

## Street prostitution in London

November 2005





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## Chair's foreword



Prostitution, in all its forms, remains a controversial subject.

Available in London, through massage parlours and saunas, escort agencies, from brothels and flats, and from streetwalkers, sexual services generate discussion and debate.

It became clear to us that it is street prostitution - the most visible form - that generates the most controversy because of its effect upon the areas in which it takes place and its association with drugs and the drug trade. The Committee has concentrated its hearings on street prostitution and its effects both upon the communities where it is prolific and upon the women involved.

We have endeavoured to identify exit routes from the industry and we have looked at the application of current laws and their putative remedies.

Throughout our study we have endeavoured to ensure that we adopted neither a judgemental nor moralistic standpoint but rather tried to contribute to debate that is and will be ongoing.

Our witnesses were open and honest and we owe them a debt of gratitude for their submissions. We offer no panacea for the issue, but we hope that we offer an understanding and some practical proposals.

A handwritten signature in black ink that reads "Richard Barnes". The signature is written in a cursive, slightly slanted style.

**Richard Barnes AM**  
Chair of the Safer London Committee

## The Safer London Committee

The London Assembly established its Safer London Committee on 21 July 2004 but at its Annual Meeting on 11 May 2005, the Assembly resolved not to re-establish the Committee. Richard Barnes AM was delegated by the Assembly to act as Rapporteur to the Assembly on resilience and emergency planning issues.

The members of the Safer London Committee were:

Richard Barnes (Chair)	Conservative
John Biggs (Deputy Chair)	Labour
Tony Arbour	Conservative
Nicky Gavron	Labour
Peter Hulme Cross	One London
Mike Tuffrey	Liberal Democrat

The terms of reference of the Committee were:

- to examine and report from time to time on the strategies, policies and actions of the Mayor and the Functional Bodies and matters of importance to Greater London as they relate to the safety of Londoners. In doing so the Committee shall seek to complement rather than duplicate the work already being undertaken by the Functional Bodies;
- to take into account in its deliberations the cross cutting themes of : the achievement of sustainable development in the United Kingdom; and the promotion of opportunity;
- to respond on behalf of the Assembly to consultations and similar processes when within its terms of reference.

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# 1. Introduction

1.1 The London Assembly's Safer London Committee agreed on 14 October 2004 to undertake a review of prostitution and community safety in London. The Committee acknowledged that the topic of prostitution is a wide one, which encompasses many areas, such as brothels, massage parlours, sexual health, pimps, organised crime, people trafficking, street prostitution and red light areas. The aim of the review was to examine the impact of prostitution on London's local communities, in particular local residents, and to keep a community safety focus. It was envisaged that this would also provide an opportunity to contribute to the Government's consultation paper on prostitution: "Paying the Price".

The terms of reference for the scrutiny review were:

- to investigate the impact of prostitution on community safety in London
- to consider the local impact of prostitution on crime and the fear of crime
- to consider the links, if any, between prostitution and other crimes (such as drugs and organised crime) in London

1.2 The Committee received written evidence from a number of organisations including the English Collective of Prostitutes, The Poppy Project, Eaves Housing for Women, Sexual Health on Call, Metropolitan Police Service, Haringey Council, Hillingdon Council, Westminster Council, British Telecom, and the Zacchaeus 2000 Trust.

1.3 The Committee held two evidentiary hearings on 9 December 2004 and 20 January 2005 where it took oral evidence and a full list of the witnesses can be found at Annex B. The Committee is grateful to everyone who contributed to this work.

1.4 The Committee visited the New Horizon Youth Centre, near Kings Cross in Camden on 11 March 2005. Here the Assembly Members were able to meet with the caseworkers who help young people, including prostitutes, to access basic health services and assist them on to drug referral schemes. The Committee is grateful to the caseworkers for spending time with them and thanks them for the essential and difficult work that they do.

1.5 The Committee also received a number of letters from members of the public who were concerned about prostitution in their local area. The Committee wishes to thank the public for taking part in its review of prostitution in London.



## 2. Community safety

- 2.1 It is important to remember that prostitution in itself is not illegal. It is the activities that surround it that are criminal offences, such as soliciting, kerb crawling and the placing of advertisement cards in telephone boxes. The Committee recognises that prostitution is a factor of life in most cities. Prostitution has been described as the oldest profession. The Committee was determined not to take a moral view on the rights and wrongs of prostitution, but rather to examine the effects of prostitution on the local community in London and how some of these effects can be minimised. Prostitutes are also a part of the community and may have families to support. They also require consideration and help. We heard that poverty is one of the underlying causes of prostitution, often made worse by reliance on drugs.<sup>1</sup> It follows that the needs of street prostitutes often revolve around getting off drugs and out of poverty.
- 2.2 There are many issues around prostitution, including brothels, massage parlours, sexual health, pimps, organised crime, people trafficking, street prostitution and red light areas. The Committee decided to focus on the aspect of prostitution that affected London's communities most visibly, namely on-street prostitution.
- 2.3 The Metropolitan Police reported that in London there are nine boroughs in which street prostitution occurs to the extent that it can be described as a problem, these were: Camden, Hackney, Haringey, Islington, Kensington & Chelsea, Lambeth, Newham, Tower Hamlets and Westminster.<sup>2</sup> Furthermore, although our review concentrated on street prostitution, the Metropolitan Police Service did reveal to us that there are probably up to 800 saunas, massage parlours and escort agencies in London, with as many as 5,000 plus women working in those establishments providing sex services.<sup>3</sup> They pointed out that many of these women have come from Eastern European or Baltic State countries, and that they have been coerced or exploited into prostitution.<sup>4</sup> The police are tackling this organised crime where it relates to women being trafficked for the purposes of prostitution against their will. However, with limited resources, they are fighting an uphill battle.

### *Recommendation 1*

**The Committee recommends that the Metropolitan Police Service continue to analyse the relationship between organised crime, prostitution and the exploitation of immigrants.**

- 2.4 As many of the areas in which on-street prostitution takes place are in or near residential areas, this can cause some concern amongst local residents. Typical concerns have included: an increase in anti-social behaviour, unsavoury litter

<sup>1</sup> Memorandum – Zacchaeus 2000 Trust, p.1

<sup>2</sup> Metropolitan Police Service, Response to GLA Scrutiny – SOJPU, p.1

<sup>3</sup> Minutes of Evidence, 20 January 2005, p.18

<sup>4</sup> Minutes of Evidence, 20 January 2005, p.19

such as used condoms and syringes, an increase in noise late at night such as shouting and slamming of car doors, an increase in vehicle traffic as cars cruise round till the occupants find their desired prostitute, and the harassment of female residents by men looking for prostitutes.<sup>5</sup>

- 2.5 These concerns can cause real distress for local residents. No one wants their children to find used condoms and syringes at the bottom of the garden or in an alleyway. It is both unhygienic and dangerous. Late night noise can cause distress and anxiety to families trying to sleep. The harassment of female residents coming home late from work by men mistaking them for prostitutes is not only unpleasant, but can make an area feel unsafe and tense. The accompanying prevalence of drug dealers in such areas can then cause the number of violent assaults to rise. This is especially so, as “punters” (men wishing to use prostitutes) are often seen as an easy target for muggers as they tend to carry larger sums of cash and are distracted. However, through education and dialogue, it is sometimes possible to get cooperation from the women working on the streets to mitigate and reduce some of these effects:<sup>6</sup> for example, showing them where and how to dispose of used condoms and syringes correctly and safely.
- 2.6 The increase in drug activity that accompanies on-street prostitution can lead to a general increase in violence, anti-social behaviour and the fear of crime in the area. This can undermine economic regeneration and neighbourhood renewal. According to the Home Office paper on prostitution, nearly every study of women involved in street-based prostitution shows a very close relationship with Class A drugs, with up to 95% of those working on the street believed to be problematic drug users.<sup>7</sup> This has been challenged by the English Collective of Prostitutes on the grounds that those women not on drugs working anonymously and not making use of drug referral programmes do not show up in the figures.<sup>8</sup>
- 2.7 Nonetheless, it is clear that drug addiction can be a major factor in the world of street prostitution. Many young women enter prostitution as a means of funding their drug addiction. Other women, however, who may not previously have taken drugs, become addicts, to make them feel better because they detest the environment in which they work. Some young women, who may have left home or care, end up becoming prostitutes in order to fund the drug habits of their boyfriends. This can then lead to a vicious circle, as more drug dealers come to the area to sell drugs to prostitutes, with more prostitutes then coming to the area due to the presence of existing prostitutes and the availability of drugs.<sup>9</sup>
- 2.8 The Committee believes that, if the problems of drug addiction were better tackled, there could follow a reduction in street prostitution. Better access to drug referral programmes could help some women reduce their drug dependency and then leave prostitution. The English Collective of Prostitutes

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<sup>5</sup> London Borough of Haringey, Crime and Community Safety Scrutiny Panel, Review of Street Prostitution, page 12; Metropolitan Police Service, Response to GLA scrutiny review – SOJPU, p.1

<sup>6</sup> Minutes of Evidence, 9 December 2004, p.8

<sup>7</sup> Home Office, Paying the Price: a consultation paper on prostitution, July 2004, p.47

<sup>8</sup> Minutes of Evidence, 9 December 2004, p.3

<sup>9</sup> Minutes of Evidence, 9 December 2004, p.13

told us that when women are using drugs, they need better access to health resources, so that they can get off drugs, if they want to.<sup>10</sup>

- 2.9 This view was echoed by the Metropolitan Police, who made the point that quite often, after a prostitute is arrested, it is the police who end up being the gateway for prostitutes to access drug referral services.<sup>11</sup> However, out-of-office hours drug referral services are most prominent by their absence. So when a prostitute is brought to a police station, and expresses an interest in drug referral services, she is unable to access one there and then. This can be a lost opportunity, as if she is referred to drug services the next day, or day after, she may not attend. We believe that access to drug referral services should be available out of office hours, to help reduce drug dependency, especially amongst prostitutes, in London.

*Recommendation 2*

**We recommend that the Home Office examine the funding of out-of-hours drugs referral services, so that prostitutes can access these services at any time, or immediately after being brought to a police station.**

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<sup>10</sup> Minutes of Evidence, 9 December 2004, p.13

<sup>11</sup> Minutes of Evidence, 20 January 2005, p.13

### 3. Tackling prostitution

- 3.1 Street prostitution and associated drug activity can cause real distress for local residents. Local politicians and police commanders have become more accountable to residents in recent times through the local CDRPs (Crime and Disorder Reduction Partnerships). Tackling street prostitution has moved up the priorities list. It was suggested to us that some boroughs are taking a tougher stance when they deal with persistent prostitutes.<sup>12</sup> Although this approach may initially please local residents, it does not necessarily have a lasting long-term effect.
- 3.2 We were told that there has been a recent trend in the use of ASBOs (Anti-Social Behaviour Orders) in certain boroughs, such as Camden, issued to prostitutes.<sup>13</sup> This has been welcomed by some residents as it is perceived to send a tough message to prostitutes that their activities will not be tolerated in the area. However, we heard that the reality of the situation is a little different.

#### *The use of ASBOs and prison*

- 3.3 During our investigation we were presented with real case studies, which showed what can happen when an ASBO is served on a woman who works as a prostitute. For example, Ms A, a prostitute with drug dependency, had been cautioned and/or arrested nine times in the Kings Cross area. The charge was usually for loitering. She had subsequently been served with an ASBO, preventing her from being in the Kings Cross area.<sup>14</sup> This initially looks like a success story: a prostitute is taken off the streets. But actually a woman is being prevented from living where she normally does.
- 3.4 Outlawing Ms A from being in Kings Cross, prevents a vulnerable woman from accessing health services, attending a drop-in centre that she trusts, and living in an area with which she is familiar with. This can result in her breaking the ASBO and going to prison, or moving across the borough boundary, and working in Islington, where she is less secure as she is unfamiliar with the area, and has no support structure. The problem of prostitution has just been moved from one street to another. If the claim that this is happening is true, it is ineffective and irresponsible simply to displace the problem to another area. Both are unsatisfactory outcomes. In the first instance, Ms A would have been sent to prison for breaking her ASBO. Prison sentences for soliciting and loitering were repealed in 1983. The argument was made to us that this is, therefore, in effect reintroducing prison for an offence which is no longer imprisonable.<sup>15</sup> We were told that help is what Ms A needs to break her drug habit, not prison.
- 3.5 We were concerned about the alleged use of ASBOs on prostitutes, particularly as there was a lack of information on exactly how many were being issued by individual authorities. A full picture of the scale of their use against prostitution was almost impossible to establish as the Home Office does not break down its

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<sup>12</sup> Minutes of Evidence, 20 January 2005, p.9

<sup>13</sup> Minutes of Evidence, 20 January 2005, p.10

<sup>14</sup> Minutes of Evidence, 20 January 2005, p.11

<sup>15</sup> The Guardian, 25 May 2005, p.8

figures according to the types of behaviour.<sup>16</sup> We contacted the nine London Boroughs that the Metropolitan Police had identified as having a street prostitution problem, to investigate their use of ASBOs on prostitutes, namely: Camden, Hackney, Haringey, Islington, Kensington & Chelsea, Lambeth, Newham, Tower Hamlets and Westminster.<sup>17</sup> Their responses are detailed in the table below:<sup>18</sup>

<b>London Borough</b>	<b>Number of ASBOs issued to prostitutes</b>
Camden	15
Hackney	2
Haringey	10 (on conviction)
Islington	1 (on conviction)
Kensington & Chelsea	0
Lambeth	No response
Newham	No response
Tower Hamlets	0
Westminster	1 (on conviction)

- 3.6 During the course of our investigation, we heard evidence, mainly anecdotal, on the number of ASBOs that had been issued to prostitutes by Camden.<sup>19</sup> Camden has since clarified the situation in that borough. Camden has issued 15 ASBOs to sex workers – but, it claims, for substance misuse or in relation to drug offences in public. None of the 15 ASBOs were issued purely for being a sex worker. Camden “always offers sex workers services by Camden Street Services Team as part of a multi-agency approach”.<sup>20</sup>
- 3.7 If there is, in fact, a tendency to use ASBOs on prostitutes, this is only tackling one side of the prostitution equation. By imposing an ASBO on a woman, she can be prevented from entering a certain area, but because of her need to support her drug dependency, she will be forced to work in another area, usually a neighbouring area. Just like any other person, she will not want to move away from the people she recognises, knows, and trusts. Therefore, there needs to be

<sup>16</sup> The Guardian, 25 May 2005, p.8

<sup>17</sup> Metropolitan Police Service, Response to GLA Scrutiny – SOJPU, p.1

<sup>18</sup> Memorandum – ASBOs issued to prostitutes April 1999 – December 2004; Asbo Concern; www.crimereduction.gov.uk; Memorandum – London Borough Hackney; Memorandum – London Borough of Haringey; London Borough of Islington; London Borough of Kensington & Chelsea; Memorandum – London Borough of Tower Hamlets; Memorandum – London Borough of Westminster.

<sup>19</sup> Memorandum – New Horizon Youth Centre

<sup>20</sup> Camden, supplementary written evidence, May 2005.

a different approach to the ASBO question. Instead of just banning her from an area by using an ASBO, there should be a positive requirement for her to attend a drugs referral service and / or an exiting programme, which will get her off the streets: a constructive, positive process rather than a wholly negative one. In the absence of definitive evidence that the use of ASBOs to displace prostitutes is becoming more widespread, we believe that more research and policy development is needed in this area.

*Recommendation 3*

**The Committee takes the view that Anti Social Behaviour Orders (ASBOs) are not a wholly appropriate way to deal with street prostitutes. This criminalises the individual when what they are doing is not illegal. The Committee recommends that the Home Office review the extent of the use of ASBOs for prostitutes; and that it develop and promote a policy that any order be coupled with positive action to include drug referral and exit programmes as appropriate, such as those offered by Camden’s Street Services team and the New Horizon Youth Centre.**

3.8 The Committee believes that we not only need to encourage prostitutes to refrain from soliciting in one area, but also to help them away from prostitution and drugs generally. This may seem a daunting task, but it is being done in London, by a number of voluntary and charitable groups. We heard from groups like these, including SHOC (Sexual Health On Call) in Haringey, and the New Horizon Youth Centre near Kings Cross in Camden.<sup>21</sup>

***Sex worker projects and exiting strategies***

3.9 These groups run drop-in centres where vulnerable young people, including prostitutes, are able to come in and access basic health and care services. Many prostitutes are reluctant to use health care facilities due to embarrassment about disclosing their sexual history. Few are registered with GPs. This failure to register is not conducive to addressing the Government’s current concern over the increase in STDs (sexually transmitted diseases). Some sex worker projects, such as SHOC (sexual health on call) in Haringey, have provided drop-in facilities, late at night, so that prostitutes can get the health care they need.<sup>22</sup>

3.10 The SHOC sex worker project aims to support working women in their health and welfare needs, and to facilitate their exit from commercial sex work. SHOC provides the following range of outreach services to both indoor sex workers (flats and saunas) and outdoor sex workers (street prostitutes):<sup>23</sup>

- sexual health screening and general medical treatment service
- support sessions in employment, retraining and life skills
- safer sex supplies including condoms

<sup>21</sup> Minutes of Evidence, 9 December 2004, p.9; Minutes of Evidence, 20 January 2005, p.9

<sup>22</sup> Sexual Health on Call, Can there be an ideal ‘exiting package’?, p.1

<sup>23</sup> Sexual Health on Call, Working Women’s Project, Review 2002, p.3

- clean injecting equipment for safer drug use
  - advice and support on welfare issues
- 3.11 It is estimated that in Haringey between 55% to 80% of street prostitutes are drug dependent.<sup>24</sup> In Kings Cross this figure is estimated to be over 90%.<sup>25</sup> Assembly Members on the Committee visited the New Horizon Youth Centre (NHYC) near Kings Cross. This centre provides access to basic health services and drug referrals for young people including those involved in prostitution. It also provides life skills training and other exiting strategies for prostitutes.
- 3.12 The New Horizon Youth Centre provides homeless and vulnerable young people, including prostitutes, with the following free basic core services: housing advice, hot meals, shower and laundry facilities, clothing bank, and primary health care provision.<sup>26</sup> The centre also provides in-house social and educational programmes that can help prostitutes exit sex work. These include:<sup>27</sup>
- ICT accredited training programme
  - graphic design, desk top publishing, and video production
  - life skills education programme
  - the weekend enhanced life skills programme including: basic skills, literacy and numeracy tuition, ESOL tuition, counselling, enhanced accredited computer training in partnership with Camden ITeC
  - catering training programme and basic hygiene accreditation
  - peer education programme incorporating community safety issues
  - music production, mixing technology, music and lyric writing
  - sports and health development project
  - women's open space evening service
- 3.13 Many prostitutes are drug users, as we have noted. In areas used by prostitutes, this has led to an increase in drug dealers who peddle drugs to the prostitutes as soon as they have received money from a punter. Therefore, exiting strategies tend to include drug referral treatment and basic education and training. For heroin addicts, the drug treatment can include methadone replacement, to help overcome the addiction.
- 3.14 Many prostitutes have low self-esteem, and few qualifications or skills. They require education and training in order for them to exit prostitution and gain legitimate employment.<sup>28</sup> Sex worker projects, such as those described above, have provided basic education and training courses. These have had to be tailored to suit individual needs, eg some required help in applying for jobs, making telephone calls, writing a curriculum vitae. However, these projects rely

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<sup>24</sup> London Borough of Haringey, Crime and Community Safety Scrutiny Panel, Review of Street Prostitution, p.9

<sup>25</sup> London Borough of Haringey, Crime and Community Safety Scrutiny Panel, Review of Street Prostitution, p.9

<sup>26</sup> Memorandum – New Horizon Youth Centre, p.2

<sup>27</sup> Memorandum – New Horizon Youth Centre, p.2

<sup>28</sup> Memorandum – New Horizon Youth Centre, p.1

on funding grants and contributions to survive. Ten years ago the New Horizon Youth Centre used to receive one annual funding grant. Now it receives ten separate funding streams from various linked governmental bodies. This puts an additional administrative burden on the already busy staff. We believe that the burden of this extra red tape is something that the Government must tackle.

*Recommendation 4*

**The Committee recommends that the Home Office review the funding of the voluntary and charity sector, which provides vulnerable and homeless people, including prostitutes, with the services they need, to provide a reliable stream of funding and reduce the administrative burden placed on such bodies so that additional services can be provided.**

- 3.15 The whole issue of funding needs to be examined. Although the New Horizon Youth Centre is based in Camden, it is also used by young people from other boroughs, in particular Islington, Westminster, Waltham Forest, Haringey, Southwark, Hackney, Lambeth, as well as other parts of the UK. However, the Centre reported to us that there is little cross borough co-operation between local authority services, as boroughs tend only to be able to fund a local homelessness strategy for local people.<sup>29</sup> They identified the need for a strategic approach for the whole capital.
- 3.16 The Centre was able to tell us about specific cases where, for example, Ms B had runaway from her home in the London Borough of X in outer London, and was then refused housing in the London Borough of Y and advised to return to her home borough. However, her home borough then refused to house her. This was despite an adviser at the NHYC drafting a letter for her to give to her home borough. This particular case was resolved when the adviser accompanied Ms B to the council's offices in the London Borough of X to assist her in making her case for housing. Were it not for the intervention of the adviser at the NHYC, Ms B could have been living on the streets, and entered the world of street prostitution in order for her to survive.
- 3.17 The Committee believes that a common strategy is required for the whole of Greater London, so that boroughs assist each other, and work with drop-in centres such as the NHYC and SHOC, to help prevent more vulnerable young women becoming homeless and entering into prostitution.

*Recommendation 5*

**The Committee recommends that the Home Office, together with the Mayor, the Association of London Government (ALG) and the Government Office for London (GOL), review their homelessness strategies, in particular to vulnerable young people, across the London Boroughs, and the way they are funded, with a view to promoting strategy harmonisation and practical co-operation across Greater London.**

<sup>29</sup> Memorandum – New Horizon Youth Centre, p.1



### ***Prostitute carding***

- 3.18 In the 1980s, prostitute carding began to appear in London phone boxes in the form of self-adhesive stickers, placed on kiosk glass and 'back boards'. This form of pornographic advertising became a community safety issue as it can expose young children to inappropriate images and language, and can lead to an area feeling unsafe and insecure. British Telecom (BT) and the police took action against those placing the stickers on the basis that this activity constituted criminal damage.
- 3.19 BT initiated a scheme to bar incoming calls to any BT numbers advertised on cards in 1996. This was successful in reducing the number of BT numbers on the cards but resulted in a high percentage of prostitutes moving to other licensed telecommunications operators (OLOs).
- 3.20 In 2001, the Criminal Justice and Police Act made prostitute carding an offence punishable by a £5,000 fine or six months in prison. This led to a temporary reduction in carding, although carding is now at similar levels to those prior to legislation.<sup>30</sup>
- 3.21 The Home Office's original intention was that measures provided in the Act would be underpinned by a pan-industry system of call-barring similar to the one operated by BT and designed to disrupt seriously the value of carding. BT and Westminster City Council have written to the OLOs asking them to support the scheme. Apart from ntl and Telewest Broadband, the OLOs have failed to introduce the system and it is clear that this has damaged the effectiveness of the Act's provisions.<sup>31</sup>
- 3.22 Prostitute carding continues to be a significant problem in Greater London and cards advertising sexual services are commonly found in a number of London Boroughs, notably Westminster, Camden, Brent, Islington, Kensington and Chelsea and the Corporation of London. Prostitute cards have been shown to have a serious derogatory impact on the capital, affecting tourism, businesses and local communities.<sup>32</sup> BT expressed its concern about the impact that prostitute cards have on its customers, in particular young children, who may be using a call box to phone for help, such as Childline.
- 3.23 BT informed the Committee of the various methods it has tried to reduce the number of prostitute cards in London.<sup>33</sup> These have included:
- CCTV
  - non-stick surfaces
  - joint operations with the police, immigration service and local authorities
  - liaison with the courts

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<sup>30</sup> Minutes of Evidence, 20 January 2005, p.27

<sup>31</sup> Minutes of Evidence, 20 January 2005, p.28

<sup>32</sup> Minutes of Evidence, 20 January 2005, p.28

<sup>33</sup> British Telecom, GLA Prostitution Scrutiny Response from BT, p.7

- blitz cleaning in Oxford Street and the Strand
- call barring of BT telephone numbers on prostitute cards.

3.24 At our meeting, BT made the case that in order for call-barring to work effectively, the OLOs must follow BT's lead and call-bar telephone numbers that regularly appear on prostitute cards.

3.25 The Committee believes that as the voluntary approach across the telecommunications industry has not worked, the time has come for Ofcom to consider introducing a statutory scheme.

*Recommendation 6*

**The Committee recommends that Ofcom review the issue of prostitute carding and consider the implementation of an effective system of pan-industry call-barring to reduce the anti-social effects of prostitute carding.**

## 4. Learning from abroad

- 4.1 During the course of our investigation we received information on the various legal models used to deal with prostitution across the globe. In this section, we will examine some of the different models in operation in Australia, the Netherlands, New Zealand, Sweden and the USA.
- 4.2 The current legal system in use in England and Wales does not criminalise prostitution itself, but rather the activities surrounding it. However, our Victorian laws did view prostitution as an unacceptable way of life and the general intention was to discourage it. In England it is an offence to procure, pimp, and keep a brothel. This is to protect women from exploitation. Loitering, soliciting and kerb crawling are also offences, to prevent public nuisance.<sup>34</sup>
- 4.3 In the Netherlands, prostitution has been legalised by the licensing of brothels by the state. The intention behind this is to clear the streets, control disease and lower customer-related violence. However, there has been some criticism of this system, as some have argued that the prostitutes themselves lose out on the ability to choose their customers, the control of the number of hours they work, the prices charged, and the services offered.
- 4.4 Furthermore, we were told by the English Collective of Prostitutes, that many prostitutes choose not to work in the legalised zones, and instead work illegally outside them because they wish to remain anonymous.<sup>35</sup> This then creates more problems, as they work on the streets near the zone, often undercutting the prices charged in the zone. They tend to attract more violent clients, which can lead to violence and intimidation in the streets around the zone, causing distress to the street workers and local residents.
- 4.5 Liverpool City Council was recently considering the implementation of control zones in Liverpool.<sup>36</sup> However, there was little evidence in support of control zones either 'geographically' ie the identification of an area where street prostitution is tolerated; or 'specifically' ie an identified building in which prostitution takes place and the services of prostitutes are available. Furthermore, there is no legal basis in England for an area to be designated as a control zone permitting prostitution. In any event, the proposed experiment has been shelved, for the time being.
- 4.6 The Committee found that there was no general support for the establishment of either controlled "red light" zones or the licensing of brothels. It was noted that the English Collective of Prostitutes was the sole organisation to call for total decriminalisation.
- 4.7 The Swedish system has been to criminalise the customer (punter) and this was initially welcomed as it shifts the illegality from the woman to the man.<sup>37</sup> However, the woman is still operating in a criminal world. The police use

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<sup>34</sup> Memorandum – Dr Helen J Self

<sup>35</sup> Minutes of Evidence, 9 December 2004, p.12

<sup>36</sup> The Guardian, 26 January 2005, p.10

<sup>37</sup> Minutes of Evidence, 9 December 2004, p.6

surveillance techniques to arrest and prosecute men who use prostitutes. This in turn forces the women to move away from the scrutiny of the main roads and into the murkier shadows of the back streets where it is less safe. They have less time or opportunity to negotiate with their clients and perhaps refuse them, and are therefore placing themselves in greater danger from potentially violent men.

- 4.8 It has also led to the less violent customer being frightened away, whilst the more ruthless and violent customer willing to take safety risks has remained. The prostitutes need the business in order to survive, so they end up taking greater risks themselves by going with potentially more violent men.
- 4.9 In most parts of the United States of America, the laws on prostitution criminalise both the men and the women. It has been argued that criminalising men has made little difference and that the women still bear the brunt of the criminal justice system.<sup>38</sup> Research also shows that the murder rate of prostitutes in the United States of America is 16% higher than in the UK.<sup>39</sup>
- 4.10 New Zealand recently took the radical step of sweeping away all of the laws relating to prostitution and so decriminalising it. This had received much support from the Church, Young Women's Christian Association, trade unions, the business sector and major organisations.<sup>40</sup> Those organisations believed that protecting sex workers would translate into benefits for the whole community. The National Council for Women had previously advocated the total repression of prostitution but had come out in support of decriminalisation. The issue of decriminalisation was linked to human rights and redressing gender inequalities.
- 4.11 The International Collective of Prostitutes told us that this had resulted in a reduction in related violence.<sup>41</sup> Although it was very early to determine the effects of the decriminalisation, street sex workers now felt that they could talk to the police and tell them if a violent incident had occurred. Whereas previously there had been enormous suspicion on both sides, there was now a feeling that sex workers would be listened to.<sup>42</sup> It is early days, but it will be interesting to see the long-term effects of this change in the law.
- 4.12 Ultimately, it is not within this Committee's powers to change the laws relating to prostitution; that is a matter for Parliament. However, it is something the Government has been looking at. The Home Office's consultation on prostitution recently came to a close. We look forward to seeing what evidence it received and what conclusions it comes to. In the mean time, we think it would be worthwhile if the Home Office did keep the developments abroad under review, to see if we could learn from the experience in other countries.

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<sup>38</sup> Memorandum – Dr Helen J Self

<sup>39</sup> Memorandum – Dr Helen J Self

<sup>40</sup> Memorandum – New Zealand Collective of Prostitutes

<sup>41</sup> Minutes of Evidence, 9 December 2004, p.29

<sup>42</sup> Memorandum – New Zealand Collective of Prostitutes

*Recommendation 7*

**We recommend that the Home Office monitor and review the developments and progress made on the law relating to prostitution in Australia, the Netherlands, Sweden, and New Zealand.**

## **Annex A: Summary of Recommendations**

### **Recommendation 1**

The Committee recommends that the Metropolitan Police Service continue to analyse the relationship between organised crime, prostitution and the exploitation of immigrants.

### **Recommendation 2**

We recommend that the Home Office should examine the funding of out-of-hours drugs referral services, so that prostitutes can access these services at any time, or immediately after being brought to a police station.

### **Recommendation 3**

The Committee takes the view that Anti Social Behaviour Orders (ASBOs) are not a wholly appropriate way to deal with street prostitutes. This criminalises the individual when what they are doing is not illegal. The Committee recommends that the Home Office review the extent of the use of ASBOs for prostitutes; and that it develop and promote a policy that any order be coupled with positive action to include drug referral and exit programmes as appropriate, such as the services offered by Camden's Street Services team and the New Horizon Youth Centre.

### **Recommendation 4**

The Committee recommends that the Home Office reviews the funding of the voluntary and charity sector, which provides vulnerable and homeless people, including prostitutes, with the services they need, to provide a reliable stream of funding and reduce the administrative burden placed on such bodies.

### **Recommendation 5**

The Committee recommends that the Home Office, together with the Mayor, the Association of London Government (ALG) and the Government Office for London (GOL), review their homelessness strategies, in particular to vulnerable young people, across the London Boroughs, and the way they are funded, with a view to promoting strategy harmonisation and practical co-operation across Greater London.

### **Recommendation 6**

The Committee recommends that Ofcom review the issue of prostitute carding and consider the implementation of an effective system of pan-industry call-barring to reduce the anti-social effects of prostitute carding.

### **Recommendation 7**

We recommend that the Home Office monitor and review the developments and progress made on the law relating to prostitution in Australia, the Netherlands, Sweden, and New Zealand.

## **Annex B: Evidentiary Hearing and Written Evidence**

The following expert witnesses appeared before the Committee and submitted written evidence:

Cari Mitchell, English Collective of Prostitutes

Sara Walker, Women of Colour in the Global Women's Strike

Julie Bindel, The Poppy Project

Niki Adams, International Collective of Prostitutes

Michelle Farley, Sexual Health on Call

Robert Mack, London Borough of Haringey

Councillor Gideon Bull, London Borough of Haringey

Jean Nicol, Department of Health

Dr Helen Self, Author: *Prostitution, women and misuse of the law*

Rev Paul Nicolson, Zacchaeus Trust

Chief Superintendent Bill Tillbrook, Metropolitan Police Service

Detective Inspector Richard Powell, Metropolitan Police Service

Inspector Andy Shortland, Metropolitan Police Service

Peter Middleton, New Horizon Youth Centre

Paul Hendron, British Telecom

## **Annex C: Safer London Committee Publications**

The Safer London Committee has also produced the following scrutiny reports, which can be downloaded free at: <http://www.london.gov.uk/assembly/reports/pubserv.jsp>

*The power cut in London on 28 August 2003, February 2004.*



## Annex D: Orders and Translations

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Greater London Authority  
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The Queen's Walk,  
London  
SE1 2AA  
Tel 020 7983 6540  
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You can also view a copy of the Report on the GLA website:  
[www.london.gov.uk/assembly/reports/index.htm](http://www.london.gov.uk/assembly/reports/index.htm)

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## **Annex E: Principles of Assembly Scrutiny**

The powers of the London Assembly include power to investigate and report on decisions and actions of the Mayor, or on matters relating to the principal purposes of the Greater London Authority, and on any other matters which the Assembly considers to be of importance to Londoners. In the conduct of scrutiny and investigation the Assembly abides by a number of principles.

Scrutiny reviews:

- aim to recommend action to achieve improvements;
- are conducted with objectivity and independence;
- examine all aspects of the Mayor's strategies;
- consult widely, having regard to issues of timeliness and cost;
- are conducted in a constructive and positive manner; and
- are conducted with an awareness of the need to spend taxpayers' money wisely and well.

More information about the scrutiny work of the London Assembly, including published reports, details of committee meetings and contact information, can be found on the GLA website at [www.london.gov.uk/assembly](http://www.london.gov.uk/assembly)



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