitute. *Subsection (2)* makes it clear that a person in a street or public place includes a person in a vehicle in a street or public place. ***The new clause removes the need for persistency making kerb-crawling or soliciting punishable on the first occasion.*** In the case of kerb-crawling it also removes any requirement for the soliciting to be shown to cause nuisance or annoyance to others. *Subsection (3)* provides that the maximum penalty for this offence will be a fine not exceeding level three on the standard scale, currently £1000

- We understand that in removing the work “persistent” the government is trying to “shift the balance” in the enforcement of law relating to street sex work, attempting to encourage a more gender balanced and fairer approach by tackle men who pay for sex on the streets as well as street sex workers. It may be more palatable for responsible authorities to shift the focus to men who pay sex via the kerb-crawling legislation rather than women who sell sex on the street whose social exclusion and disadvantage is acknowledged in the national strategy. But this does not mean that such legislation will be effective in the long term or that it will in anyway improve the welfare and safety of street sex workers. It is vital to acknowledge the research evidence and reports from projects working with street sex workers that enforcing the kerb-crawling legislation which requires intensified targeted policing has many of the same impacts of using the soliciting legislation (See Appendix 1 for a list of these impacts).
- Some of our Scottish members wanted to respond to the Home Office proposals for England and Wales, particularly those relating to street sex work and kerb-crawling. They were very concerned that the Government are not assessing how the changes in Scottish law have affected the safety of women. In October 2007, new legislation was introduced in Scotland in order to criminalize men who pay for sex in public places. The intention of this legislation was to enable a fairer, more balanced response to prostitution, where both the purchaser and provider of sexual services could be prosecuted. Yet they are reporting detrimental effects. Various arrangements in cities which prioritised the safety of sex workers immediately changed as sex workers and their clients were considered offenders. One project in the North of Scotland reported that “Over the past twelve months since the loss of the management zone and the introduction of the new kerb-crawling legislation, we have found that women working on the streets are more endangered.” They felt this acted as a recent reminder of the problems with kerb-crawling enforcement.

5. RE-RUN NATIONAL ANTI-KERB-CRAWLING CAMPAIGN

In the demand review the Home Office recommended that:

“The Government should consider re-running a national anti-kerb-crawling campaign, which should support forces nationally in their efforts to reduce street-based prostitution”

- We are concerned that this recommendation is encouraging the re running of a campaign of which there is no clear evidence of its short, medium and long term impacts. Where is the evidence that the anti-kerb-crawler campaign was successful and that public money was well spent on this initiative? Some projects who are members of the network are based in areas where this initiative was implemented, most who experienced this reported that street sex markets still exists, despite some short term disruption displacement but this was associated with “kerb-crawler” operations that accompanied the campaign in some areas, rather than the promotional campaign itself. UKNSWP is not aware that any “evaluation” has been published. If it is has we would very much like to see a copy so we can reflect on the impact of the campaign.
- What evidence is there for example to suggest that the beer mats and radio warnings were any deterrent to actual numbers of kerb-crawlers in the pilot areas? Was the impact of the campaigns short term or were there long-term impacts. Has the campaign had a long-term effect in the areas it was carried out? If it intended to reduce street based prostitution has this occurred in the areas the campaign was actively implemented?
- Several projects were very concerned about how this would impact on the safety of women. Concerns relate to those expressed over the years by sex work support projects and relate to such campaigns displacing or dispersing street sex work geographically or leading to new ways of sex workers making contact with clients in other, often less visible ways: “Reducing street prostitution through re-running a national curb crawling campaign would not reduce it as much as just move it. Women who are desperate enough to work from the street aren’t just going to give it up, they have few other options, it will just move to another less visible and consequently more dangerous area”.
- We are aware of areas where the promotional materials (e.g. beer mats) were made available to the police but the force area chose not to utilise the materials
- **The dynamics of violence against sex workers:** National and regional authorities who involve themselves in future campaigns and policies which communicate messages about paying for sexual services need to consider careful the content and all impacts. They should be mindful of research findings relating to violence against sex workers which suggest that “shame” and “discomfort” associated with “paying” for sex by some men may contribute to violence against sex workers.

Kinnell (2008) in the most comprehensive text on violence against sex workers found that a high proportion of the violence suffered by both street and off-street sex workers comes from those who do not pay for sex. At indoor premises the vast majority of violence occurs in the course of robberies.

A substantial amount of violence to street sex workers comes from members of the ‘general public’, such as gangs of youths, aggrieved local residents and vigilantes. Violence from these sources will not be addressed by criminalizing paying for sex.

Those who approach sex workers in the guise of ‘clients’, and then perpetrate sexual or physical assaults, are already very unlikely to be paying for sex. Kinnell found that re-examination of numerous instances of violence against sex workers indicates that a very high proportion of attacks arise in situations where the aggressor is *not* paying for sex, and so, by definition, is *not* a client. The confusion arises because aggressors frequently imitate client behaviour, to gain access to sex workers’ premises, or to persuade an individual sex worker to go with him to a location where she has no protection from the violence that he intends. She found that some attackers rationalize their aggression by claiming that they did not know their victim was a sex worker until she asked to be paid, and that this request provoked rage. She found many cases where attackers felt “insulted” by the suggestion that they “need” to pay for sex; they found it degrading to their self-esteem to see themselves as insufficiently attractive or persuasive to obtain sex partners without offering monetary inducement. She found that in most accounts of attacks that have taken place in these circumstances, it is clear that the aggressor has approached the victim in circumstances which show that he *did* know the woman was a sex worker, so must have anticipated that he would be asked to pay. She argues that closer examination of the language and behaviour of men, who use the “client disguise” or the “non-client excuse”, reveals common attitudes of misogyny and contempt towards sex workers, and numerous instances where rape and assault have been used to demonstrate their power, to deny that they are clients, and to deny the woman’s right to demand payment. Initiatives that construct a discourse of “shame” around paying for sex could further fuel the attitudes of this group of men. Sanders and Campbell (2006) reporting on their research in the *British Journal of Sociology*, on indoor sex markets in two UK cities argued that as well as the environmental conditions which made “massage parlours safer” (e.g. others present, the screening role of the receptionist, CCTV security systems) than street sex work there was also a much clearer client etiquette which demand appropriate behaviour from customers. This was not as clear on the street, where there were no others there to pressure clients to conform to such etiquette. Yet such anti kerb-crawler and shaming campaigns do nothing to encourage such responsible behaviour.

6. BROTHEL CLOSURE ORDERS

In the demand review the Home Office recommended that:

“The Government should consider introducing closure powers for premises linked to sexual exploitation, in order to allow the police and partner agencies to restrict access to such premises for up to 3 months”

The Policing and Crime Bill includes such powers:

Clause 20 and Schedule 2 insert a new Part into the Sexual Offences Act 2003 granting the courts the power to close, on a temporary basis, premises being used for activities related to certain sexual offences. Service of a closure notice by the police will prevent anyone from entering or remaining on the premises, unless they regularly reside or own the premises, until a magistrates’ court decides whether to make a closure order. If the court is satisfied the relevant conditions are met, the court can make a closure order for a period of up to three months. An application can be made for the closure order to be extended but the total period for which a closure order has effect may not exceed six months. For the purposes of this Schedule, it does not matter if the offence or offences were committed before, on or after the date that this clause comes into force. *Subsection (1)* states that a member of a police force not below the rank of police superintendent can authorise the issue of a closure notice if three conditions are met.

Subsections (2) to (5) state that the first condition is that the member of the police force must have reasonable grounds to believe that during the relevant period the premises were used for activities relating to one or more of the specified prostitution offences and/or specified pornography offences. The relevant period is three months ending with the day on which the officer is considering whether to authorise the issue of the notice. This condition will not be met if only one person obtains all of the sexual services in question. *Subsection (6)* provides that the second condition is that the officer has reasonable grounds for believing that the making of a closure order is necessary to prevent the premises being used for activities related to one or more specified prostitution or pornography offences. *Subsection (7)* states that the third condition is that the local authority has been consulted and that reasonable steps have been taken to establish the identity of any person who resides on the premises or who has control or responsibility or an interest in the premises.

- These closure powers would mean that the police would be given the powers to close down any establishment where prostitution was suspected to be taking place, including those establishments that were working in partnership with specialist outreach projects and trying to work responsibly and without exploitation. These powers would significantly jeopardize relationships between managers, sex workers and outreach projects which are fundamental to successful work on safety, sexual health, harm reduction & routes out.
- Member of the network are concerned that if these Orders could create major disruption of the indoor markets generally rather than to those premises/individuals that are exploiting, controlling or trafficking-this has the potential to drive markets underground. It would impact on ‘good’ parlour owners/managers, make it harder for projects to engage clients and deliver services. They could make it more difficult for the police to identify and investigate the indoor sex industry generally and specifically those premises where exploitative and unscrupulous individuals are operating.
- There is nothing in the proposed legislation that states that these orders are to close down places where “trafficking” and forced prostitution has been taking place. These are not part of the conditions that must be fulfilled for an order to be granted. Yet the rhetoric from the Home Office has been that new orders will be introduced to close brothels where trafficking is taking place.

- The explanatory notes relating to the order state that:
*“The volume of orders has been estimated at 780-1200 per year; these figures are based upon the six month nationwide operation Pentameter 2, which **identified 800 brothels containing trafficked women** in a 6 month period. Intelligence suggests that this figure over a 12 month period would be 1300-1500, with field reporting estimating that 60-80% of these premises would be appropriate for a detention order. Therefore the estimated total of expected orders is 780-1200 per year.”*

We have 2 key problems with this statement:

- a. From Home Office data published and stated many times re Pentameter 2: 822 establishments were raided and 172 victims were found (as stated in the Demand Review report). So clearly it was not possible for there to be "800 brothels containing trafficked women". So this raises the issue why is a formal government document containing such an error? We hope this will be amended and we will pursue the matter of statistical inaccuracy with the Home Office.
 - b. If this is not altered do the Home Office intend to encourage police forces to use orders against premises where there is no evidence of trafficking? This would confirm UKNSWP member's worst fears that these orders are not, as the media line from the Home Office has been, to close down premises where trafficking is taking place but to generally disrupt indoor sex work in England and Wales.
- These powers would mean that those in the industry who currently work with official agencies (including the police) will be less inclined to do so, and will in fact become more hidden. These powers would force the indoor sex markets underground, leaving very few places for sex workers to work safely and with regular support. We would predict new forms of making contact with clients (with a further shift to the internet) or an even less stable indoor sex industry with premises moving regularly and changing contacts more frequently etc. These shifts are not necessarily a detrimental shift but bring new challenges for the police wanting to monitor the indoor sex industry and identify exploitation.
 - Projects gave a strong message that they want to see the police spending their limited time & resources investigating those involved in the indoor industry who force people into prostitution, exploit them when they are involved, exploit children and are involved in trafficking. They do not think those who may manage or own sex work businesses who are trying to be responsible and provide safe and fair work conditions should be criminalised. The fear is that police resources do not differentiate and police resources will be diluted and they will not adopt a targeted approach which prioritises addressing exploitative individuals.
 - **We would urge Government to carefully consider this proposal in legislation which would reduce the 'safer' premises, lead to more sex workers working alone and in secret. We feel this would be a deterrent to "responsible"/non exploitative managers/owners in the sex industry and has the potential to leave the market wide open to criminals to exploit and abuse.**
 - Misrepresentation of the indoor sex industry: UKNSWP members have reported that they were frustrated that politicians seemed to have a limited understanding of the indoor sex industry in the UK and the academic research which shows, generally, safer working conditions in many off street settings. Also members responded that in debates about the demand review politicians seem to be operating with an amplification of the level of migrant sex workers in the indoor industry in many areas of England and Wales and also the proportion of those who are victims of trafficking **N.B this is not to ignore differences in the safety of off street environments and settings.**

UK NSWP previously supported the government proposal in the national co-ordinated strategy to redefine the definition of a brothel to enable two or three women to work together primarily to prove a safer collaborative working environment. We would still support such a measure as a step in the right direction. Sadly the current proposals of closure orders offer no such option, and leave such premises open to closure.

7. AMENDMENT TO LOITERING & REMOVAL OF “COMMON”

The Policing and Crime Bill clause 15 proposes to changes to the soliciting legislation outlined in the box below:

Clause 15: Amendment to offence of loitering etc for the purposes of prostitution

This clause amends the offence of loitering or soliciting for the purposes of prostitution, as set out in section 1 of the Street Offences Act 1959 (“the 1959 Act”). The section currently makes it an offence for a “common prostitute” (whether male or female) to loiter or solicit in a street or public place for the purpose of prostitution.

Subsection (2) removes the term “common prostitute” from section 1 of the 1959 Act, but inserts the word “persistently”. This means that the offence is committed only if the person acts persistently. Persistent conduct is defined by the amendments made by *subsection (3)* as conduct which takes place on two or more occasions in any three-month period.

The amendments made by *subsection (3)(b)* mean that this offence is committed only by those offering services as a prostitute, not by those receiving such services. (Those receiving services may however be committing offences under the Sexual Offences Act 1985.) *Subsection (4)* repeals section 2 of the 1959 Act, which allows a person cautioned for an offence under section 1 of that Act to apply to a magistrates’ court to have the caution removed from the police record. *Subsection (5)* provides that in deciding whether a person’s conduct is persistent any conduct that took place before the commencement of this section will be disregarded.

- ***UKNSWP supports the removal of the term ‘common prostitute’ as stated in the Sexual Offences Act, 1957.*** This signals a modernisation of language relating to sex work at a legislative level, with a move away from “objectifying” “derogatory” language.
- The insertion of ‘persistent’ is mildly progressive in that it may act to decelerate the damaging process of criminalisation, with the additional onus on the police to prove persistence. N.B. We want to be clear the UKNSWP does not support the ongoing criminalization of street sex work. Network members working with street sex worker witness directly the impact of the soliciting legislation and its criminalization on street sex workers. There is consensus amongst our members (backed by research evidence) that the criminalization of street sex workers, through the ongoing enforcement of soliciting legislation and other measures has a wide range of detrimental effects. (See Appendix 2 for a summary of some of these effects).

8. ORDER

Clause 16 of the Policing and Crime Bill introduces Orders requiring attendance at meetings and Schedule 1: Schedule to the Street Offences Act 1959.

Subsections (1) and (2) amend section 1 of the Street Offences Act 1959 to introduce a new penalty for those convicted of loitering or soliciting for the purpose of prostitution, allowing the court to make an order instead of imposing a fine or any other penalty. The order will require the offender to attend a series of three meetings with a named supervisor or another person directed by the supervisor. The purpose of the order is to assist the offender, through attendance at those meetings, to address the causes of their involvement in prostitution and to find ways of ending that involvement. The offender may be the subject of only one order at any time. *Subsection (3)* inserts a new section 1A into the 1959 Act, and provides further details about the new order. An order can only be made if a suitable person has agreed to act as ‘supervisor’. A person is only suitable to act as a supervisor if that person appears to the court to have the appropriate qualifications or experience for helping the offender to make the best use of the meetings. The order must specify the local justice area in which the offender resides or will reside while the order is in force. The order must also specify a date by which the three meetings must take place. This must be no later than six months from the date the order is made. Specific details about the time, location and duration of the three meetings will not be included in the order. These will be at the discretion of the supervisor, who is responsible for making arrangements necessary to enable the three meetings to take place and notifying the court once the order has been complied with.

8.1 Voluntary Court Diversion

UKNSWP advises the Home Office that they should prioritize the development of voluntary court diversion schemes.

- **Alternatives to fines should be voluntary and not forced options for welfare intervention.** Orders **require attendance at meetings**: this treats a sex worker as an ‘offender’ rather than someone potentially in need of assistance and specialist services. Alternatives to fining can be provided by voluntary court diversions schemes for sex workers; these are in place in a number of cities in the UK. ***An order in law is NOT needed, the government need to promote and fund court diversion schemes that engage with people on a voluntary basis.*** It gives the example of one such scheme in the review i.e. that run by the TRUST project. Other such established schemes include the SWISH Project (Coventry) court diversion scheme.

8.2 Engagement with Support Services

The proposal relating to the order states that:

“The purpose of the order is to assist the offender, through attendance at those meetings, to address the causes of their involvement in prostitution and to find ways of ending that involvement”

This wording we feel is too rigid and directly focused on ending involvement in street sex work (which as we know is often a for many a lengthy & difficulty process), hence this order could set up people up to fail.

The idea that someone can ‘exit’ an entrenched and complex lifestyle and identity by attending 3 meetings is entirely in contradiction to the research literature on desistance and change (including Home Office funded research such as Hester and Westmorland, 2004), although as experienced projects are aware it can provide an important opportunity to commence a relationship with a client and begin to identify and proactively address some of their needs. At a local level in some areas it leaves the situation wide open for the focus to be on exiting. If the government do progress this legislation we would urge government to review this wording to reflect that the whole idea was

giving people an option, if they wished to rather than receive a fine to enable the person to access some sort of support based on their needs. *Hence the wording should be less about finding ways of ending involvement and more about people engaging with support services in order to address some of their health, social, drugs, housing, welfare, and emotional needs which impact on their involvement in street sex work. The order prioritises exiting rather than client centred support needs. We hope the government will listen to a network with professionals experienced at supporting sex workers and this includes supporting people to exit, for the majority of member projects (N.B. the extent to which they can do this dependent on funding).*

8.3 Alternatives must not lead to other punishments beyond the original offence

There is concern that the order could lead to an escalation of punishment, with breach leading to other penalties including for example ASBO's. It is still unclear what will happen if the 3 meetings are breached? The women could end up on a treadmill of broken orders, unattended meetings and unproductive intervention. Would this end in imprisonment?

UKNSWP advise that breach of an order should not lead to further "entanglement" with the criminal justice system be it in the form of an ABC, ASBO or custodial sentence. The person should simply return to the court and receive the fine route. This would be in line with some models of court diversion schemes that have been developed.

8.4 We support that the 'supervisor' can be a qualified person not linked to the criminal justice system.

8.5 Lack of adequate resourcing:

Where are the resources for interventions? Making transitions from complex lifestyles and social conditions (poverty, exclusion, drug and alcohol dependency, mental health issues etc) takes dedicated services and intense, long-term support. Where is the money to support this intention?

"The provisions that introduce a new rehabilitative penalty for prostitution as opposed to a fine are expected by the Government to cost 0.1m/£0.1m/£0.1m for the years 2009-2010, 2010-2011 and 2011-2012. This will be the cost to the HMCS including legal aid"

So it appears that whilst the government have considered legal cost for HMCS there is absolutely no cost being factored in to cover financing for those professionals involved in supporting sex workers via any orders put in place, let alone any resources that may need expanding to enabling access to support. (N.B. We are assuming this amount £100,000, a relatively small amount, does not include national support costs).

As a network of sex work support projects made up of many established projects with experienced professionals we are this seems to us highly problematic and alarming for a number of reasons:

- I. The government seem to think it is possible to set up mechanisms of support on the cheap, well at no cost.
- II. Skilled specialist professional staff would be needed: but how will they be funded?
- III. Does this signal no intention to invest in resources necessary to meet the support needs of people involved in street sex work and address the gaps in provisions?
- IV. Does the government expect support services already in place, many of whom are stretched financially, to become involved in providing this support?
- V. Considering all the above will the people on orders be "set up to fail" with few options/resources to enable access to support. In many areas there is not adequate resourcing of holistic support services generally for people involved in street sex work nor the social provisions needed to enable women to exit street sex work. Hence the order would be in danger of setting people up to fail.

It is extremely poor social care planning to go ahead and introduce these orders into law without an adequate funding stream for the necessary support mechanism which the government claim they want to engage people involved in street sex work with. Any government seriously committed to supporting people who want to exit street sex work need to fund the support necessary to address the reasons why people are involved in street sex work, this means for example well resourced specialist support services, harm reduction and routes out work, housing options, drug treatment services, counselling and emotional support, appropriate training, employment advice and support.

The reality is the national strategy on sex work, which recognized these issues, did not attach a penny more for investment in these services; it merely directed local authorities to allocate monies from existing funding streams. **UKNSWP would like to see such investment; this is clearly needed regardless of the legislative direction the government go.**

8.6 Guidance

An important cornerstone of specialist sex work support project provision for sex workers has been, and remains, the voluntary nature of engagement, people access services and receive support on a voluntary basis, projects actively promote their services and build relationships with sex workers and through this deliver appropriate support. Some member projects of UKNSWP are involved in criminal justice linked initiatives but for these their key involvement is still generally through voluntary engagement via outreach, drop-in and community based frontline services.

There are a number of anxieties and concerns project members have about this voluntary principle in relation to the order:

- a. That the introduction of such an order will in some local areas mean that local authorities do not invest in, as their primary means of providing support for sex workers specialist outreach and support services which engage with clients on a voluntary basis
- b. That whilst optional the order is not voluntary because once the order is in place breach, or not fulfilling some action agreed in the order, could lead to further involvement with the criminal justice system and further punishment.

If an order is introduced in legislation there should be absolutely clear guidance that such intervention should not be the primary means of offering support to people involved in street sex work. Those responsible authorities should have in place specialist community based support services operating outside the criminal justice system. Orders should be the very last stage in a process that makes support accessible to sex workers and relevant to their needs. Indeed diversion should be taking place at a much earlier stage, with few women coming into the system via soliciting charges, indeed this is advocated in the national strategy.

9. GUIDANCE ON ENFORCEMENT & BEST PRACTICE PARTNERSHIP WORK: PRIORITISATION OF SAFETY OF SEXWORKERS

In the demand review the Home Office recommended that:

“To support these proposed legislative changes, Government should work with all relevant bodies, including the police, criminal justice agencies and the voluntary sector to develop comprehensive guidance on enforcement and best-practice partnership work”

UKNSWP supports the development of comprehensive guidance on enforcement and best practice partnership work. Yet we advise that it is vital that a number of principles and issues must be part of these discussions:

- Criteria for determining good practice should be based on evidence based evaluation and practice.
- Guidance needs to build on not ignore existing evidence based good practice and guidance
- The adverse impacts on sex worker safety and access to support services of enforcements practices must be recognised within an open partnership context. Partners should be guided to plan actions and initiatives to minimise such adverse impacts
- Partnership approaches should be balanced: sex worker safety, welfare, rights should not be marginalised. National government should lead by example on this matter. Whilst this is emphasis on partnership work is only to be encouraged, there is a recurrent question from sex work projects: When will the government demonstrate its commitment to sex worker safety: What plans does the government have for investment in initiatives that improve the safety of street sex workers? Whilst the Crimestoppers scheme “*Live Life Safe*” leaflets, and the one ISVA post in a sex work project have been helpful to some degree, this represents only a small financial contribution by government over recent years dedicated to safety. How is the Home Office planning to encourage police forces and community safety partnerships to further prioritize the safety of sex workers?

Even within the current challenging and restrictive context some areas in the UK are making great efforts to try to prevent violence against sex workers and ensure that when there are crimes committed against sex workers these are investigated and taken before the courts.

Drawing on these we recommend that the Home Office take the lead and develop a number of initiatives e.g. all police forces treat violence against sex workers as hate crime, invest in dedicated ISVA’s or safety workers in sex work support projects. (See Appendix 3 for an outline of initiatives advocated by UKNSWP)

10. THE TACKLING DEMAND REVIEW PROCESS & GENERAL COMMENTS

10.1 Literature Review & Research Evidence Base?

- UKNSWP is concerned at the lack of evident research informing the review final report; certainly the Home Office do not make evident the evaluatory and research material that informs their specific recommendations. In the report there are 3 references to the research literature on “demand” and related topics. (These 3 include only one reference to the actual review of literature commissioned using public funds by the Home Office. In addition reference is made to the Home Office “Co-ordinated Prostitution Strategy” and the Home Office “UK Action Plan on Tackling Human Trafficking”). The large majority of research literature is omitted, despite this being a relatively large area where research has been conducted, both in the UK and worldwide. Why has the evidence been left out?

- One document, which itself does not claim to be research; “Big Brothel” (Bindel and Atkins, 2008) is drawn upon in the demand report. This came under heavy criticism from 27 leading academics in the prostitution field, who produced a joint critique because they were alarmed at the methodology, ethics and way data was presented in the report (see Appendix 4 for a summary of this critique and the attachment for the full critique). It is therefore surprising that this document is referred to over other in-depth research studies relating to female brothel sex work or men who pay for sex.
- We are still awaiting the publication of the literature review which the Home Office commissioned Huddersfield University. The review was intended to establish a firm evidence base from which proposals would be made. This literature review (if published) comes *AFTER* the Tackling Demand report and proposals, suggesting that there is no evidence based policy in the proposals that are being put forward. How will this literature review then be fed into the process? We reiterate see very limited reference to this literature review and the considerable academic literature (which exists and we assume the literature review covered) in the report.
- The same comment as above can be made for the report commissioned by the Home Office from London Metropolitan University, Centre for Child Abuse and Women Studies. This review of policy on “demand” in a number of different nation states this was meant to inform the review and any new legislation, again there is no reference to this in the demand report.
- Linked to the issue of the lack of an evidence base. At numerous points during the review UKNSWP has been shocked at statements made by various Ministers (in the Home Office and the Department of Justice) and some non ministerial Labour MP’s making reference to statistics relating to the UK national sex working population and non ministerial MP’s, which cannot be referenced. These have particularly tended to be claims about the proportion of people in the UK sex industry who are victims of trafficking, foreign nationals, coerced into prostitution or drug addicted. Generally making claims that large percentages, if not the majority, of all sex workers fall into these categories. It is important that the government are open about the limited nature of available national data on the UK sex industry and do not mislead the public. There has been no comprehensive national mapping of the UK sex industry in terms of numbers of people working in the industry, the sectors where they are located, the proportion of those involved who are foreign nationals and amongst those, the proportion of those who are trafficked. In the absence of this we have project monitoring data which shows variability across areas and sectors. We have a wider range of research studies relating to matters such as routes into sex work, drug use and sexual health; these tend to be area based studies with a handful of multi-sited studies.
- **Gendered:** the Home Office has yet again carried out a gendered review and produced a gendered report with no consideration of male and Trans gender sex work, who are completely marginalised in this process. This is worrying in a context where government policies are meant to be inclusive.
- Throughout the Review of Demand makes ambiguous links between sex work and exploitation and make little reference to voluntary sex work and more broadly the diverse conditions under which sex work takes place

10.2 Omission of UKNSWP from Stakeholder Participants:

Please note that the UKNSWP is omitted from Annex 1 which lists “active participants in the review”. We cannot think why this is as we met with the responsible Minister, submitted briefing papers, were represented at the stakeholder day and arranged a meeting with the Minister and sex workers hosted at one of our member projects. We note that the International Union of Sex Workers and English Collective of Prostitutes are also omitted as stakeholders, yet are aware that they participated in the review. It is concerning those key organisations, which as part of their aims try to represent sex worker voices are invisible in the final demand report. Whilst this may be an oversight or error it is a shame considering the ongoing concerns about the exclusion of people involved in sex work themselves in policy reviews such as this.

APPENDIX 1: ADVERSE IMPACTS OF ENFORCEMENT OF KERB-CRAWLING

It is vital to acknowledge the research evidence and reports from projects working with street sex workers that enforcing the kerb-crawling legislation which requires intensified targeted policing has many of the same impacts of using the soliciting legislation i.e.:

- Street sex workers are more likely to work in more isolated, unfamiliar and unsafe areas to avoid police surveillance and arrest.
- More pressure from clients for sex workers to go away from usual areas and the police presence to less familiar and isolated location to provide sexual services
- Displacement/dispersal of street sex work: street sex work becomes more dispersed and less able to look out for each other
- Movement of some women in some areas to crack houses
- Reduced client base: anti kerb-crawler initiatives aim to reduce the client base and there is some evidence they can cause short-term disruption or dispersal. If initiatives achieve this, even if only in the short term for street sex workers fewer clients means that women have to work extended hours to earn the sums of money they require for their subsistence (which for many street sex workers includes money to support their problematic drug use and increased competition for clients between sex workers means prices are depressed. There is likely to be a shift to later hours of working, to avoid police and to make contact with clients. This may also be combined with earlier hours of working in order to tap into a broader market of clients; earlier working in day time hours can create more conflict with residents.
- If there is an awareness that the police are looking for evidence of kerb-crawling, the client and sex worker will be under pressure to ensure that the solicitation negotiation is as short as possible hence reducing the time for street sex workers to use the very safety strategies the Home Office is trying to promote in it's personal safety initiatives with the Suzy Lamplugh trust.
- Risk taking: intensified police presence and increased client base leads to increased pressures for risk taking both in terms of personal safety and sexual health. Research shows that with greater competition for clients and no alternative income, women are more likely to accept less money and take greater risks in terms of their personal safety and sexual health. There is increased pressure on sex workers to go with clients they would normally filter out, go to places they would normally avoid, consider services they would not normally perform.
- All these factors make it more difficult for support services to engage with and maintain support for street sex workers

APPENDIX 2: ADVERSE IMPACTS OF ENFORCEMENT OF SOLICITING LEGISLATION

The UKNSWP does not support the ongoing criminalization of street sex work. Network members working with street sex worker witness directly the impact of the soliciting legislation and it's criminalization on street sex workers, on street sex workers and also the difficulties it creates for delivering accessible support services. There is consensus amongst our members (backed by research evidence) that the criminalization of street sex workers, through the ongoing enforcement of soliciting and other punitive measures such as the use of ASBO's:

- Undermines the safety and welfare of street sex workers: sex workers wary of police attention will work away from established areas, work later and longer hours in dangerous locations. Initial negotiations with clients have to be conducted quickly, curtailing safety precautions.
- Contributes to the under reporting of crimes against street sex worker to the police: despite proactive efforts from some forces in the UK to encourage crimes committed it remains a key barrier that street sex workers still experience the police as an organization who can arrest them
- Does not provide a conducive/optimum context for providing holistic support services for people involved in street sex work in order to address harm reduction issues or routes out. Sex workers respond to crackdowns by working very late at night, moving from their usual locations locally, or to other towns, working even more illicitly. This disrupts outreach contacts with health and social care.
- Some street sex work may become displaced to other more illicit "hidden forms" i.e. sex worked linked to crack houses. Such sex workers are much harder for projects to contact and deliver support services to.
- 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) and displacement to other venues for sex work e.g. crack houses in some areas. The following local case study illustrates how enforcement of both soliciting and kerb-crawling legislation leads to the movement of some women to crack houses, leading to further vulnerability. This may not be visible to communities and authorities. Open Doors sex work support project in East London runs 2 weekly outreach sessions directed at street based women in the London borough of Hackney. A very clear pattern has emerged amongst the clients they work with when their lives become very difficult (usually as a direct result of outstanding warrants for arrest or kerb-crawling initiatives that reduce clients on the streets). The women they work with become invisible and lose contact with staff and services completely. When they do re-appear on the streets, or other clients tell the project of their concerns about them, they learn they are more vulnerable because they have gone to stay in local crack houses were they exchange money for drugs (removing the cash economy from their lives).

Whilst the local policing initiatives around the closure of crack houses have had success at closing some crack houses, it has so far proved not possible in the large urban sprawl such as East London to locate and remove every crack house. There are in operation because there are many vulnerable and drug addicted members of the community fuelling their existence.

Clients of Open Doors relate experiences of rape and sexual assault that they must endure because they become so intoxicated and depressed that they cannot remove themselves from these places. The service cannot make contact with these women as they would if they were on the street). This project has found that initiatives that push women further underground will result in the sex in exchange for drugs, making the harm reduction and exit support work of the project even more difficult and the lives of the women even more desperate. Numerous projects recount the "displacement" of street sex work to other settings where sex workers are less visible, but still present and harder to contact.

The following UK based studies, amongst others, have showed the above: Barnard, 1993; McKeganey and Barnard 1995; Kinnell 1993, 2004, O'Neill and Campbell, 2002; Hunter and May, 2004; Hester and Westmorland, 2004, Pitcher et al, 2005).

APPENDIX 3: ADDRESSING VIOLENCE AGAINST SEX WORKERS

- **Hate Crime:** following the example of Merseyside, ACPO should work with the Home Office to encourage all forces to consider treating crimes against sex workers initially as hate crime to ensure such crime is treated as a priority. Or at the very least forces should consider other ways that “ugly mugs/dodgy punter” and other reported crimes against sex workers can have a higher priority in the force in terms of intelligence gathering and investigation.
- **Home Office should invest in a comprehensive national Ugly Mugs scheme linked to local schemes run by local sex work support projects:** the UKNSWP has campaigned for such a scheme for some years. The current Crimestoppers “Stop Ugly Mugs/Dodgy Punters” Campaign is operating more as a remote reporting scheme which in many areas is not linked to local forces and sex work support project schemes. UKNSWP has heard nothing from Crimestoppers about outcomes from the scheme nor have any of the promised developments emerged. A national dodgy punters/ugly mugs scheme should be adequately funded and should involve specialist sex work support projects.
- **Investment in specialist posts within sex work support projects building on the one ISVA post in a sex work support project in the UK:** in the couple of cases where projects have been able to have dedicated posts in projects to co-ordinate ugly mugs schemes, progress personal safety work, forge liaison with the police and support sex workers who are victims of crime there have been positive outcomes. We point to the Independent Sexual Violence Advisor post in Armistead Street (funded by Home Office ISVA money till end March 2009), Liverpool. Over the years a small number of other projects have been able to have specialist posts linked to safety, funding has restricted the longevity of these for example the Safety Worker post previously funded by the Victims fund at Streetreach, the liaison post previously funded by the Home Office “tackling Prostitution: What Works?” funding within the SWEET Project, Huddersfield. Such initiatives should be extended to cover both street and indoor sex work.
- In areas where sexual assault referral centres exist encourage SARCS to form close working relationships and partnerships with specialist sex work support projects. Ensure all ISVAs receive training about sex workers experiences of actual violence.
- Providing resources (i.e. video recording equipment) to all sex work support projects, in partnership with their local police force, to offer vulnerable witness interviews within a sex worker friendly community base. This would require the appropriate joint working, trust and protocols to be in place
- Provide resource for local sex work support projects to carry and be able to use early evidence kits for victims of rape and sexual assault in line with their local forces. Again this requires positive partnership work between sex work support projects and local forces. It would require local police to provide training and support to their local sex work support projects.
- **Obligate police forces to work positively with sex work support projects to address violence and other crimes against sex workers.** This is a foundation for many of the recommendations we make here. As a network we are aware of many member projects that have excellent working relationships with the police, with very close joint working and proactive efforts from the police to address violence. Yet we are aware of other member projects that are frustrated because police forces do not appear to prioritise addressing violence against sex workers or do not form ongoing liaison, let alone jointly negotiated partnerships with sex work support projects.

- The national strategy highlights sex work police liaison role in police forces, this is where non-arresting officers (re sex work related offences) are dedicated to building positive relations with sex workers, sex work support projects and encourage the reporting of crimes against sex workers. Some forces have formalised this role & sensitively selected suitable criteria and officers to take on this role. Others have not adopted such a role or if they have seemed to ignore emerging good practice e.g. for example putting an officer in place who is still involved in enforcement of soliciting of kerb-crawling legislation of intelligence gathering re these offences or an officer who holds prejudicial views towards sex workers. The government need at the very least to offer clearer and more directive guidance on the liaison officer role and to ensure appropriate training is given. This liaison role should include female indoor sex work and male sex work as well as street sex work.
- All police forces should periodically, in partnership with local support projects, run promotional campaigns to encourage sex workers to report crimes against them.
- The Home Office should lead on this by a high profile campaign that communicates a message that violence against sex workers is a crime. This needs to go beyond a few posters from Crimestoppers whose distribution was targeted at sites where sex workers will see them.
- Home Office must direct all forces that even in enforcement operations the police should be equally addressing crimes against sex workers. I.e. using the opportunity of increased policing to gathering intelligence of people committing crimes against sex workers and to contribute to ongoing investigations against crimes against sex workers. This will in some areas require communication between different policing units and areas.
- Police forces to treat as a priority missing person reports of sex workers and to liaise closely with sex work support projects re missing persons.
- Obligate police forces to have formal protocols with sex work projects re the appropriate sharing of information including ugly mugs information. Forces should have clear procedures in place, which have been negotiated with sex work support projects, to ensure ugly mugs information is received by appropriate police contacts, are then assessed by appropriate intelligence and investigative units. There should be ongoing communication and feedback between sex work support projects and the police on ugly mugs/dodgy punter cases.
- In the case where sex workers are murdered, policing should focus on detecting the crime of murder not instigating anti prostitution campaigns
- Major Incident Teams within forces should form channels of liaison with sex work support projects, this should happen whether or not there is an ongoing investigation regarding a sex worker murder
- All student officers should receive training, as part of diversity training re sex work. This should go beyond legislation, but should include routes in, support service needs and specialist services as well as information about violence against street sex workers. Similar training should be given to qualified officers who are policing areas where sex work is a policing issue.

APPENDIX 4: ACADEMIC “BIG BROTHEL” CRITIQUE SUMMARY

ACADEMICS’ RESPONSE TO BINDEL & ATKINS’ “BIG BROTHEL” REPORT

This response is a collective reaction authored by a number of leading UK academics and researchers following the publication of the Poppy Project’s (Eaves Housing) ‘Big Brothel: A Survey of the Off-Street Sex Industry in London’, which was depicted widely in the UK national media as revealing the ‘truth’ of indoor sex working (or brothel-based prostitution). This collective shares a concern that the ‘Big Brothel’ report has been given undue weight in media and public discussion of sex work in recent days and weeks, given it is one piece of evidence among many – and one that exhibits serious flaws in its mode of data collection and analysis. The authors and supporters of this response wish to see a balanced debate about sex work in this country, with legal reform being evidence-based and informed by the wealth of research carried out on indoor and outdoor sex work by established academics and researchers, many sponsored by the government’s own research councils and not informed by sensationalising reportage purporting to be ‘research’ such as evidenced by ‘Big Brothel’.

KEY POINTS:

- The report builds a damning picture of indoor sex work on the basis of data whose reliability and representativeness is extremely doubtful and a methodological approach that would be considered unethical by most professional social researchers. It makes claims about trafficking, exploitation and the current working conditions of women and men employed in the indoor sex industry on the basis of that data. These claims cannot be substantiated in terms of the methodology, the data presented or in terms of wider, ethically approved, peer reviewed academic evidence. In short, the report does not provide any evidence concerning the current working conditions of women and men employed in indoor sex work venues in the UK.
- The report does not adhere to scientific standards and only represents an anecdotal account based on making hoax calls to telephone numbers obtained from sex venue adverts. The use of such methods of deception does not meet the standard of ethics governing any UK University or reputed research institute practices. The main data collection tool was telephone calls made by male “researchers” pretending to be potential clients- a method which did not provide the opportunity for respondents to consent or decline to participate in the ‘research’.
- Notwithstanding the cavalier disregard of the issue of consent, there are serious problems with the reliability of such data. The method of phoning up numbers taken from sex venue adverts and then treating the information provided by receptionists as ‘fact’ is flawed. Information given by receptionists to callers they think are potential customers does not necessarily reflect anything other than the marketing process used to encourage clients to visit. The ‘data’ reported is therefore accounts of receptionists and not any true picture of sexual behaviour or the type women who work.
- There has been a wealth of empirical research conducted on indoor sex work, and there are established methods of gaining access to sex workers and others working in sex work venues. The authors make no attempt to use these established methods, or efforts to contact sex workers themselves. Some quotes from ex-workers are incorporated in the report, but the source of such quotes is unclear. Quotations from selected ex-workers are not necessarily representative of current working conditions across the range of indoor venues.

- Information given over the phone from parlours/saunas and private flats is not a reliable method for establishing the actual nationalities and ethnic identities of sex workers working in parlours. However, the report appears correct when it suggests women and men of many nationalities are employed in London's off-street sex work venues. This does not necessarily imply these workers have been coerced or trafficked into sex work, and there is no evidence presented (or available) to suggest that the majority of migrant workers in indoor sex work do not do so legally and of their own choice. The anecdotal indicators of trafficking presented by the Poppy Project report are just that, and cannot be considered as evidence of an accurate or reliable nature, being obtained from those who answer phones in venues under misleading circumstances.
- This research suggests unsafe sexual practices may be available at many venues for additional payment, yet the evidence for this is not clear. In fact, most studies report high level of safe sex amongst sex workers indoors, which is partly down to the harm reduction programmes that work tirelessly to access indoor premises. Indoor work has been found to be safer than street working in most reputable studies, contrary to the impression given in this report.
- The attention-grabbing headlines given at the start misrepresent the report's content. For example, one headline reads "*full sex available for 15 quid*", yet it turns out that this was one venue only and the majority of venues were quoting much higher rates, with an average of more than £61. Another states "*kissing, oral or anal sex without a condom for an extra tenner*", suggesting that this was readily available at most venues. A close scrutiny of the report finds that only 2% of venues offered oral or anal sex without a condom at any price, (with only one offering this for £10 extra) and 13% offered oral sex without a condom. Thus the large majority of venues contacted were offering safe sex.
- The 'findings' of this report are framed by a pre-existing political view of prostitution. In the forward, the Chief Executive of Eaves (CEO) identifies prostitution as something which "helps to construct and maintain gender inequality". Prostitution is represented as violence against women; this is not always the case. Not all clients are violent and not all workers claim to be, or are, exploited.
- Extensive quantitative and qualitative research on men who buy sex demonstrates that they are from a wide range of backgrounds, ages, ethnicities, social class, and are usually employed men in conventional relationships. They are no more likely to be criminal than any other cross section of society (and there is Home Office research that bears this out).

The Response was authored by, and enjoys the support of, the following University-affiliated and independent researchers:

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For information, a summary of the main headlines which the POPPY project presented to the press
can be found at: [http://www.eaves4women.co.uk/
Documents/BigBrothel_PressSummaryFindings_3sep2008.pdf](http://www.eaves4women.co.uk/Documents/BigBrothel_PressSummaryFindings_3sep2008.pdf)