

Paying the Price: Eaves Response to the Home Office Consultation on Prostitution

The POPPY Project, managed by EAVES Housing², is a pan-London research and development project focusing on prostitution and the trafficking of women and children into the UK.

POPPY is one of only a handful of projects working to develop exit strategies for women involved in prostitution. POPPY runs the only UK safe house for women who have been trafficked into the United Kingdom for sexual exploitation.

This report has been considered in conjunction with 'Tackling Street Prostitution: Towards An Holistic Approach'.

² Eaves is a registered charity which has been working for 26 years to provide homeless women across London with high quality supported housing, which is both secure and affordable. Eaves is now widening its work to include the provision of Domestic Violence services, and development work around Violence against Women, Prostitution and Trafficking. Eaves is determined to give a voice to the most excluded women in society as well as deliver them innovative empowering services.

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Chapter One: Opening the Debate

1. What is the role for schools in raising awareness of this issue? Do you have examples of good practice

This is one opportunity to develop and pilot primary prevention tools in relation to commercial sexual exploitation. Awareness raising regarding issues relating to all forms of commercial sexual exploitation – including demand as well as supply – should be made compulsory within the PSHE curriculum, which of course will require commitment to fund this from central Government.

There is evidence that boys as young as ten have been involved in pimping girls as young as seven. Although there is no evidence that this is a widespread problem per se, it is well documented that the majority of those at least in street prostitution entered as children (see Home Secretary's Forward). Preventative/awareness raising work should be delivered in schools from 10 years old upwards.

Barnardo's Young Women's Project, serving the London boroughs of Camden, Haringey, Hackney and Islington is an example of good practice. The organisation provides outreach training for staff in children's homes. Every missing girl who is found in the areas is referred to the scheme.

2. What can be done to ensure that those who go to prostitutes are fully aware of the implications of their activities?

In the absence of legislation criminalising the buying of sexual services, it is crucial that those who are potential buyers of sexual services have an opportunity to be made aware of the reality of buying and selling sexual services, in the same way that adults in Britain understand the dangers and anti-social elements of smoking, and can therefore make an informed choice regarding taking up the activity. Therefore, a national awareness raising campaign to run on television, radio and newspapers is needed.

POPPY approves of and advocates the pro-active arrest of kerb crawlers, and the ceasing of arrests of women and men in prostitution. However, such activities should be coordinated and consistent. Any one in a position of trust (i.e. those working with vulnerable people) should expect that their employer will be informed if they are apprehended for buying or attempting to buy sexual services.

The Swedish legislation which criminalises the buying or attempting to buy sexual services should be introduced in the UK. Currently, a prevailing attitude towards those who buy sex is that they are 'doing no harm'. This

attitude needs to be challenged, as prostitute use creates harm to those involved and to communities.

3. How do we ensure that it is clearly understood that those using young people under 18 for sex are guilty of child abuse?

First, there needs to be quality training available to all those agencies with a responsibility and/or professional interest in prostitution/sexual offences legislation on the legislation and how to apply it. Expertise also needs to be developed in agencies that come across victims of child abuse through prostitution in order that they can be quickly identified. For this to occur successfully, funding will have to be made available.

POPPY would advocate a National, government funded campaign run along the same lines as those discouraging driving whilst under the influence of alcohol. The campaign, which would need to be allocated slots on national TV, radio, print media and billboards, should:

- Set out the law in lay person's terms
- Explain social context to law coming into force
- Highlight the potential consequences for those breaking the law, i.e. possible custodial sentence, being placed on the sex offender register

Chapter 2: The Key Issues

4. Does this paper present an accurate picture of the models of Prostitution in England and Wales in the 21st century?

From the research conducted by the POPPY Project – yes it does.

5. Is there further information on the numbers, ages, ethnicity and circumstances of children abused through prostitution, and methods of coercion, which could help inform policy and practice?

POPPY has not as yet conducted specific research regarding children exploited through prostitution. The information in the consultation document appears to be accurate and comprehensive, based on recent initiatives from Barnardos, and evidence from academic research.

6. How can we most effectively identify those at risk, and what are the most effective measures to prevent the abuse of children through prostitution? What roles should schools play in a preventative strategy?

The list of risk factors is not, in Poppy's opinion, comprehensive enough. For example, children with mothers involved in prostitution; and those unfortunate enough to meet a pimp should be included. Although the identification of high and specific risk categories of young people can help to target specific campaigns/initiatives and services, it should be recognised that those targeted and groomed into prostitution represent all social, ethnic and racial groupings.

7. How can we warn parents/carers of the methods of coercion into prostitution so they can be aware of early warning signs – and what more can we do to provide them with support and advice?

Myths about prostitution need to be dispelled, in order that adults seeking to protect young people from sexual exploitation do not fall into the same traps as those who believe that only certain groups of children fall prey to pimps and traffickers. Early warning signs will only be noticed by those who recognise that any child can be in danger, and that perpetrators do not usually adhere to physical and behavioural stereotypes of sexual predators.

Prostitution is sometimes promoted as a positive choice, which can be persuasive to some children and young people in poor and vulnerable circumstances. US academic and campaigner Donna Hughes, in examining push factors for young Russian and Ukrainian, found that:

[The women's] idea of prostitution is 'Pretty Woman'⁴, which is one of the most popular films in Ukraine and Russia. They're thinking, this may not be so bad⁵.

Additionally, some carers may believe that their child is safe, because she is not behaving in a worrying manner, or mixing with the 'wrong crowd'. As Irene Ivison, founder of The Coalition for the Removal of Pimping (CROP) and author of *Fiona's Story*, a book chronicling the coercion into prostitution of her 17 year old daughter by a pimp said:

I had no idea that Fiona was being groomed by a pimp. She described him as her boyfriend. Bit by bit, he worked on her until he turned her against her family and friends, then guilt tripped and bullied her until she prostituted for him. I had no idea she was doing this until the day her body was discovered.

CROP is a good practice model that should continue to receive financial support, and funding made available for widespread advertising of its services, and to extend the opening hours of the national helpline.

8. What is the best way to close off routes into prostitution for the young and vulnerable? Do you have good examples of working with target groups, for example in residential homes or unaccompanied asylum seekers?

Curbing the activities of those involved in the buying and selling of young people and adults, i.e. the pimps, predators, brothel owners, traffickers and customers, is the most effective way to close off routes into prostitution.

Agencies dealing with the issues involved in commercial sexual exploitation of young people need better targeted training. The majority of people in street prostitution are known to have entered as children. Turning 18 does not mean they are exercising free choice. Primary prevention is of the utmost importance in tackling this issue. A multi-agency approach is the only way to be effective in reducing demand and enabling children and young people involved to access support.

Again, myths and attitudes need to be challenged amongst those working in the area. For example, some professionals are still of the opinion that the victims of prostitution 'choose' to enter, and that they are being 'rebellious and difficult' when refusing intervention and support. Police officers need to be aware that by preventing young people entering prostitution, the crime and social disorder caused by such chaotic lifestyles will be reduced.

⁴ A 2003 study, carried out for the MiraMed Institute, a Moscow-based organisation that tackles sex trafficking and social issues, found many Russian women were drawn into prostitution by the Pretty Woman syndrome.

⁵ Simon Ostrovsky, 'Pretty Woman' students sell sex to fund degrees', Sunday Times, May 11, 2003

Schools should play a major part in educating children about the reality of prostitution. There are many imaginative ways of doing so – theatre companies staging interactive plays, for example, which outline the ease with which pimps can groom and influence young people who are naive and unaware of the complex issues surrounding sexual exploitation.

Missing children, care homes,

9. How can we ensure that early prevention measures are delivered in a culturally sensitive way?

Ensure that staff are recruited that understand the cultural issues, as well as providing training in such issues for all those working in the area of early prevention. Prostitution/sexual exploitation can affect girls from minority ethnic communities in different, as well as the same ways. For example, the impact of prostitution on Asian young girls can be bond up with izzat (personal honour), where the blame and punishment from family members is directed onto the victim of prostitution, rather than the perpetrators. However, it is important to recognise that *all* cultures, to various degrees, vilify those in prostitution, and misdirect the blame to the victims.

10. How do we reach children in need of protection from abuse through prostitution? Are there further examples of good models that have proven success in helping young people abused through prostitution to move on?

Provide training for all agencies that have contact with young people at risk. Develop and pilot mentoring schemes, so that those who have been abused through prostitution can link with young adults who have experienced similar abuse. Police and CPS should be encouraged and enabled to put more effort into detecting and prosecuting the abusers.

11. How are services (for example sexual health services) best tailored to meet the specific needs of children and adolescents involved in prostitution?

Children are not ‘involved in prostitution’ but sexually exploited.

Specialist services should be available for under 18’s, and should include immediate access to sexual health screening, counsellors trained in issues of sexual abuse and exploitation, and general medical services. These services should all be on offer in one venue, such as a ‘one stop shop’.

Because of the multitude of problems and issues faced by children abused in prostitution, multi agency fora should be established to share information and develop safety and care plans for individual young people.

12. How can we best support the families of children and young people abused through prostitution?

First, it needs to be recognised that family members are sometimes implicated in sexual exploitation and prostitution of children. However, there are many families that are not, and they need help to enable them to continue to support the young person, and to cope with the situation. Campaign for the Removal of Pimping (CROP) is a good practice model incorporating campaigning/lobbying and support for families. Funding needs to be made available for CROP to run a 24 hour helpline (currently the line is open for 12 hours five days a week).

Grandparents and other responsible carers should be better enabled to care for children coming from abusive households, as an alternative to local authority care.

Government run awareness raising/education programmes could help inform parents/guardians about the realities of prostitution, which would, in turn, enable a more appropriate response to the situation.

Finally, those caring for children and young people would feel better supported if the abusers (groomers, pimps and buyers) were detected and prosecuted.

Chapter 5: Supporting adults involved in prostitution

13. The paper contains some useful examples of what works to support women and men out of prostitution. Do you have examples of other initiatives that have proved effective and provide useful learning?

The majority of health-funded projects prioritise harm reduction as opposed to developing ways in which to support women and men out of prostitution. However, a small number of projects include exiting work within their general remit. The government should make it mandatory for projects with public sector funding to include exiting work as part of their general remit.

The Maze/Marigold project based in east London is a good practice model, combining outreach work for women involved in street prostitution, drop in, referral service and exit counselling.

Street Matters, an NSPCC project, works with young women up to the age of 18 involved in or at risk from prostitution or sexual exploitation. It offers support and advice in an holistic way. The project has an outreach service and runs a drop-in centre - a facility focusing on safety, good health and managing risk. The project also works in schools, pupil referral units and other settings offering detailed group-work on sexual exploitation.

Sexual Health on Call (SHOC) is a good practice example of effective outreach work, covering the London boroughs of Haringey, Enfield and Barnet. SHOC also provides drop-in twice weekly on the street beat area (full sexual health screening/treatment service, family planning, primary care, substance misuse advice and needle exchange). The project has developed a Lifestyle Options Package which helps women in prostitution explore ways in which to make lifestyle changes.

Standing Against Global Exploitation (SAGE), based in San Francisco, US, is a human rights organisation that offers peer education, job training, support services, trauma and drug counselling, holistic and traditional healthcare, and a mentorship program for women and men in the sex industry. The majority of the SAGE staff members were formerly involved in prostitution. The services for those involved in the sex industry are part-funded by the 'John School', The First Offenders Prostitution Program, where customers learn first-hand the negative consequences of prostitution. This project has gained national recognition as an effective alternative to the prosecution of first-time prostitution-related offences.

SAGE staff also conducts outreach programs on the streets, in prisons and at schools to help raise the awareness about SAGE programs and the overall implications of sexual exploitation, prostitution and related violence in communities.

Men attending re-education programmes (see ????) should be charged a fee, dependent on his earnings. That money should go directly to assisting women, men and children out of prostitution.

14. What needs to be done to raise the awareness of sexual health among those involved in prostitution, including those who buy sex?

UK based research on sexual health and sexual practice among women and men in prostitution indicates that in commercial sex encounters rates of condom use are high (Morgan Thomas et al., 1989; Faugier et al., 1992; McKeganey and Barnard, 1992; Ward et al., 1993; Blakey and Frankland, 1995; McCullagh et al., 1998). However, those being abused and exploited by pimps and traffickers have less choice in negotiating safer sex practices, as are those threatened by customers. However, evidence from C014, and from trafficked and other prostituted women, suggests it is not uncommon for customers to offer more money for sex without a condom. For drug using and other desperate women, this can be a temptation difficult to resist. There is no such thing as total safety for those in the sex industry. Any attempts to address this issue should be combined with efforts to deter customers and potential customers from accessing women in prostitution. A national campaign is necessary to address all aspects of sexual health, not just for those involved in prostitution.

15. How should we tackle the links between sex and drug markets?

See Solutions and Strategies: drug problems and street sex markets, Hunter, et al.

16. Appropriate housing is a crucial element of a successful exit strategy. Are there examples of where this difficult issue has been tackled effectively?

Yes. Eaves is a registered charity which has been working for 26 years to provide homeless women across London with high quality supported housing, which is both secure and affordable. Eaves is now widening its work to include the provision of Domestic Violence services, campaigning and development work around Violence against Women, Prostitution and Trafficking. The core aim of this organisation is to assist the most excluded women in society as well as deliver them innovative services. The POPPY Project (POPPY), managed by EAVES Housing, is a pan-London research and development project focusing on prostitution and the trafficking of women and children into the UK. A main focus of POPPY is developing services to enable women to exit prostitution and trafficking. POPPY is the only UK organisation to provide accommodation and support services for women who have been trafficked into the United Kingdom for sexual exploitation. However, in the last five months, all accommodation has been full, and a total of twenty seven women have been turned away. More funding should be made available to the project, and additional funding should be made

available to set up housing units and shared supported accommodation for UK women escaping prostitution, based on the EAVES/POPPY model.

17. Are there identifiably different needs in terms of support for different communities?

There is evidence from national and international research that women from black and minority ethnic communities want to choose whether they access mainstream services or services targeted towards a particular community. Therefore, mainstream services need to be equipped to deal with any issues that are specific to particular communities, and the government needs to make funding available for specialist services aimed at black and minority ethnic women.

18. How do we increase confidence in the criminal justice system of those involved in prostitution?

We support a return to vice squads. Support services for women in prostitution have long stated that vice squads patrolling street prostitution areas are preferable to the alternative, and that some women have the opportunity to develop regular contact with individual police officers, many of whom have built up an expertise regarding the issues and the individuals on their beat. This can make it easier for women to report attacks and robberies.

The police should only arrest those involved in prostitution if they are committing additional offences, and shift the focus to the customers and pimps. Although few selling sex are likely to support a crackdown on customers because it will mean a drop in their income, evidence from Sweden has shown that for some of the women on the street, removing the buyers created a space for them to consider leaving prostitution. It also meant that, because the women were not being arrested, they could begin to view the police as being there to assist the vulnerable.

Magistrates, judges, prosecutors and police officers should receive training in issues relating to pimping and procurement, and brothel running, in order to understand the seriousness of such offences. Beat officers should also be educated in the complexities of prostitution.

Violence and abuse towards women in prostitution should be taken more seriously. Many women in the sex industry say that they rarely report attacks for fear of not being believed or of reprisals from the attacker. This apparent lack of faith in the police needs to be challenged by individual officers that come into contact with the women. One suggestion for building trust is having a named officer in all areas where there is street prostitution, who can be approached by women if any problems occur.

Police should take responsibility for compiling and operating a national database of known dangerous men who have a history of attacks/threats

against women in prostitution. Currently, an 'Ugly Mugs' scheme is operated by the Linx Project in Liverpool. Linx has established a regional 'ugly mugs' database to collate information about known violent customers and disseminate information to women in prostitution in the area. It includes an early warning system and encourages women in prostitutes to report crimes against abusive men. This is a good example of harm limitation. However, it does place the onus and responsibility on to the women to protect themselves and 'size up' potentially dangerous customers. Murders of women in prostitution make up the largest group of unsolved crimes (of murder) in England and Wales. The police should not be leaving voluntary organisations to compile Ugly Mug data-bases, but should take on the responsibility and share intelligence with those supporting women in prostitution. In turn, police officers should become more pro-active in detecting and arresting these men rather than putting the onus on the women to avoid them.

The use of ASBOs against women in prostitution should be ceased. Evidence from residents and research shows that the customers, pimps and drug dealers are the ones causing problems in areas of street prostitution. Birmingham is one city that has targeted kerb crawlers with ASBOs. Bearing in mind the emphasis the consultation document puts on deterring customers, perhaps that practice could be rolled out nationally.

19. How do we ensure the relevant agencies adopt a coordinated strategy?

Training for all agencies that deal with prostitution issues is essential. The introduction of a Government Guidance Framework on this matter would assist with consistency, and would be welcomed. Protecting those abused through prostitution, and detecting and prosecuting the criminals involved, should become a key performance indicator for police services. A relevant target should be added to the Joint Inspection Process for social services in relation to children's issues, which would ensure it is made a priority.

20. The Sexual Offences Act 2003 introduced a number of new offences and penalties to crack down on abusers. Are there other ways in which the criminal law can be used to end this abuse?

Police should be given the resources to monitor the off-street sex industry on a regular basis. Unless this is carried out in towns and cities across England and Wales on a regular basis, it will be extremely difficult to apprehend the majority of abusers in the industry. Street prostitution is fairly visible, and police have tended to concentrate on that aspect of the industry. It is known that the majority of women operating in brothels and saunas in London⁶ are foreign nationals, many of whom are thought to be trafficked.

⁶ C014, POPPY,

When investigating pimping and trafficking cases, police and CPS should consider charging with as many offences as possible, for example, kidnapping, rape, assault, harassment.

21. Are there models of good investigative practice to be adopted to ensure that users and abusers are brought to justice, and victims supported further?

CO14 and SAPPHIRE are both good practice models. Unfortunately, there are very few good practice models for dealing with abusers in prostitution in the UK.

In order to develop consistent multi-agency cooperation, law enforcement agencies need better resourcing.

The Swedish model is the best example of legislation dealing with users. For too long men who use women in prostitution have been invisible. Sweden is the only country to date which has finally recognised that “prostitution is not a desirable social phenomenon but an obstacle to the ongoing developments towards equality between women and men. (Swedish Government Offices 1998). Sweden also recognises that prostitution is a form of male violence against women and children, and the purchase of sexual services maintains male violence. ((Ekberg, 2003). Since the Swedish Government passed laws criminalising the purchase of sexual services, prostitution, together with the trafficking of women and young girls into Sweden has diminished. Swedish NGO’s who work with prostituted women support this law and report increasing numbers of prostituted women have contacted them for assistance in exiting prostitution. Most importantly, women who are attempting to leave prostitution also support the law. (Ekberg 2001). Sweden has also initiated an educational campaign focusing on the demand for prostitution and trafficking of women for sexual exploitation. It is designed to raise public awareness about prostitution and focuses on male buyers of women and children in prostitution. (Ekberg 2003). The view of the Swedish government of prostitution is outlined below:

Like other forms of violence committed by men against women, prostitution is a gender specific phenomenon; the overwhelming majority of victims are women and girls, while the perpetrators are invariably men.”
(Prostitution and trafficking in women, Fact Sheet, Ministry of Industry, Employment and Communications, July 2004), Regeringskansliet)

There is evidence that the Swedish legislation and education/awareness campaign has shifted public perception of what prostitution is in reality. As the law was introduced, the government released €800,000 (£539,000) to services to assist women to leave the sex industry. Supporters of the legislation see it as part of a long-term strategy to eradicate prostitution, and raising public awareness seems to be working: a 2003 opinion poll found that

80% of the public supports the law. In April, Swedish children on a school trip to Kenya filmed their teachers apparently fraternising with prostitutes and entering a brothel in a red light area, and went public with the footage after the headmaster refused to act. One said it was "disgusting that we had gone to help these people for them to be exploited in this way" (Bindel 2004).

The West Yorkshire pilot project, Kerb Crawlers' Re-education Programme, which was piloted for one year in 1998, offered men apprehended by police for kerb crawling a diversion from court by way of attending an educational programme about the realities of prostitution. The money the men paid to attend was given to support services for women in prostitution in West Yorkshire.

22. Do you have good models of support for (a) child and (b) adult witnesses to assist them through the criminal justice process?

Project Sapphire. Rape and sexual assault centres, many of whom are short of funding. It is crucial that victims of sexual violence are supported by those with expertise in the area.

23. How do we ensure that illegal activity does not continue to take place behind the façade of legal businesses?

Do not grant licenses to establishments where it is known or suspected that sex is on sale. Police should regularly monitor saunas and massage parlours, and share intelligence with local authorities, and close them down if they are fronts for prostitution using similar powers to those used to close crack houses⁷.

⁷ Part 1 subsections 1-10 of the Anto Social behaviour Act 2003. This section gives police the power to close crack houses. If the act were extended it could give them the powers to close defacto brothels.

Chapter 7: Protecting Communities

24. How is the nuisance associated with prostitution best dealt with? We are interested in good practice from your communities

Serving ASBOs on those involved in prostitution is inappropriate and ineffective. Because ASBOs are served under civil law there does not need to be any proof that the actual women themselves, as opposed to the kerb crawlers, pimps and drug dealers, are causing the disruption that residents make generic complaints about. Often, for the magistrate dealing with the case, it is enough that she is working as a prostitute.

Vigorously discourage kerb crawling. Assist women in prostitution to exit by setting up holistic services, including outreach, in areas where there is a known or suspected problem. Kerb crawling re-education schemes, attached to the criminal justice system, should be piloted in London boroughs with a street prostitution problem.

25. How can civil measures be used most effectively? We would be interested in examples of where ABCs, injunctions or ASBOS have been used effectively, in respect of those involved in prostitution, kerb crawlers and others.

ASBOS should not be used against those abused in prostitution. These orders were designed to help police and local authorities tackle hooligans running riot on estates and neighbours from hell. However, in 2000 the use of ASBOs against women in prostitution was piloted in the Midlands and since have been extended to London. Police forces and councils in these areas argue that prostitution falls within the definition of anti-social behaviour which causes "harassment, alarm or distress" to the community. Most women in prostitution do not fit that definition. However, many customers, and certainly all pimps, do.

26. What changes could be made to ensure that the criminal justice system supports effective routes to rehabilitation for those involved in prostitution?

There should be drug testing for people arrested for prostitution offences so they can automatically be referred to the arrest referral workers. Those involved in prostitution should only be arrested for additional offences. Any convictions for prostitution-related activities received before the age of 18 should be pardoned.

27. What further support do local partnerships need to respond to the issues associated with prostitution?

Secure funding and target setting.

28. We would welcome views on the role the criminal law should play in relation to children abused through prostitution.

Children abused through prostitution are victims of serious crimes. They should never be viewed or treated as criminals. Children feel safer and more valued if their abusers are dealt with. Police and other law enforcement agencies should vigorously pursue those involved in the sexual exploitation of children.

Chapter 8: Links with Serious Crime

29. Trafficking is a highly organised international crime. How can we best coordinate international efforts to tackle it more effectively?

In December 2003 the Attorney General, Lord Goldsmith QC, warned that police and prosecutors were failing to tackle trafficking adequately. Clearly, not enough is being done to combat the problem.

Although the links between local prostitution, trafficking and organised crime cannot be ignored, it needs to be recognised that many traffickers are individual entrepreneurs, and not necessarily part of a criminal network.

There is a recognised need for better coordination between police in the UK and Interpol and Europol. Regular information and training sessions attended by representatives from all the law enforcement agencies, i.e. police, immigration, CPS, magistracy and judiciary. Police officers should be given the resources and know-how to regularly monitor the off-street sex industry as a way to gather intelligence on traffickers and their victims.

In terms of protecting victims, introduce legislation that would allow assets seized from traffickers, which would normally end up in the public purse, to be given directly to support services for trafficked women.

Ensure that trafficking victims have access to a safe place to live whilst considering their options. The POPPY Project is currently the only agency offering accommodation to trafficked women, and in the last 5 months have turned away more than twenty women due to lack of space. At least one of these women, who decided to return home due to lack of support in the UK, was gang raped and re-trafficked to the UK. POPPY should be funded to expand in order to accommodate more victims, and services should be funded in other towns and cities where there is a known problem.

30. Do you have any further information on the prevalence and nature of international trafficking for the purposes of prostitution?

See Dickson, S, 'Sex in the City' POPPY Project, 2004

31. How can we use intelligence-led policing to investigate the links between prostitution and other serious crime?

Give witness protection, amnesty from criminal proceedings, and referral to support services to women involved in prostitution, both trafficked and local, who may have evidence about abusers and other criminals.

Chapter 9: Considering the options

32. Should our response to street-based prostitution involving adults accept or challenge its existence?

Our response should be challenging not accepting. We do not want legalisation because it is legalised abuse. Wherever it has been legalised it has grown. (See consultation paper and research referenced therein). Recent research by Bindel and Kelly found that (include here stuff from 4 countries)

33. Is there a case for designating managed areas at a local level? What would be the resource implications of such a move; what regulatory and health requirements should be placed on those operating in a managed zone and how would such areas be identified?

Where large street scenes exist it is necessary to implement a strategy of damage limitation, but not official tolerance or legalisation. In New Zealand prostitution was legalised and then spread into more and more communities. Local councils found they were powerless even to keep it out of residential areas –once it had been legalised.

34. Is it acceptable for sex to be sold from private premises? If so what safeguards should be in place?

No. This amounts to legalisation of brothels, and the evidence from countries that have tried this approach is that it has made the problems associated with prostitution worse. Since legalisation in the Netherlands, for example, the connections between organised crime and the sex industry have not diminished. Research from Australia and the Netherlands highlight that legalisation has, in some respects, strengthened links. In October 2003 Amsterdam City Council took the decision to close down the street tolerance zone; Mayor Job Cohen noted that the situation was "a devil's dilemma" because "it appeared impossible to create a safe and controllable zone for women that was not open to abuse by organised crime" (Editorial, *Het Parool*, 2003).

Legalisation encourages the growth of the sex industry. There has been a significant increase in the number of brothels in Victoria, Australia, since legalisation, the number of legitimate brothels grew from 40 in 1989 to 94 in 1999 (Raymond 2002).

The difficulty of policing the industry, and the lack of support/resources given to local authorities to carry out licence checks and ensure that health and safety requirements are met has been cited as a main reason for the apparent failure of introducing legalisation as a method to eradicate trafficking. As Janice Raymond (2003) points out:

In New South Wales, brothels were decriminalized in 1995. In 1999, the numbers of brothels in Sydney had increased exponentially to 400-500. The vast majority have no licence to operate. To end endemic police corruption, control of illegal prostitution was taken out of the hands of the police and placed in the hands of local councils and planning regulators. The council has neither the money nor the personnel to put investigators into brothels to flush out and prosecute illegal operators.

Legalisation of brothels places a considerable administrative burden on local government, highlighted by the Queensland Prostitution Regulation Report, (Office of the Queensland Parliamentary Council, 2000). Local government is required to develop detailed rules on the operation of the legal sector. Prior to the brothel opening, the licensing committee is responsible for the following:

- Developing and administering planning policies for local sex industry
- Accepting advertising and deciding on development applications from sex industry businesses
- Administering food and health policies.

The committee, once the brothel is in operation, has a responsibility for overseeing the following: customers' car parking; external lighting; signs advertising the brothel; health and safety; entrances and exits; brothel siting and design; noise and disturbance; litter from the premises; quality of condoms, lubricant and towels; and all financial interactions. Although it is a legal requirement that local authority inspectors regularly monitor brothels, evidence suggests that this does not always happen.

The inherent problem is that only one sector is legalised, and as it expands, so does the illegal: both illegal brothels and street prostitution. Thus, legalisation of prostitution does not remove the street market, or the dangers associated with it. Similarly, legal brothels tend to be owned by sex business entrepreneurs and it is no easier for women themselves to establish and maintain collectives.

Nor does legalisation remove stigma as it often claimed. A woman in a registered brothel in Ankara, Turkey, commented: 'As soon as society realizes that you are a prostitute, society will have nothing to do with you. You are cut off completely, you are not treated as human, you are excommunicated from society.' (van der Gaag, 1994). In the Netherlands, prostitutes must register with the police to be legal. There, women in prostitution point out that legalisation does not erase the stigma of prostitution but, instead, makes women more vulnerable to abuse because they must lose anonymity. Thus, the majority of women in prostitution still choose to operate illegally and underground (Daley, 2001). Women have told Project Respect, an NGO in Melbourne, Australia that they do not want an official record of the fact that they are involved in prostitution. In a newspaper article on the current

debate in Thailand on legalisation, one former prostitute argued that many women in the sex industry are opposed to an official registry, claiming: "it would stigmatise [prostitutes] permanently and prevent them ever moving into society's mainstream" (The New Zealand Herald, 2003).

Although the issue of 'employment rights' for women in prostitution is often cited as a significant incentive for legalisation (Lopes and Macrae, 2003), many women do not register.

A report by the Platform Organisations Shelter for Prostitutes (POOP), presented to Parliament on the 2nd December 2003, concludes that three quarters of prostitutes in the Netherlands wish to attend exit programmes to enable them to leave. The report is a response to an evaluation by the Scientific Research and Documentation Center (WODC) on the lifting of the brothel ban in October 2000, which claims that in the main, there have been few problems since the new laws. However, POOP argue that illegality and coercion still dominate the industry (Reformatorisch Dagblad, 2003).

Legalisation is a 'pull factor' for traffickers. Project Respect estimates, "at least seven licensed brothels in Victoria have used trafficked women in the last year". An Australian Institute of Criminology study estimated that Australian brothels earned \$1 million a week from illegal prostitution. Mary Sullivan and Sheila Jeffreys point out that, "Legalisation was intended to eliminate organised crime from the sex industry. In fact the reverse has happened. Legalisation has brought with it an explosion in the trafficking of women into prostitution by organised crime. Convicted criminals, fronted by supposedly more reputable people, remain in the business" (2000, p 12). In Victoria estimates from the police and the legal brothel industry put the number of illegal brothels at 400, four times more than the legal ones (Murphy 2002). In 1994, the International Organisation for Migration (IOM) stated that in the Netherlands alone: "nearly 70 per cent of trafficked women were from CEEC [Central and Eastern European Countries]" (IOM, 1995).

Child prostitution in the Netherlands has significantly increased during the last ten years. The ChildRight organisation in Amsterdam estimates that there are now more than 15,000 children (primarily girls) being prostituted, an increase of eleven thousand since 1996. Five thousand of these children are thought to be from other countries, mainly Nigeria (Tiggloven, 2001).

One of the most significant limitations of legalisation in the two countries examined is that it excludes street prostitution. In this sense, these regimes further marginalise the most vulnerable and exploited women, who certainly do not benefit from this approach. It serves as further legitimisation of targeted 'crackdowns', which criminalise them, and for many, result in deportation.

Furthermore, legalisation has not reduced street prostitution. There has been a significant increase in street prostitution in Victoria, especially in St Kilda, along with increased levels of rape and violence. Melbourne has an estimated 400 street sex workers. Local residents recently held a march to protest and called for prostitutes to be removed from their streets (Maxim Institute, 2003).

35. Would registration help safeguard public health?

No. Evidence from the Netherlands and Australia shows that only a small percentage of women in the sex industry actually register, even when required by law (Bindel and Kelly, 2003).

Registration would give the impression that the government believes that prostitution is a permanent and necessary phenomenon. Additionally, putting the onus on women in prostitution to safeguard customers' health is both misleading and discriminatory.

Registering in the 19th Century led to women being forced to undergo examinations if she was reported as a suspected carrier of an STI. Under the Contagious Diseases Acts women involved in prostitution living near army barracks were forced to register. Under various articles of the Human Rights Act (right to a private life, right to family life, sexual discrimination, etc), doing so would be unlawful, and would be an infringement of civil liberties. There needs to be public education and awareness raising regarding sexually transmitted infections, and a clear emphasis on the fact that some customers demand sex without condoms. Men should be discouraged from becoming or continuing to be buyers, and women and young people assisted out of prostitution. This would result in a reduction of STIs.

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