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*Prostitution Policy: New Directions*

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*'Tackling the Demand for Prostitution and  
Trafficking for Sexual Exploitation'*

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## **TACKLING THE DEMAND FOR PROSTITUTION AND TRAFFICKING FOR SEXUAL EXPLOITATION**

To understand the government's developing approach to prostitution we have to look, largely, through the prism of people trafficking. I don't call it developing because it is new, recently the Home Office held a consultation under the direction of then Minister Fiona Mactaggart, which produced "Paying the Price" – a forward policy document.

Since then we have decided to look again at some aspects only largely because of the advent of trafficking and, for me, because of new research from Liz Kelly and others causing a refocus onto the issue of demand for prostitution.

Trafficking is one of the vilest crimes. It is 21<sup>st</sup> century slave trading, probably even more evil than 18<sup>th</sup> and 19<sup>th</sup> century slavery since the trafficked we are concerned with, at this conference, will be imprisoned and subjugated into permanently supplying sex to men who society otherwise treats as ordinary or respectable. A real crime that threatens our society is the trafficking of human beings. This modern day slavery is an evil practice perpetrated for profit with no regard for the consequences for the victims or society as a whole.

It is organised criminality, capable of ignoring borders, that feeds on the exploitation of the vulnerable, serving the gluttony of the purchasers and filling the pockets of evil perpetrators with cash.

The Government is totally committed to tackling this hideous crime. We are determined to bring to justice those who sexually exploit and abuse others, whilst offering the protection the victims need to ensure they have real avenues to change their lives.

All of this is in the context of our overall drive to tackle violent and serious crime.

We have made good progress: in 2005/06 in the not unrelated field of domestic violence, homicides were at their lowest level (106) since 1999/00 and down markedly from 2004/05 (144); overall crime has fallen and total violent crime has fallen by 41 per cent since 1995.

And we have a new commitment, enshrined in our new Public Service Agreement, not just to reduce crime but also to reduce the level of the most serious crime, which although rare does have a disproportionate impact on the quality of life within our communities.

Similarly, we have made progress on trafficking.

But we know there is a major job to do. That's why we have set out proposals in five areas to help us tackle the problem:

- We've begun to implement a 62 point Trafficking Action Plan, which sets out each of the practical steps needed.
- We're party to an international framework for tackling trafficking across borders – the Council of Europe Convention on action against human trafficking. It is not the case that because we have signed but not yet ratified this convention, we are paying lip service to it. We already do more, in a number of areas, than it requires, but in this country we have to alter the law to match its terms before we can ratify, which requires change across a range of legislation but that is very much in progress.
- We're providing more support for victims and protection for the most vulnerable
- We've turned up the heat on the perpetrators, increasing enforcement against the traffickers and those who commit the crimes
- And at the end of 2007 we began a Review looking specifically at what action we could take to curb the behaviour of men who create the demand for prostitution and trafficked women.

Our measures on trafficking will be futile if we do not tackle the demand for sexually exploited women and children. Otherwise in reality once we have closed one trafficking network, another may move in and take its place; once we have rescued one victim another one is put in her place.

I know that some may argue that there is an element of choice, where those that have worked in the sex industry in their home countries come here to make more money. Though personally I have reservations about accepting the concept of choosing to be a prostitute at all. No doubt this may occur. However let me be clear; for trafficked women there is no real informed choice. How many of them have a realistic impression of the situation they will end up in? How many are told just how many men they will have to have sex with? Or that they will be sold from one exploiter to another; moved around the country; be subject to never-ending debt bondage or that they will be kept isolated and forced to live in squalid conditions?

This cannot continue to happen. So what are we doing about it?

At the end of 2007 we announced a six month review to explore what more we can do to tackle the demand for prostitution. The review began earlier this year with a visit to Sweden and will include a review of the approach taken by a range of other countries, including the Netherlands.

On 10 January, I visited Sweden with Home Office Minister, Vernon Coaker, and the Deputy Minister for Women and Equality, Barbara Follett, and a small team of officials.

The trip was set up so we could talk to the Swedish authorities specifically about their legislation which criminalises those who pay for sexual services – including the debate in Sweden that led up to the change in their legislation in 1999 and its implementation.

We also used the visit to see how the legislation is enforced and prosecuted and the impact it has had on prostitution and those involved in selling sex.

We met our ministerial counterparts as well as the police, prosecution services, agencies supporting those involved in prostitution and those who sell sex. And from those discussions it was clear that the Swedish Government are extremely proud of the very clear message they have sent out on prostitution – and rightly so. But they were also clear that they still have a way to go.

When the Swedish Minister for Equality there was told that many of the people we meet say ‘just do what they do in Sweden and you won’t have a problem with prostitution or trafficking’, she laughed and explained that they know they haven’t solved the problem. But they have started their journey and there is much we can learn from what they have already achieved.

This year the Swedish plan to review their approach in this area – not in terms of whether they should retain their offence, but in terms of how they can strengthen what they are currently doing.

They openly admit that questions remain about the impact their legislation has had on those selling sex, both in terms of the numbers involved and how their services are accessed by sex buyers. And as the Swedes continue to look for answers to these questions, we will continue to talk to them to ensure the information feeds in to our decision making.

We are also intending to visit the Netherlands soon to meet with their Ministers and law enforcement agencies. The Dutch legislation is in direct contrast to Sweden - prostitution was legalised in the Netherlands in 2000. Controlled “tolerance zones” have been set up away from residential areas and there are licensed brothels.

However, it is increasingly clear that prostitution has not been restricted to the policed areas and rendered safe but these arrangements have, if anything, increased demand and there is a “twilight” sex industry too. The Dutch Government has recently announced that they are to review their legislation this year and we are very interested in talking to the Dutch authorities about their experiences and the issues they are facing.

As part of our Tackling Demand Review, we will research the legislation in other jurisdictions, particularly those with contrasting approaches to prostitution, including New Zealand. In New Zealand, the Prostitution Reform Act 2003 decriminalised prostitution. The Act requires every operator of a prostitution business to hold a certificate and removed the requirement for massage parlours to be licensed. It is not illegal for a person under the age of 18 to be a prostitute but it is illegal for anyone to have sex with them.

Later this year, I myself will be visiting Australia, though not as part of the demand review, where the prostitution laws vary from State to State. Their laws regulate the purchase and sale of sex – and include laws which punish prostitutes for selling sex, laws punishing those who are involved in the management and organisation of prostitution, and laws which punish those who purchase sex. Three of Australia's states run licensed brothel schemes. However, there is concern that this is not the most effective way of controlling street prostitution, which remains illegal.

So, as you can see, there is a diverse approach to prostitution from jurisdiction to jurisdiction, and it is right that on behalf of the public we consider these various approaches, and the impact they have had, very carefully, so that we can learn from them and use their experience to inform our own policy.

In particular, we are looking at how our current policy can be strengthened to ensure we robustly tackle the demand for prostitution – and this includes considering the impact that it will have on sex trafficking.

We will consult with stakeholders as part of the review. We also intend to conduct an audit of enforcement, prosecution, and sentencing practice, and in particular we will be interested in identifying any regional variations. We will also be looking at the options for using existing legislation to tackle those who pay for sex.

As well as taking forward this separate review, we will continue to implement our coordinated prostitution strategy, set out in 'Paying the Price', which includes important measures to support those involved in selling sex to develop routes out of prostitution and to remain safe from harm.

The strategy seeks to ensure that agencies which come into contact with those involved in prostitution will provide support and treatment on a voluntary basis, or through diversion from the criminal justice system where appropriate, and make a complete and coherent package of support available, including advocacy, where appropriate.

I have come across some excellent schemes. In Doncaster the dedicated support project has developed protocols with a range of agencies to support every stage of the exiting process, addressing drug misuse, homelessness, self esteem, childcare issues, re-education and employment.

Those involved in, or at risk of involvement in, prostitution have a range of complex and often interlinked needs. These can include housing problems, drug addiction and health needs which are most appropriately met by local agencies using local budgets. Following publication of 'Paying the Price', the Home Office last September produced guidance to ensure effective partnership working between local Criminal Justice Intervention Teams and dedicated projects, to increase the engagement of women involved in prostitution with the Drug Interventions Programme.

Street prostitution is particularly dangerous and it always will be. This reality was brought home to us in the recent trial of Steve Wright for the brutal murders of five young women on the streets of Ipswich. Two of the girls had continued working on the streets whilst knowing that a serial killer was on the loose. Four of them were young mothers.

In virtually every town and city tonight and every night young women will continue to face danger and violence as a result of their involvement in prostitution. These women are much more vulnerable than other women and suffer regular abuse from their pimps and punters. I strongly believe that the best way to protect them is to address the factors that cause them to be involved in the first place.

As many of you will be aware the clauses concerned with prostitution in the Criminal Justice and Immigration Bill have just been removed from the Bill. They were firstly to end use of the term “common prostitute” and secondly to introduce a sentence for someone convicted of soliciting, which required her to attend three sessions with a counsellor or crisis worker to seek to assist her to exit prostitution. This is unfortunate but was necessary in order to help the passage of the Bill through the House in the available Parliamentary time. However, the removal of these clauses from the Bill in no way indicates a lack of commitment from the Government to tackle prostitution.

As soon as parliamentary time allows, we will look to reintroduce the legislative changes that have now been withdrawn, along with any new proposals for legislative change we feel to be necessary following the review into tackling demand.

We fully recognise that the current system of fining individuals can merely create a revolving door. Guidance to CPS prosecutors emphasises that an incremental approach should be taken to provide prostitutes with opportunities to find a route out of prostitution. We will also be exploring, with dedicated centres, with police and with prosecutors, the possibility of developing a conditional caution specifically designed for prostitutes.

Many of the 42 CPS Areas, including my own in Cleveland, have already developed, in agreement with their local police force, prosecuting strategies that focus on rehabilitation. For first and second offences, they will be given a caution and encouragement to access support services. For the third and fourth offences, arrest and charge but with continued encouragement to access support.

In addition, Court Diversion schemes operate in a number of towns and cities, and require women to attend sessions with a local support project. If this is successfully completed, the prosecution will be discontinued.

I can see the argument that it is unpleasant to criminalise people we see, generally, as victims. However, there is something to be said for the leverage that retaining the offence can offer, in the context of these policies and the availability of diversion and so I would suggest that this is not entirely oppression by the state.

Further, we also have a responsibility to local communities and the wider public, and I believe that decriminalising prostitution altogether would send out the wrong message. It would imply that street prostitution is acceptable and in doing so remove an important safeguard.

So our overall aim must be to reduce street prostitution and all forms of commercial sexual exploitation, including trafficking.

Tackling demand is one of the areas where we think we can have the greatest impact. However, experience in Sweden appears to show that it is not just legislation that can tackle the demand for prostitution. It is also about challenging social attitudes and raising awareness about the realities of prostitution and trafficking. And specifically it is about changing the attitudes of men.

In the context of the review, we are considering a small scale targeted marketing campaign to raise awareness among sex buyers about the levels of exploitation in prostitution, including trafficking, violence, and the involvement of people under 18. The aim will be better to understand how to change attitudes towards buying sexual services.

By penalising those who organise prostitutes and make a living from their earnings and by targeting those who are persistent kerb crawlers, with the aim of preventing repeat offending, we are already deterring those who create the demand for prostitution. The penalties being applied in some parts of the country to persistent kerb crawlers include disqualification from driving, kerb crawler re-education schemes and fines, and the naming and shaming of those convicted in the local media. We will be examining the effectiveness of these approaches, and seeking to share “best practice”.

As part of the wider set of actions to tackle demand and trafficking, we felt it was important to address the issue of small advertisements in the back of newspapers which can fuel the demand for trafficked women.

In November, with other ministerial colleagues, I met with representatives from the newspaper and advertising industry and discussed with them how they could support our work to tackle the demand side of the problem of human trafficking for sexual exploitation. As a result, the Newspaper Society are updating their guidance to editors of local papers, which can help them avoid accepting personal advertisements which are, in effect, advertising this despicable trade in women.

Work is also under way on call-barring schemes aimed at eradicating prostitute carding. This will involve negotiations with the Mobile Broadband Group, British Telecom and OFCOM.

On the trafficking side - we have already worked with partners on awareness raising campaigns both in the UK and in source countries. High profile enforcement campaigns like Pentameter 2 will help raise public awareness; we need the public to be aware that women are being forced into the sex-industry.

One of the promising aspects emerging from the current operation has been the increase in intelligence provided on human trafficking from across the UK. This will assist with providing an up to date strategic picture of the nature and **scale** of trafficking for sexual exploitation.

For the first time ever in UK policing a bespoke database and business process has been developed to support this national operation which is linked to the regional intelligence units.

A significant number of victims have been identified and are receiving support as appropriate. It is not possible to give exact numbers at this stage as we are still in the midst of operational activity.

Police forces nationally have been involved in submitting intelligence or been involved in active operations. Over 542 premises have been visited thus far – a large percentage of which have been residential – demonstrating the “hidden” nature of this crime.

The number of arrests already exceeds those under Pentameter 1 but further operational results will be given following the conclusion and evaluation of the operation.

The campaign also provides an opportunity to help develop local measures on trafficking- this includes scoping suitable service providers for victim support. The Poppy project and the Tara project in Scotland, have been working with the UK Human Trafficking Centre and others to help develop the capacity and expertise of other providers during the campaign. Following last year's campaign the Salvation Army and the Medialle Trust established projects for victims.

This year partnerships are now in place with around 17 organisations working with vulnerable women- particularly Women's Aid projects to cover areas such as: Birmingham; Bradford; Sheffield; Leeds; Kirklees; Huddersfield and Harrogate.

Returning to demand, I want to stress the importance of ensuring we drive home to the users and potential users of those exploited in the sex industry the real consequences of their actions. If they are knowingly buying sex from a trafficked woman, someone who they know has been forced to do something against their will - they should be under no illusions that they are committing rape.

And even if they do not know that the woman is trafficked, just by paying for sex they are contributing to organised criminality and their actions are keeping particularly vulnerable women trapped in exploitation.

And, of course, the pursuit of an end to the evils of trafficking is raising the issue whether in the 21<sup>st</sup> century a government, totally committed to gender equality with all the concomitant mutual respect and dignity that connotes, ought in any way to be permitting or sanctioning women being bought and sold for sex.

We look forward to working with some of the people present at this conference on our stakeholder group as we continue our review into demand and it is cheering to see that this event on prostitution is a sell out. I am sure that if we work together we can come to clear conclusions and start to make a difference.