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UNITED KINGDOM

	POPULATION 66,2 million		GDP PER CAPITA 39,720.4 USD
	POLITICAL SYSTEM Constitutional Monarchy		HUMAN DEVELOPMENT INDEX 16 th rank among 187 countries
	GENDER INEQUALITY INDEX 28 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 8 th rank among 180 countries

While research conducted in 2014 by the British Home Office estimated between 10,000 and 13,000 potential victims of modern slavery in the United Kingdom (UK), the *National Crime Agency* (NCA) noted that it was only the “tip of the iceberg” as the actual figures were probably much higher (*BBC News*, August 10, 2017). The 2018 Global Slavery Index estimates that, in 2016, 136,000 persons were in a situation of modern slavery in the UK. The National Referral Mechanism Statistics reported 1,744 cases of sexual exploitation in 2017 (and a total of 5,145 registered cases of modern slavery) 599 of which concerned minors (NCA, March 26, 2018). According to a 2016 report by the House of Commons Home Affairs Committee, the number of prostituted persons in the UK is estimated at 72,800, of which 32,000 are in London (*House of Commons*, July 1, 2016). These prostituted

persons would have on average 25 encounters with sex buyers per week who would pay an average of 78 pounds (GBP) (USD 99) per visit.

In the UK, the large majority of prostituted persons and procurers are of foreign nationality, whereas sex buyers are mostly British.

The expansion of the Internet has substantially modified the sex industry and the way traffickers exploit their victims. Street prostitution is less prevalent, while “pop-up brothels” have considerably developed in recent years.

The UK gathers disparate legislative models that correspond to different ideological structures with regard to prostitution. Northern Ireland is, for example, the sole member to incorporate the abolitionist Nordic Model in its legislation by criminalizing the purchase of sexual acts and by considering prostituted persons as victims of a violent system.

Disparate legislations

Under the Modern Slavery Act enacted in 2015, which gathers several existing legal texts (Coroners and Justice Act of 2009, Sexual Offences Act of 2003, Asylum and Immigration Act of 2004), the UK punishes all forms of human trafficking with 10 to 14 years of imprisonment (*Fondation Scelles*, 2013).

With respect to the legislation on prostitution, Scotland and Northern Ireland legislate separately from England and Wales.

Indeed, in England and Wales, prostitution “independent” of any constraints is legal, which means that the sale and purchase of sexual acts between “consenting” adults is not criminalized. However, the involvement in other associated activities is illegal (management of a brothel, kerb crawling, procuring and crimes committed by organized groups). With solicitation being an act punishable by law, British prostitution now increasingly takes place in private spaces (illegal brothels, massage parlours, homes and hotels, on the Internet) (*Fondation Scelles*, 2016).

In 2018, the Crown Prosecution Service published updated guidelines for legislation regarding prostitution in the Legal Guidance on Prostitution and Exploitation of Prostitution (CPS, July 5, 2018).

Article 1-1 of the 1959 Street Offences Act, amended by article 16 of the Policing and Crime Act of 2009, has made solicitation an offence liable to a level 3 fine of GDP 1,000 (USD 1,271). This article was amended by article 68-7 of the 2015 Serious Crime Act, consequently solely recognizing solicitation as an offence for adults, thus identifying children as victims in such circumstances.

Furthermore, article 33A of the Sexual Offences Act 1956, introduced by

paragraphs 1 and 2 of article 55 of the Sexual Offences Act 2003, provides that the keeping, management or support of management of a brothel is punishable by a maximum penalty of 7 years’ imprisonment on indictment, or 6 months’ on summary conviction, or even a fine of GBP 5,000 (USD 6,357).

Article 53A of the 2003 Act, introduced by article 14 of the 2009 Act, criminalizes paying for sexual services from a prostituted person “coerced by force”. Thus, solely sex buyers of prostituted persons who are victims of human trafficking for sexual exploitation purposes are punishable by a maximum level 3 fine of GBP 1,000 (USD 1,271). It is a strict liability offence, which means that the level of awareness of the sex buyer on the exploitative or non-exploitative situation of the prostituted person is not relevant. Nevertheless, evidently the law is difficult to apply in practice... Article 47 of the 2003 law provides that the purchase of sexual services from a child under the age of 13 is punished by life imprisonment, by 14 years’ imprisonment when the child is under 16 years of age and 7 years’ imprisonment when the child is 16 or 17 years old.

Lastly, article 51A of the 2003 Act, as amended by article 19 of the 2009 Act, provides that a person cannot, in a public place, solicit another person in view to obtain paid sexual services. This refers, *inter alia*, to the practice of kerb crawling. Penalties vary from city to city, but a sex buyer guilty of such an offence is liable to a level 3 fine.

In Scotland, in accordance with the provisions of the Human Trafficking and Exploitation Act of 2015, human trafficking for sexual exploitation purposes may be punishable by prison terms of up to life. Section 4 of the Civic Government (Scotland) Act of 1982, along with the

Prostitution Scotland Act of 2007, criminalize activities related to the purchase and sale of sexual services. The 2007 text provides in its articles 1-1 and 1-3, that these offences, when committed in a public space, are punished by a maximum of a level 3 fine, GBP 1,000 (USD 1,271).

In September 2015, Jean Urquhart, Highlands and Islands MP, had put forward a bill for reform to:

- decriminalize activities related to the purchase and the sale of sexual services,
- strengthen the capacity of the legislation against coercion within the sex industry, in accordance with the New Zealand model.

To this day, the bill has not resulted in any legislative modifications.

Northern Ireland criminalized the purchase of sexual acts on January 13th, 2015. The Assembly adopted the Human Trafficking and Exploitation Act, by amending article 64 of the 2008 Sexual Offences Order, bringing in Northern Ireland in the inner circle of countries having adopted the Nordic Model. Indeed, article 15 of this new law, which entered into force on June 1st, 2015, provides that a person is guilty of an offence if he or she obtains a sexual act from another person in exchange for a pecuniary benefit. Article 15-4 goes further by repealing article 59 of the 2008 law, which criminalized prostituted persons soliciting in public places. Henceforth, Northern Ireland is one of the few countries that decriminalized prostitution in its entirety, therefore considering prostituted persons as victims.

Today, the sex buyer of a prostituted person shall be liable to a penalty of up to a year's imprisonment and/or a fine of up to GBP 5,000 (USD 6,357). With regard to sex buyers of sexual acts from children, the law provides for life imprisonment if the child is under the age of 13, up to 14 years' imprisonment when the minor is under the age of 16 and up to 7 years'

imprisonment when the minor is under the age of 18.

Enforcement of the law

The Home Office declared that the British government is committed to ensuring that existing legislation allows the police and the judiciary to fight sexual exploitation and assist victims looking to exit prostitution.

In 2015, the Modern Slavery Act was passed and a Modern Slavery Police Transformation Unit was established to strengthen police initiatives in this direction.

In April of 2018, the *All-Party Parliamentary Group on Prostitution and the Global Sex Trade* (APPG), a multi-party parliamentary group, identified 212 ongoing police operations and investigations into modern slavery cases involving sexual exploitation in the UK (APPG, May 2018).

The National Police Chief's Council (NPCC) in collaboration with the College of Policing has circulated a revised version of the National Policing Sex Work Guidance throughout England, Wales and Northern Ireland, which issues specific guidelines for police chiefs (*House of Commons, Home Affairs Committee*, July 1, 2016). It was adopted by all police services in England and Wales.

The APPG emphasizes that the repression of prostitution involves, however, inconsistent priorities and resources at the national level. The handling of the prostitution phenomenon is far from uniform, and the fate of prostituted persons is rarely a priority for the police (*House of Commons, Home Affairs Committee*, July 1, 2016). Thus, the absence of a global and centralized policy strategy results in a disparate local enforcement. In the city of London, one district can protect and guide prostituted persons into exit programs while another can focus on penalizing them.

Advocates for the introduction of a law on criminalizing sex buyers believe that the application of current legislation unfairly targets prostituted persons. In 2014 and 2015, there were more convictions for solicitation than for procuring, brothel keeping or kerb crawling (*House of Commons, Home Affairs Committee, July 1, 2016*).

The stranglehold of organized crime and the growth of “pop-up brothels”

The National Referral Mechanism Statistics identified 1,744 potential victims of human trafficking for sexual exploitation purposes in 2017, of which 1,185 were adults (versus 945 in 2016, an increase of 25%) and 559 were children (versus 359 in 2016, an increase of 55%) (*NCA, March 26, 2018*). The statistics for the first half of 2018 confirm these trends. Between January and June 2018, 966 potential victims were registered, almost a third of whom were minors: 651 adults, of which 596 were women and 315 children, of which 269 were girls (*NCA, March 26, 2018*).

In 2018, an APPG investigation revealed that 94% of victims of sexual exploitation are women, 85% of whom are not British (*APPG, May 2018*). They are predominantly from Romania (39%), China and Hungary. The same study also reveals that 40% of suspects in ongoing investigations for human trafficking for sexual exploitation purposes are from Romania, 25% from the UK, followed by China and Hungary. Indeed, according to the *Joint Slavery and Trafficking Analysis Centre*, “traffickers tend to exploit victims of their own nationality, probably due to the ease of access and communication upstream. British procurers represent an exception and exploit both British and non-British nationals” (*APPG, May 2018*)

A study on the sex buyers of prostituted persons led by the University

College London in November 2014, included in a 2016 report from the House of Commons Committee on Internal Affairs concluded that, of more than 6,000 men aged 16 to 74 residing in the UK, 11% (or 2,3 million individuals) reported having paid for sexual acts (*House of Commons, Home Affairs Committee, July 1, 2016*). Furthermore, 3.6% of them claimed to have had such relations within the past five years (*Telegraph, November 17, 2014*). Lastly, more than 60% reported having paid a prostituted person outside of their country, in most cases in Europe or Asia (*Sexually Transmitted Infections, March 2015*).

Organized crime today holds a predominant place in sexual exploitation in the UK. The need to adapt to police methods has led criminal organisations to change their *modus operandi* in the field of sexual exploitation. While street prostitution still exists, it represents today only a minor aspect of the sex industry, whose main activity takes place indoors. Pop-up brothels, “temporary” venues for prostitution, have progressively multiplied throughout the country. They have become the operating model most often used by traffickers, who move their victims from a private property to another (rented apartments or houses, hotel rooms...) in order to avoid police detection and to maintain the most coercive control over the women they exploit, by disorienting and isolating them ever more (*APPG, May 2018*). Henceforth, their watchword is: movement. Creating a dynamic to never stay for too long in the same place, changing location and young girls to reduce the risks of detection, these are the new techniques used by procurers.

In 2017, *Crimestoppers*, an independent charitable organisation “who empowers people to speak out and take action to stop crime”, launched an awareness campaign inviting anyone to

detect pop-up brothels in their neighbourhood or street and to report them to the authorities (*Chronicle Live*, December 5, 2017).

In 2017, a scandal revealed that more than 10,000 children taken into care by state social services had gone missing. Politicians feared they had been trapped into sexual exploitation by criminal organizations. Unfortunately, this is a recurrent reality in the UK, where thousands of minors go missing, and are then extracted from exploitation each year (*Mail Online*, April 21, 2018).

As elsewhere, various factors lead to sexual exploitation. Procurers take advantage of their victims' deepest vulnerabilities. According to Phillipa Roberts, member of *Hope for Justice*, a charitable organisation working with frontline NGO's to identify trafficking victims, "victims are targeted because of a variety of vulnerabilities, including childhood trauma and history of sexual abuse, unemployment, homelessness, drug or alcohol addictions, mental health problems, etc." (APPG, May 2018). For example, in 2017, hundreds of prostituted young men were identified in the streets of Manchester. The majority were homeless, unemployed or recently released from prison. Unlike women, the large majority of them were British nationals (*Manchester Evening News*, July 16, 2017).

Prostituted persons are constantly victims of physical, sexual and psychological violence from the hands of procurers and sex buyers because they are isolated from their relatives, observed, threatened...

Since the adoption of the Modern Slavery Act in 2015, only 6% of crimes reported to the police resulted in legal proceedings (*Mail Online*, April 21, 2018). An investigation by *The Times* newspaper revealed that police forces were facing

difficulties completing their investigations and building cases leading to charges. Police authorities find themselves overwhelmed with the large number of foreign criminal groups operating in the territory. Moreover, their work is impeded by the victims' reluctance to testify, the majority being of foreign nationality, sometimes in irregular situations and unable to speak English (*The Times*, April 20, 2018).

Health and Prostitution

The HIV/AIDS prevalence rate is relatively low in the UK, with about 102,000 individuals carrying the virus and 4,363 new infections in 2017 (*Public Health England*, November 2017). The virus is highly concentrated in certain populations. It continues to disproportionately spread amongst men having sexual intercourse with other men, persons originating from sub-Saharan Africa and persons who inject drugs, particularly intravenously (*Avert*, January 2018).

Screenings and medical treatments are free and available throughout the territory. In 2016, 84% of the 5,000 prostituted persons identified by the British authorities were tested in specialized sexual health services. 11 persons were living with HIV/AIDS (the equivalent to a prevalence of 0.3%).

Prevention programs are mainly managed by *HIV Prevention England* (HPE), coordinated by the Terrence Higgins Trust, a UK charitable organisation fighting HIV/AIDS. Nevertheless, they mainly focus on population groups concerned (homosexual persons and persons from sub-Saharan Africa), with few actions put in place for prostituted persons (HPE, November 2015). Particularly as the government reduced by 6,5% the spending allocated to the prevention of HIV/AIDS in 2016 and 2017 (*Avert*, January 2018).

As in many parts of the world, the stigmatisation and discrimination linked to HIV/AIDS prevents many people from accessing the services they need. While prostituted persons are faced with extremely penalizing stigmatisation, access to health services is an additional challenge to the obstacles and difficulties they face.

A decisive turning point in the fight against the sex industry in the United Kingdom

In its 2016-2017 report, the Home Affairs Committee noted a lack of available information about the extent and nature of prostitution in England and Wales (*House of Commons, Home Affairs Committee, July 1, 2016*). It underlines that without an adequate database of reliable data, the government cannot take informed decisions on the prostitution issue as a whole. As the sex industry is rapidly developing complex means, it appears urgent that the government conduct studies in order to establish a complete and accurate analysis of the prostitution phenomenon. The Home Affairs Committee recommended that the Home Office commission a comprehensive study in order to acquire effective tools to better understand the current extent and the nature of prostitution in England and Wales in order to make informed future legislative and regulatory works.

Moreover, in a 2018 investigation, the APPG noted that the British government's current strategy to end sexual exploitation is a failure. Indeed, the legislative framework and the responses provided in practice are inadequate. As England has become a profitable and low-risk destination for traffickers, it is time for the government to send a strong message and put prevention at the heart of its concerns. The APPG asserts that the first step should be to address the major factor in the

development of the sex industry: the demand. While it already punishes the sex buyers of "forced" prostituted persons, it is now necessary for the country to amend its legislation and join the model adopted by some of its neighbouring countries by generalising the criminalization of any purchase of sexual acts from a prostituted person, while repealing the offence of solicitation.

Lastly, given the development of online prostitution that is taking place today, it is urgent that the government adopt legislation that would make websites that supply prostitution ads and profit from the sex trade responsible and reprehensible, on the same basis as other actors in the system.

In March 2018, the NCA accused Google and Facebook of contributing to the development of prostitution in pop-up brothels by allowing ads for human trafficking to be posted and thus profiting from trafficking of the most vulnerable (*The Sunday Times, March 4, 2018*).

On the same date, Theresa May, Prime Minister, and Matt Hancock, Secretary of State for Digital Technology, Culture, Media and Sport examined a landmark law adopted in the United States of America, which for the first time, made tech companies and the giants of social networks responsible if they were to "help, support or facilitate" any publications resulting in human trafficking. T. May highlighted that "as hosting service providers, Internet companies can and must necessarily do more to prevent the appearance of human trafficking related content of their platforms".

Recently, some cases involving the online publication of sexual exploitation ads were brought before the courts of the UK. In May 2017, D. Archer, owner of a website accessible through Google and Facebook, was sentenced to 13 years'

imprisonment for running a real “empire” of prostitution amounting to GBP 16 million (USD 20,34 million) (*The Sunday Times*, 4 March 2018).

The NCA therefore calls for a real awareness of the situation by website hosting platforms that should take action to identify and prohibit the spread of such criminal activities.

The police forces genuinely underestimate the scale of organized crime and its invisible indoor activities. Consequently, local authorities, police services and the voluntary sector recommended in their report the joint development of strategies tailored to the local context to assess and target the off-street sex industry, and increase their efforts to identify victims exploited and hidden in private and inaccessible places (*The Police Foundation*, December 2016).

Today, the UK is a crossroad where many traffickers come to develop a trade of the most vulnerable. While other countries have chosen to categorize prostitution as a system of extreme violence towards women, the UK, since the House of Commons Home Affairs Committee’s “Prostitution” report in 2016-2017, has demonstrated some reluctance towards the Nordic Model, preferring instead the New-Zealander approach. Nevertheless, the government appears to be moving towards a positive direction, including the repeal of the offence of solicitation and protection such as the support and care of prostituted persons to exit the system.

During public debates of July 4th, 2018, at the House of Commons, some Members of Parliament expressed their desire to legislate in favour of the Nordic Model and therefore penalize the sex buyers (*Lipscombe et al.*, July 4, 2018). Gavin Shuker, member of the British Labour Co-operative and Member of Parliament, stated that the issue of prostitution concerns

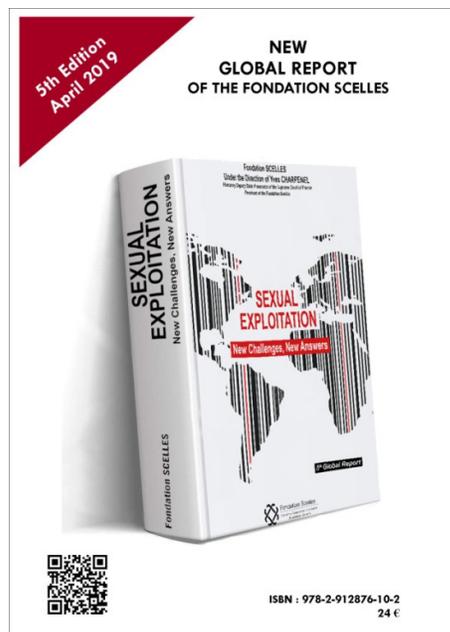
women in general and not only prostituted persons, since the system perpetuates the myth that men have an absolute right to sex and potentially unlimited access to women’s bodies. Ian Paisley, Member of Parliament, expressed with clear intent that “victims are not subjected to forced labour but raped daily. To put an end to sexual exploitation, demand must be eradicated”. He subsequently added that the government needed to establish school programs to prevent gender-based violence, and educate the population on the respect of the human body and gender equality.

Victoria Atkins, Parliamentary Under-Secretary of State at the Home Office, simply replied that “the government continues to focus on the protection of persons who sell sexual services and on police repression of those who exploit vulnerable persons involved in prostitution”. She did not mention the question of demand, which remains the root of the problem.

In the face of this approach, it is high time for the UK to review its point of view in the perspective to gradually move towards a model closer to that of its neighbours, within a Europe that aspires to be egalitarian.

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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