

**Key Document 15**

'Q and A' Style Briefing, regarding the then Home Secretary's Attendance at a June 2003 CROP Conference

## CROP speech Q&A

### Q: What will you be doing in respect of child prostitution?

New offences in the Sexual Offences Bill create for the first time a specific set of offences dealing with sexual exploitation of children. They cover children of both sexes and up to the age of 18, rather than 16, the age of consent to sexual activity. We believe it justifiable, in line with international agreements on this matter, to set a higher age at which you can in effect consent to being sexually exploited than at which you can choose to engage in sexual activity where there is no exploitative element. The new offences are:

- Paying for sexual services of a child
  1. proposed penalties - life when the child is under 13 and the sexual services involve vaginal/anal penetration or oral penile penetration, 14 years when the a child is under 13, and the sexual services are non-penetrative, or where the child is 13-15 and 7 years when the child is 16-17
  2. not currently an offence – offenders can be charged with having sex with the child but this does not recognise the financial element and that children are lured into prostitution to make money for others
- Causing or inciting child prostitution or pornography
  1. will cover recruitment into prostitution or pornography
  2. penalty – 14 years and/or or unlimited fine
  3. existing law has only 2 year penalty, does not apply to boys and only applies to a person in charge of a child
- Controlling a child prostitute or child involved in pornography
  1. will cover pimping children
  2. penalty 14 years and/or unlimited fine
  3. existing law applies to those of any age and has 7 year penalty
- Arranging or facilitating child prostitution or pornography
  1. will cover those who for example make arrangements for child prostitution
  2. not currently specifically covered in the law
  3. penalty – 14 years and/or unlimited fine

### Q: What will you be doing in respect of adult prostitution?

Two new offences to tackle sexual exploitation of adults. Although the offences don't specifically state that they are intended for situations where the victim is 18 or over, it is hoped that where the victim is a child, the offences specifically relating to children would be charged.

- Causing or inciting prostitution for gain
  1. Penalty 7 years
  2. Covers recruitment into prostitution
- Controlling prostitution for gain
  1. Covers pimping
  2. Penalty 7 years
- Trafficking for sexual exploitation
  1. Covers both children and adults
  2. Until recent Nationality Immigration and Asylum Act 2002 offence, no specific offence of trafficking
  3. Offences that were being used were living off immoral earnings and controlling someone in prostitution which carried penalties of 7 years

4. Sex Offences Bill will repeal NIA Act offence and replace it by a new more comprehensive offence which will cover trafficking for any sex offence, not just prostitution.
  5. Penalty – 14 years and or unlimited fine
- There are some existing laws but these deal in a very patchy way with sexual exploitation of children

**When will the new legislation be implemented?**

- The Sexual Offences Bill has now completed its progress through the House of Lords (17 June), and is currently in the House of Commons. Although no dates have been confirmed, and the timetable is open to change, it is envisaged that the Bill will receive Royal assent in October or November, and that we will be in a position to implement the provisions of the Bill perhaps by May next year (2004)

**Q. How will the offences work in practice? How will someone know whether someone is 18 or 17 if they lie when asked?**

- Where a person is charged with one of the child sexual exploitation offences, the prosecution will have to prove the person did not reasonably believe that the child was aged 18 or over. This does not apply in cases where the child is under 13, when the defendant's belief about the age of the child is irrelevant. It is for the court to decide, given all the circumstances, whether or not the defendant's belief was reasonable. If for example the defendant met a child, from whom he purchased sexual services, in a nightclub with an over 18's admission door policy, where her appearance and behaviour suggested she was over 18 and she convincingly maintained this was the case, the court may find that the prosecution have not proved that the defendant did not reasonably believe that she was 18. If however, on the contrary, he bought the sexual services of a child he picked up in a school uniform, then the prosecution will find it easier to prove that the defendant did not reasonably believe the child was 18 or over if the defendant raises this as an issue.

**Q: Isn't buying the sexual services of a child already illegal?**

- Currently, sexual activity with a child under the age of consent (16) is illegal, and an adult who is caught buying sex from a child could be prosecuted either for unlawful sexual intercourse, or, perhaps a non-consensual offence such as rape or indecent assault. The most likely charge (unless the girl was under 13) would be one of sexual intercourse with a girl under 16. The maximum penalty for this is 2 years. However, this Government recognises the abhorrence the public hold for the activities of those who seek out children from whom they can purchase sexual services, and that this activity forms a key part in the cycle of abuse that those children suffer. It is a tragedy for any child to become involved in prostitution, and those who perpetuate this intolerable activity by creating the demand for these services are abusers. The law needs to reflect this.

**How does the definition of "prostitute/prostitution" differ from current legislation?**

- In this Bill, the key differences in the definition are that a prostitute can be male or female, and that a single act of prostitution does count. There is also a difference in that no sexual activity need necessarily take place, just that an offer of sexual services in return for payment or promise of payment needs to take place. The Bill also specifies that the payment need not go to the prostitute themselves, and can be made or promised to a third person, for example the prostitute's pimp.

**Q: What are your views on zones of prostitution that some local authorities have experimented with?**

- The issue of prostitution is an extremely wide one and outside the remit of this Bill. The Government will examine the scope for a review of the issues surrounding prostitution and the exploitation, organised criminality and class A drug abuse associated with it.

**Q: Why aren't you repealing the offences which criminalise children involved in prostitution? Why will these children not be immune from prosecution?**

- It is extremely rare for those aged under 16 to be prosecuted for their involvement in prostitution. In 2000 and 2001, no boys under 16 were cautioned, proceeded against or found guilty of relevant offences. In 2000 to 2001, 2 girls under 16 were cautioned, and 4 were found guilty of a relevant offence. These statistics illustrate that it is extremely rare for children under 16 who are involved in prostitution are prosecuted. Nonetheless, we think it right to retain the option of prosecution in exceptional cases.
- The Government acknowledges that it is a tragedy for any child to become involved in prostitution and that children involved in prostitution are primarily victims of abuse and adults who take advantage of them, whether by exploiting them as pimps or by buying sexual services from them. Guidance issued in May 2000 and September 2001 advised that those under 18 who engage in prostitution are almost invariably victims and must be treated as such and that wherever possible criminal justice action should be pursued against those who abuse children through prostitution or seek to exploit them as prostitutes.

**Q. What are you doing about the review of prostitution and what will it encompass?**

- The Government intends to examine the scope for a review of the issues surrounding prostitution and the exploitation, organised criminality and class A drug abuse associated with it.

**Q: What are you doing to address the gender imbalance in existing prostitution related legislation?**

- Existing prostitution legislation is, for the most part, gender specific. The law is cast in terms of men committing certain offences, and women committing others. This leads to anomalies and inconsistencies in the ways individuals are dealt with for what is essentially similar behaviour. This is inappropriate. Our new sexual exploitation offences are gender neutral, and so it was felt that the existing prostitution related offences ought to be amended accordingly. No other change is being made to their content.
- Because we are making gender neutral the offence of loitering and soliciting for the purposes of prostitution (which is aimed at female prostitutes), the offence at S 32 of the Sexual Offences Act 1956 of solicitation by men is redundant and is being repealed. This offence, whilst used to tackle solicitation by male prostitutes and solicitation by men of females, has also historically been used to effectively criminalise actions between gay men that would merely be regarded as legitimate advances towards establishing a consensual sexual relationship if they were taking place between a man and a woman. It has thus become a means of regulating behaviour between homosexual men and is discriminatory.

**Q: Will the Government consider measures to deal with kerb crawling such as the imposition of penalty points on driving licences and the possibility of impounding vehicles?**

- While the Government is aware of the nuisance associated with the activities of kerb crawlers, we are not in favour of using penalty points for this type of offending behaviour. Penalty points should only be used as part of a sentence to punish and deter bad driving.
- Of course, it may well be that in some circumstances the act of kerb crawling does involve a driving behaviour that is unacceptable. If this is the case then the driver should be charged with the appropriate road traffic offence (i.e. careless and inconsiderate driving,

driving without due care and attention, or even dangerous driving) which will allow the imposition of penalty points.

**Q: What are you doing to prevent children becoming involved in prostitution in the first place?**

- To enable early prevention, we are **improving our understanding** of the risk factors that can lead to children becoming involved in prostitution. Research undertaken by the Joseph Rowntree Trust (*'It's someone taking part of you': A study of young women and sexual exploitation by Middlesex University and the NSPCC*) and the joint research project between ECPAT, The Children's Society, NSPCC, NCH and Barnardos (*'More than one chance! Young people involved in prostitution speak out' - Julie Taylor-Browne*) provide invaluable insight on the choices and opportunities that young women think they have.

*N.B. ECPAT stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes.*

- We are **improving partnership working** – through the National Plan for safeguarding Children from Commercial Sexual Exploitation, and the forthcoming Children at Risk Green Paper.
- From April 2003 **local preventative strategies** have been introduced in all top tier/unitary authorities for children at risk of social exclusion up to age 19 – where there are clear risk factors, including swapping/selling sex.
- Already, the **Youth Justice Board Children at Risk panels** target 8 to 13 year olds at high risk.
- **Safer Schools Partnerships** are piloting the use of dedicated Community Beat Officers to identify and work with children and young people at risk.
- We are also exploring ways to develop the role of **Crime and Disorder Reduction Partnerships** to protect young people at risk or involved in prostitution.

**Q: There seems to be a clear link between drugs and prostitution. What are you doing to break that link?**

There are very close links between the commercial sex industry and drugs, through those involved in pimping and human trafficking being very close to the trade in illegal drugs, and through the use of drugs by sex workers, especially those dependent on crack and heroin. This mostly affects sex workers operating on the street.

We are developing a programme of action to tackle the problem. This involves:

- The production of **specific guidance on managing the problem** which will cover policing, treatment, education of those at risk, and exit strategies. This is due November 2003. This will ensure that those who provide services or would like to provide them receive full guidance on what works or is effective, with models of intervention and practical services with regard to prostitutes who are dependant on drugs.
- The **National Crack Plan** is committed to delivering on breaking the links between crack markets and sex work. In particular it is committed to ensuring that DATs work with CDRPs to ensure that partners deliver new programmes to meet the needs of special client groups most affected by crack, such as sex workers.
- As part of the crack plan, new powers in the **Anti-social Behaviour Bill** to enable crack houses, which are closely linked to the sex trade, to be closed quickly by the courts. This should ensure that one opportunity by which sex workers obtain drugs and are dominated by pimps is controlled.
- **Specific funding for drug related local crime and nuisance**, included within the Building Safer Communities fund and the BCU commanders fund, both of which enable

local partnerships to channel funding towards specific problems associated with markets. This will ensure that where there is a local problem, it will be able to be tackled.

**Q: How are you going to address the inconsistency of response and enforcement between statutory agencies?**

- Through law reform we are ensuring appropriate offences and penalties to use against abusers and coercers.
- We are also ensuring that where prostitution is an issue, the Crime and Disorder Reduction Partnerships develop an appropriate response – this includes safeguarding the streets, and supporting those girls who are victims of pimping, as well as enforcing the law. The specific guidance (prostitution toolkit) we have developed will help them deal with the range of local issues arising from prostitution
- We are also assessing the Home Office funded prostitution projects to distil good practice.

**Q: How are you going to encourage women to leave prostitution?**

We are:

- assessing Home Office funded prostitution projects to distil good practice.
- ensuring that CDRPs focus on support as well as enforcement
- funding the CROP programme to support families

**Q: What prostitution projects has the Home Office funded?**

The 'What Works: Tackling Prostitution' scheme, funded through the Crime Reduction Programme (CRP) aims to find out which interventions are effective in reducing the crime and disorder associated with prostitution and are effective in helping people to exit from prostitution. A total of 11 multi-agency projects were funded in March 2001, and independent evaluation teams were commissioned to evaluate their work. The 11 projects were grouped into three areas depending on their main focus:

- exploitation of young people;
- policing (police led initiatives), and
- help with exiting and support for those leaving prostitution.

**Q: But aren't these short-term projects?**

- The initiative has always intended as a time-limited evidence based programme to inform both policy and practice on what works to reduce crime and disorder associated with prostitution. The funding for all the projects was due to finish in July 2002. However six projects (four from exiting and support, and two from the young peoples' group), which had the potential to answer key research questions and inform policy, had their funding extended until the end of March 2003.

**Q: When will we know if they 'worked'?**

The evaluation of the initiative is still in progress, and the findings are due in early 2004. It was never the intention to publish findings from individual projects, instead the data from all of the projects will be collated, and a compendium publication will be produced which has synthesised findings from across the whole programme.

**Q: What happened with the 'Risky Business' project in Rotherham?**

The Rotherham Risky Business project was funded under the Crime Reduction Programme (CRP) What Works: Tackling Prostitution Initiative, the aim of which is to find out which interventions can reduce the crime and disorder associated with prostitution and also help people to exit from prostitution.

It was a highly innovative project primarily targeting men involved in 'grooming' young women into prostitution, with a view to pursuing prosecutions against them. Considered very important area of work as little is known about men prepared to pay for sexual services of young people, or about people who may force them to become involved.

This multi-agency project was funded along with ten others in March 2001. The initiative was always time-limited and hence funding for this project ceased, along with five other projects, in July 2002.

Although the evaluation of this project has now finished, it was never the intention to publish findings from individual projects, instead the aim is to publish a compendium of all the findings, which makes recommendations which are based upon the whole of the programme. Findings are due to be published in early 2004.

Background (NOT FOR RELEASE):

It must be noted that during the funding period this project did run into a number of implementation difficulties, and there were also a number of allegations and disputes relating to work of statutory agencies, and individual members of staff. Hence, the Home Office did not consider extending the funding of this project beyond the original funding end date: July 2002.

Much of the criticism (of inappropriate sharing of information and non-professionalism) was directed from the council to ██████████, the Risky Business Research & Development Officer [former researcher] and sometime CROP researcher. Indeed since the project ended GOYH have on several occasions had to remind ██████████ that she cannot make use of the project findings prior to [former researcher] publication although the council dropped threatened disciplinary proceedings against her, she does not seem to be ready to let the matter drop. ██████████ will be at the conference, and [former researcher] will be speaking in the afternoon (on the law).

## **TRAFFICKING**

**Q: What are the levels of trafficking in the UK and other EU countries?**

- No accurate, reliable data in existence within the UK or the EU. HO research ('Stopping Traffic', 2000), estimated that between 140 and 1,400 women and children per year are trafficked into the UK for purposes of sexual exploitation and impossible to make a more accurate assessment. Report concluded: no evidence to suggest that this was on a large scale compared with other European countries.

**Q: What is evidence of children being trafficked into the UK?**

- 'Hidden' crime and there are no reliable figures about children being trafficked. Government has tasked the reflex group with co-ordinating intelligence on the problem.

**Q: What is the government doing to help the victims of trafficking?**

- Recently introduced a new criminal offence of trafficking someone to control them in prostitution in the Nationality, Immigration and Asylum Act 2002 to deal with the increased incidence of people being moved from one place to another in order to be exploited in prostitution. The Sexual Offences Bill expands on that legislation and replaces that offence with new, more comprehensive offences that will further protect those who are exploited in this way.
- From March 2002, safe accommodation and a range of services has been provided to support female victims of human trafficking through a non Governmental organisation.
- Government will consider, in individual cases, appropriateness of returning victims. Where they are to return home, will assist them to do so with practical help and assistance.

- New "best practice toolkit" for those who deal with illegal immigrants and trafficking victims to help identify victims and to provide practical advice on how to deal with them appropriately.
- Will also consider, in light of individual circumstances, whether it would be appropriate to allow such victims who have co-operated to remain here. Where they are to return home, we will assist them to do so, providing them with initial counselling, ensuring that they have suitable accommodation to return to, and providing help to enable them to re-integrate into their own community and find employment.

**Q: How is the Government helping child victims of trafficking in the UK?**

- Child victims referred to social services to receive advice and support. Under the Children Act 1989, local authorities have a duty to safeguard and promote welfare of children who are in need by providing a range and level of services appropriate to those children's needs. HO working with DoH on examples of good practice on how this commitment is delivered.
- Children will not be removed from the UK if we do not consider there to be adequate arrangements for them if they were to be returned to their country of origin.

**Q: Why not have a higher penalty for the trafficking of children?**

- Penalty for trafficking an adult or child is 14 years imprisonment. The highest determinate penalty available to the courts. A maximum penalty of life imprisonment is not considered proportionate as in many cases, the trafficker (at whichever stage of the process) may have no direct contact with the child, and no sexual act actually needs to take place for the offence to be committed. Where a trafficker also engages in illegal sexual activity with a child, they should be charged for that offence as well.

**Q. Will you be introducing a period of reflection for victims of trafficking?**

We recognise the trauma that victims of trafficking have suffered and are committed to offering them particular support and services so that they can escape their circumstances and, in certain cases, help law enforcement against organized criminals. The Government considers that it would be preferable not to specify a set period as each individual's circumstances will differ considerably. The Immigration Service already has procedures which allow victims of trafficking to be granted leave on a discretionary basis in appropriate cases, either to give evidence or for reasons of personal safety. There is the possibility that the availability of automatic reflection delays might provide a perverse incentive when traffickers are luring individuals into being trafficked.

**Q: What is the Government's overall strategy on trafficking?**

Trafficking is an aspect of organised immigration crime. It is a complex problem and we are determined to address every aspect of it – in countries of origin, en route to the UK and on arrival. It requires co-ordination across Government Departments, partnership with business and voluntary sectors and international co-operation. Our strategy on trafficking is set out in the White Paper 'Secure Borders Safe Haven' and focuses on:

- strengthening the law through new offences covering trafficking;
- dealing appropriately with the victims of trafficking by providing support in the UK and assistance to return home;
- tackling the criminals through intelligence & enforcement operations through the Reflex taskforce;
- EU co-operation and prevention in source and transit countries in partnership with FCO and DFID.

**Q: Has Reflex been successful in tackling trafficking?**

*Background:*



- Reflex was set up in May 2000 as a multi-agency taskforce on organised immigration crime involving the National Crime Squad, Immigration Service, intelligence agencies and key police forces. All operational activity targeted against serious and organised criminal involvement in illegal immigration is now co-ordinated through Reflex.
- Led by the National Crime Squad (NCS), Reflex brings together all the key agencies, including the Immigration Service, the National Criminal Intelligence Service and police forces such as the Met, Kent and British Transport Police.

*Success:*

- Between June 2002 and December 2002, Reflex has had 27 operations which have reached the arrest phase. 16 organised crime groups have been disrupted and over 60 operations are currently underway. These operations range from those conducted at the local level by individual police forces or agencies to the national level involving multi-agency partnerships that include the Immigration Service, Immigration Crime Teams (Heathrow and Gatwick), National Criminal Intelligence Service, and police forces such as the Metropolitan, Kent, Merseyside and British Transport Police.
- A Child Protection Pilot Project has also been launched recently at Heathrow as a joint initiative between the Metropolitan Police and the Immigration Service.

**Q: What have you done to address the trafficking of children highlighted by Operation Newbridge in West Sussex?**

- Operation Newbridge concerned young girls from West Africa who arrived in the UK and claimed asylum. As unaccompanied asylum seeking children they were placed in local authority care from which many of them subsequently disappeared. There was concern that some of the girls ended up working as prostitutes in Italy. The police investigation in Newbridge highlighted the difficulty of prosecuting traffickers under the current legislation. The new offence of trafficking for prostitution under the NIA Act will help in this regard, and will cover criminals taking people into and out of the country for the purposes of prostitution. Since Newbridge occurred the establishment of Reflex, our multi-agency taskforce on organised immigration crime, has led to better co-ordination arrangements between police investigations into trafficking.

**Q: How many children disappeared from the care of West Sussex Social Services and the date of the last disappearance?**

- Between 1995 and 2001, a number of West African girls who had arrived on their own at Gatwick, claiming asylum, disappeared from the care of West Sussex Social Services. 71 children disappeared, most of them fitting the same profile. West Sussex Social Services advise that in 2002 14 children (under-18s) were recorded as 'missing from care'. So far this year, 3 children have gone missing. However, it should be emphasised that the majority of children that are missing from care will have decided to leave for various reasons, and are not suspected to have been trafficked. It should also be noted that Social Services do not have the power to prevent a minor from leaving their care.

**Q: What lessons have been learned following Newbridge?**

- It has been accepted by all agencies that the strong inter-agency partnership that was developed has reduced the number of children at risk by disrupting the trade. The number of new arrivals suspected to have been trafficked has dramatically reduced since the time of the two police operations. Intelligence is still being passed to the police and immigration service from social workers responsible for those children in their care who fit the profile.
- The main lessons learnt have been that inter-agency work is essential to build up victim profiles, undertake investigations, protect children and deal with media interest constructively. The positive outcomes have been the reduction in children going missing

from care, the disruption of the traffickers' plans and the vindication of a joint approach to the trafficking of children for sexual and other exploitation.

**Q: What measures are you taking to reduce levels of trafficking in children?**

- We are working to support ratification of the UN Protocol on trafficking which sets out a globally agreed comprehensive response to the problem. The UK contributed to the EU STOP Programme, which provides support to Member State organisations responsible for action against the trade in human beings and the sexual exploitation of children. DFID and the FCO are funding prevention projects to educate potential victims of the dangers of trafficking, particularly for women and children, in source countries. They will also assist with repatriation and reintegration of people trafficked in an attempt to prevent multiple victimisation in the future. DFID also supports a project by the International Programme on the Elimination of Child Labour (IPEC) aimed at combating the trafficking of children in certain sub-regions.

**Q: What is the Government doing about the slave trade in children?**

- The Government is supporting an international effort to reduce the trafficking of all children in the sex trade, especially in West Africa where it is considered most prevalent. The UK is one of the strongest supporters of the International Labour Organisation's (ILO) Convention on the Elimination of the Worst Forms of Child Labour. We have also ratified the key international instruments such as the International Covenant on Civil and Political Rights, European Convention on Human Rights, UN Slavery Convention. We are promoting their widest possible ratification and supporting their practical implementation to achieve real change.

**Q: Why not have a higher penalty for the trafficking of children?**

- The penalty for trafficking an adult or child is 14 years imprisonment. This is the highest determinate penalty available to the courts. A maximum penalty of life imprisonment is not considered proportionate as in many cases, the trafficker (at whichever stage of the process) may have no direct contact with the child, and no sexual act actually needs to take place for the offence to be committed. Where a trafficker also engages in illegal sexual activity with a child, they should be charged for that offence as well.

**Q: Why are you not defining a "child" as a person under the age of 18, as in the UN Conventions?**

- Our proposed trafficking offence applies equally to adults and children and carries the highest possible maximum determinate penalty available to the courts (14 years) irrespective of the age of the victim.

**Q: Why have you not used the wording of the UN protocol in defining your offence?**

- The Bill meets the requirements of the UN Protocol and indeed goes further in that it criminalises trafficking for prostitution (and indeed for any sexual offence under the Bill) in circumstances where threat, use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person are not involved. The language and definitions used may not be identical to those used in the Protocol but this results from the requirement to ensure that the new offences are framed in such a way that they are consistent with other UK legislation.

**Key Document 16**

Finalised Briefing supporting the then Home Secretary's attendance at a June 2003 CROP Conference

coalition for the removal of pimping (|crop) conference, 27 june 2003

about the event

- all day event in three parts, following three themes: family, law and media.
- 'family' theme is prior to home secretary's arrival. includes parents of prostitutes and former prostitute discussing experiences, and a dramatic presentation from young people about dangers of getting involved in prostitution and pimping.
- home secretary arriving just before 12.00.pm after visit to bail hostel in south leeds (confirm this). will speak for approximately 20 minutes followed by questions and answers.
- hoped that home secretary will stay for lunch where he will be seated with a small number (up to 6) of parents. organiser has indicated that parents may be feeling quite stressed from morning's experience.
- afternoon starts with three speakers discussing the law and issues of implementation, to be followed by a panel discussion on role of media in this area, including contributors from the times and granada television. (speaker information below)
- event to be used to launch friends of |crop, for people who want to be associated with |crop's work, and to promote further the parent support unit.

attendees

- around 100 people. mix of parents and professionals, including police (both local and from other forces carrying out work in this area), representatives from other projects (including barnados) and social workers.

other speakers

- morning, family theme (prior to home secretary's arrival): [REDACTED] (|crop parent support unit); two parents discuss their experiences; former prostitute discusses her experiences.
- afternoon, law theme: [REDACTED] (former |crop researcher) speaking about the new law; colin cramphorn (chief constable of west yorkshire police) discussing implementation of new legislation; neil franklin (chief prosecutor for west yorkshire |cps) discussing challenges and opportunities of new law.
- afternoon, media theme: panel discussion including contributions from carole midgley from the times and jane treays from granada television

topics of particular concern to |crop

- although legislation is very good, cannot foresee corresponding change in culture among professionals dealing with prostitution, pimping, trafficking and sexual exploitation.
- fear that collusion among people who use prostitutes inhibits support agencies' effectiveness in dealing with problem.

about |crop

- set up by irene ivison. she lived in sheffield for part of her life. died in october 2000.
- set up to tackle circumstances which contributed to death of her 17 year old daughter, fiona, who was recruited into prostitution by a pimp and was murdered by a client.
- |crop aims to influence national working practices of agencies, to focus on sexual abusers and coercers, to protect those affected by sexual exploitation and prostitution and to enable them and their families to become active agents.

|crop's parent education and support project

- family policy unit has funded project. aims to develop and use skills and knowledge of parents affected by prostitution and sexual exploitation by pimps. funding is over three years and totals £89,000.
- key objectives of project: identify and make contact with parents in need of this service; equip parents with information and understanding of process by which children and young people are coerced into prostitution; equip parents to become active players/partners in working with agencies (police, social services or schools) in contact with their children; equip parents to re-establish or improve relationship with children at risk of or involved in prostitution; and raise awareness of wider group of parents of risks of children being drawn into prostitution by pimps.

assessment of first 6 months of parent education and support project

--project had recruitment difficulties and started late. since start has worked hard to identify and make contact with parents in need of this service. intensive one to one support has only been offered to only 5 parents at this stage.

--project has produced leaflets and booklets that are in high demand. offer to facilitate awareness training, and have recently developed a package. looking to finalise more detailed training by early 2003.

--working towards all objectives. no real 6 months benchmark to measure the progress of the project, but it seems to be progressing well if not sticking rigidly to the original programme.

--no real evidence that project has started to collect baseline data as a basis for future evaluation - although it is very difficult in their particular area of work.

--project has made links with lbme groups to raise cross-cultural awareness. they list about 50 agencies they have made contact with.

home office pilot in rotherham 'risky business'

--funded under the jcrp tackling prostitution initiative

--multi-agency project funded in march 2001; time-limited initiative, so funding ceased july 2002. however, during funding period, project ran into a number of implementation difficulties, and there were allegations and disputes relating to work of agencies and individuals. jho did not consider extending the funding of this project beyond the original funding end date.

--jcrp-funded project was extension of existing statutory-sector project, 'risky business', working to support young women at risk or involved in commercial sexual exploitation. highly innovative project primarily targeting men involved in 'grooming' young women into prostitution, with a view to pursuing prosecutions against them. considered very important area of work as little is known about men prepared to pay for sexual services of young people, or about people who may force them to become involved.

--evaluation of project has already finished, but never intention to publish findings from individual projects. compendium of all findings, which makes recommendations based upon whole programme due to be published early 2004.

sex offences bill – child prostitution

new offences in the bill create for the first time a specific set of offences dealing with commercial sexual exploitation of children, including:

--paying for sex with a child under 18. proposed penalties are life when child is under 13 and penetration is involved, 14 years when child is under 13 and no penetration is involved, or in any situation where child is 13-15 and 7 years when the child is 16-17. not currently an offence - offenders can be charged with having sex with child but this does not recognise financial element

--intentionally causing or inciting for gain a child under 18 to become a prostitute or to be used for pornography. will cover recruitment into prostitution or pornography. penalty 14 years and/or or unlimited fine; existing law has only 2 year penalty, does not apply to boys and only applies to a person in charge of child

--intentionally controlling in whole or part for gain the activities of a child in prostitution or pornography. will cover pimping children. penalty 14 years and/or unlimited fine. existing law applies to those of any age and has 7 year penalty

--intentionally arranging or facilitating for gain the prostitution of a child or use of a child in pornography. will cover those who for example make arrangements for child prostitution. not currently specifically covered in the law. penalty – 14 years and/or unlimited fine

--trafficking for purpose of sexual exploitation (including child prostitution and pornography). covers both children and adults. until recent jnia act offence, no specific offence of trafficking. offences that were being used were living off immoral earnings and controlling someone in prostitution which carried penalties of 7 years. sex offences bill will repeal this (and the jnia act provisions) and replace it with more comprehensive offence to cover moving people from one place to another in the uk as well as bringing foreign nationals (or uk citizens) into or from the country and using children in pornography as well as prostitution. penalty – 14 years and/or unlimited fine.

### Further information requested in 1<sup>st</sup> CROP work through

#### **Titles of research reports mentioned in the CROP speech:**

*'More than one chance! Young people involved in prostitution speak out'* - Julie Taylor-Browne. Joint research project between ECPAT, The Children's Society, NSPCC, NCH and Barnardos.

*'It's someone taking part of you': A study of young women and sexual exploitation* by Jennie Pearce of Middlesex University. Research carried out in partnership between Middlesex University and the NSPCC. Funded by Joseph Rowntree Foundation.

#### **Successful projects which have worked with girls and got them out of prostitution:**

##### **Streetreach**

- The project the HS referred to at the last speech work through is Streetreach in Doncaster. Core funded by Doncaster Primary Care Trusts and Local Authority. New Deal for Communities have also funded this project for psychiatric nursing services under their drugs programme.
- Offers a holistic approach to sexual health for women/girls involved in, at risk of or wishing to exit prostitution and for men who have sex with men. Outreach, drug treatment, drop-in centre.
- Last year (April 2002-March 2003) they made contact with 170 prostitutes through their outreach service. 167 of the prostitutes were heroin users and half of the heroin users were also crack-cocaine users. Streetreach have noted that crack-cocaine is an increasing problem and causing much more violence in particular between prostitutes.
- Last year, the outreach service made no contact with under 16s on the streets. In previous years they would have made contact with around 40-50 girls. A positive explanation for this is that their prevention programme is working. Streetreach does an increasing amount of early intervention and preventative work in schools (with year 10 and 11) and in community centres etc. However, the manager also pointed to the increasing use of technology among younger girls (internet chat rooms and mobile phones) and the fact they the younger girls are more likely to have a pimp and be located in the pimps property.
- The organisation has had some good paedophile convictions and can demonstrate very close working relationships with other agencies. Last week they identified a 12-year-old girl on the street, this week there is a multi-agency case conference on how to proceed.

##### **Crime Reduction Programme Funding projects:**

##### **Pandora Project in Bristol** (project funding finished at the end of March 2003)

- The Pandora project in Bristol involved partnership between VCS agencies, and targeted young people (under 21) who are involved, or at risk of involvement in commercial sexual exploitation.
- The agencies involved included Bristol City Council, Bristol Drugs Project, Barnardo's, and the Terence Higgins Trust (THT). The project aimed to improve the co-ordination of services across the city to support young people and to provide a way out for those involved. It also aims to support young people at risk of becoming involved in prostitution and prevent it from happening.
- Found that on the drugs side of the project many clients were choosing to receive detox support from the THT in the Pandora project than from more established routes. The sexual health part of the project has found that it is treating many prostitutes that have previously never accessed sexual health care.
- Supporting Streetreach's conclusions, the Pandora project is finding that many under 18 year olds are using the Internet to make contact with clients.

**Sheffield Multi-agency Project** (project funding finished at the end of March 2003)

- Interventions included awareness raising and training of professionals from a variety of agencies and have been developing a police 'tracking' system to monitor young people referred to the project and an emphasis on developing multi-agency working and a strategic focus.
- Expect that the impact will take the form of raised awareness amongst professionals and a consistency of response to young people from the relevant agencies.

**Risky Business in Rotherham** (HO funding finished in July 2002)

- During funding period, project ran into a number of implementation difficulties, and there were allegations and disputes relating to work of agencies and individuals. Home Office did not consider extending the funding of this project beyond the original funding end date.
- It was a highly innovative project primarily targeting men involved in 'grooming' young women into prostitution, with a view to pursuing prosecutions against them.
- The problems that arose were between the local statutory services and members of the project steering group. There was no direct criticism of HO although the local Director of Social Services criticised the strength and experience of the steering group. As an organisation CROP has consistently played down their involvement since the difficulties arose so unlikely to be brought up formally.

BUT

- Much of the criticism (of inappropriate sharing of information and non-professionalism) was directed from the council to ██████████, the Risky Business Research & Development Officer and sometime CROP researcher. Indeed since the project ended GOYH have on several occasions had to remind ██████████ that she cannot make use of the project findings prior to publication. Although the council dropped threatened disciplinary proceedings against her, she does not seem to be ready to let the matter drop. ██████████ will be at the conference, and will be speaking in the afternoon (on the law).

**More information about the links between prostitution, organised crime and drugs:**

- ECPAT study: two-thirds of young people started using drugs before becoming involved in prostitution.
- Streetreach project: 167 of 170 prostitutes contacted via outreach services were heroin users. Half of that number were crack-cocaine users. Number of crack-cocaine users is growing.
- JRT study: of the 55 young women (13-18) who were identified as at risk of, or experiencing, sexual exploitation, all experienced problems with alcohol misuse and 30 also used heroin at least once a week; 34 regularly self-harmed, 18 of whom had attempted suicide.
- Home Office research which examined pimping<sup>1</sup> found that many pimps were heavily involved in drug dealing and most had significant drug habits and that drug dependence often substituted for violence as the means of coercing compliance from sex workers.
- Home Office research<sup>2</sup> found that crack is a drug which facilitates sex work and the ease with which sex workers can raise money means they are ideal clients for crack markets.
- In Lambeth open crack markets and over 80 crack houses were linked to street prostitution and the use of guns. An action plan for crack, launched in 2002, has not only resulted in over 100 crack house raids but also the arrest of 118 prostitutes who have been referred for treatment.

<sup>1</sup> For Love or Money: Pimps and the management of Sex Work – Police Research Series paper 134.

<sup>2</sup> Street Business: The links between sex and drugs markets

- NCIS survey: Half prostitutes in London from Balkans and former Soviet Union. Albanian criminals control about ¾ of the women who sell sex in London saunas and brothels. £12m annual profit returned to Albania.
- NCIS has reported that the trafficking of women for sexual exploitation has become a major world-wide concern over the past few years. The main nationalities include Thai, Filipino and Brazilian but there have been increases in Hungarians, West Africans and Albanians/Kosovans. In Bulgaria one state programme estimated that up to 80 per cent of returnees were re-trafficked within two months of leaving the safety of the programme hostel. This emphasises the importance of working with source countries to tackle the root causes of trafficking.



## CROP speech Q&A

### Q: What will you be doing in respect of child prostitution?

New offences in the Sexual Offences Bill create for the first time a specific set of offences dealing with sexual exploitation of children. They cover children of both sexes and up to the age of 18, rather than 16, the age of consent to sexual activity. We believe it justifiable, in line with international agreements on this matter, to set a higher age at which you can in effect consent to being sexually exploited than at which you can choose to engage in sexual activity where there is no exploitative element. The new offences are:

- Paying for sexual services of a child
  1. proposed penalties - life when the child is under 13 and the sexual services involve vaginal/anal penetration or oral penile penetration, 14 years when the a child is under 13, and the sexual services are non-penetrative, or where the child is 13-15 and 7 years when the child is 16-17
  2. not currently an offence – offenders can be charged with having sex with the child but this does not recognise the financial element and that children are lured into prostitution to make money for others
- Causing or inciting child prostitution or pornography
  1. will cover recruitment into prostitution or pornography
  2. penalty – 14 years and/or or unlimited fine
  3. existing law has only 2 year penalty, does not apply to boys and only applies to a person in charge of a child
- Controlling a child prostitute or child involved in pornography
  1. will cover pimping children
  2. penalty 14 years and/or unlimited fine
  3. existing law applies to those of any age and has 7 year penalty
- Arranging or facilitating child prostitution or pornography
  1. will cover those who for example make arrangements for child prostitution
  2. not currently specifically covered in the law
  3. penalty – 14 years and/or unlimited fine

### Q: What will you be doing in respect of adult prostitution?

Two new offences to tackle sexual exploitation of adults. Although the offences don't specifically state that they are intended for situations where the victim is 18 or over, it is hoped that where the victim is a child, the offences specifically relating to children would be charged.

- Causing or inciting prostitution for gain
  1. Penalty 7 years
  2. Covers recruitment into prostitution
- Controlling prostitution for gain
  1. Covers pimping
  2. Penalty 7 years
- Trafficking for sexual exploitation
  1. Covers both children and adults
  2. Until recent Nationality Immigration and Asylum Act 2002 offence, no specific offence of trafficking
  3. Offences that were being used were living off immoral earnings and controlling someone in prostitution which carried penalties of 7 years

4. Sex Offences Bill will repeal NIA Act offence and replace it by a new more comprehensive offence which will cover trafficking for any sex offence, not just prostitution.
  5. Penalty – 14 years and or unlimited fine
- There are some existing laws but these deal in a very patchy way with sexual exploitation of children

**When will the new legislation be implemented?**

- The Sexual Offences Bill has now completed its progress through the House of Lords (17 June), and is currently in the House of Commons. Although no dates have been confirmed, and the timetable is open to change, it is envisaged that the Bill will receive Royal assent in October or November, and that we will be in a position to implement the provisions of the Bill perhaps by May next year (2004)

**Q. How will the offences work in practice? How will someone know whether someone is 18 or 17 if they lie when asked?**

- Where a person is charged with one of the child sexual exploitation offences, the prosecution will have to prove the person did not reasonably believe that the child was aged 18 or over. This does not apply in cases where the child is under 13, when the defendant's belief about the age of the child is irrelevant. It is for the court to decide, given all the circumstances, whether or not the defendant's belief was reasonable. If for example the defendant met a child, from whom he purchased sexual services, in a nightclub with an over 18's admission door policy, where her appearance and behaviour suggested she was over 18 and she convincingly maintained this was the case, the court may find that the prosecution have not proved that the defendant did not reasonably believe that she was 18. If however, on the contrary, he bought the sexual services of a child he picked up in a school uniform, then the prosecution will find it easier to prove that the defendant did not reasonably believe the child was 18 or over if the defendant raises this as an issue.

**Q: Isn't buying the sexual services of a child already illegal?**

- Currently, sexual activity with a child under the age of consent (16) is illegal, and an adult who is caught buying sex from a child could be prosecuted either for unlawful sexual intercourse, or, perhaps a non-consensual offence such as rape or indecent assault. The most likely charge (unless the girl was under 13) would be one of sexual intercourse with a girl under 16. The maximum penalty for this is 2 years. However, this Government recognises the abhorrence the public hold for the activities of those who seek out children from whom they can purchase sexual services, and that this activity forms a key part in the cycle of abuse that those children suffer. It is a tragedy for any child to become involved in prostitution, and those who perpetuate this intolerable activity by creating the demand for these services are abusers. The law needs to reflect this.

**How does the definition of "prostitute/prostitution" differ from current legislation?**

- In this Bill, the key differences in the definition are that a prostitute can be male or female, and that a single act of prostitution does count. There is also a difference in that no sexual activity need necessarily take place, just that an offer of sexual services in return for payment or promise of payment needs to take place. The Bill also specifies that the payment need not go to the prostitute themselves, and can be made or promised to a third person, for example the prostitute's pimp.

**Q: What are your views on zones of prostitution that some local authorities have experimented with?**

- The issue of prostitution is an extremely wide one and outside the remit of this Bill. The Government will examine the scope for a review of the issues surrounding prostitution and the exploitation, organised criminality and class A drug abuse associated with it.

**Q: Why aren't you repealing the offences which criminalise children involved in prostitution? Why will these children not be immune from prosecution?**

- It is extremely rare for those aged under 16 to be prosecuted for their involvement in prostitution. In 2000 and 2001, no boys under 16 were cautioned, proceeded against or found guilty of relevant offences. In 2000 to 2001, 2 girls under 16 were cautioned, and 4 were found guilty of a relevant offence. These statistics illustrate that it is extremely rare for children under 16 who are involved in prostitution are prosecuted. Nonetheless, we think it right to retain the option of prosecution in exceptional cases.
- The Government acknowledges that it is a tragedy for any child to become involved in prostitution and that children involved in prostitution are primarily victims of abuse and adults who take advantage of them, whether by exploiting them as pimps or by buying sexual services from them. Guidance issued in May 2000 and September 2001 advised that those under 18 who engage in prostitution are almost invariably victims and must be treated as such and that wherever possible criminal justice action should be pursued against those who abuse children through prostitution or seek to exploit them as prostitutes.

**Q. What are you doing about the review of prostitution and what will it encompass?**

- The Government intends to examine the scope for a review of the issues surrounding prostitution and the exploitation, organised criminality and class A drug abuse associated with it.

**Q: What are you doing to address the gender imbalance in existing prostitution related legislation?**

- Existing prostitution legislation is, for the most part, gender specific. The law is cast in terms of men committing certain offences, and women committing others. This leads to anomalies and inconsistencies in the ways individuals are dealt with for what is essentially similar behaviour. This is inappropriate. Our new sexual exploitation offences are gender neutral, and so it was felt that the existing prostitution related offences ought to be amended accordingly. No other change is being made to their content.
- Because we are making gender neutral the offence of loitering and soliciting for the purposes of prostitution (which is aimed at female prostitutes), the offence at S 32 of the Sexual Offences Act 1956 of solicitation by men is redundant and is being repealed. This offence, whilst used to tackle solicitation by male prostitutes and solicitation by men of females, has also historically been used to effectively criminalise actions between gay men that would merely be regarded as legitimate advances towards establishing a consensual sexual relationship if they were taking place between a man and a woman. It has thus become a means of regulating behaviour between homosexual men and is discriminatory.

**Q: Will the Government consider measures to deal with kerb crawling such as the imposition of penalty points on driving licences and the possibility of impounding vehicles?**

- While the Government is aware of the nuisance associated with the activities of kerb crawlers, we are not in favour of using penalty points for this type of offending behaviour. Penalty points should only be used as part of a sentence to punish and deter bad driving.
- Of course, it may well be that in some circumstances the act of kerb crawling does involve a driving behaviour that is unacceptable. If this is the case then the driver should be charged with the appropriate road traffic offence (i.e. careless and inconsiderate driving,

driving without due care and attention, or even dangerous driving) which will allow the imposition of penalty points.

**Q: What are you doing to prevent children becoming involved in prostitution in the first place?**

- To enable early prevention, we are **improving our understanding** of the risk factors that can lead to children becoming involved in prostitution. Research undertaken by the Joseph Rowntree Trust (*'It's someone taking part of you': A study of young women and sexual exploitation by Middlesex University and the NSPCC*) and the joint research project between ECPAT, The Children's Society, NSPCC, NCH and Barnardos (*'More than one chance! Young people involved in prostitution speak out' - Julie Taylor-Browne*) provide invaluable insight on the choices and opportunities that young women think they have.

*N.B. ECPAT stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes.*

- We are **improving partnership working** – through the National Plan for safeguarding Children from Commercial Sexual Exploitation, and the forthcoming Children at Risk Green Paper.
- From April 2003 **local preventative strategies** have been introduced in all top tier/unitary authorities for children at risk of social exclusion up to age 19 – where there are clear risk factors, including swapping/selling sex.
- Already, the **Youth Justice Board Children at Risk panels** target 8 to 13 year olds at high risk.
- **Safer Schools Partnerships** are piloting the use of dedicated Community Beat Officers to identify and work with children and young people at risk.
- We are also exploring ways to develop the role of **Crime and Disorder Reduction Partnerships** to protect young people at risk or involved in prostitution.

**Q: There seems to be a clear link between drugs and prostitution. What are you doing to break that link?**

There are very close links between the commercial sex industry and drugs, through those involved in pimping and human trafficking being very close to the trade in illegal drugs, and through the use of drugs by sex workers, especially those dependent on crack and heroin. This mostly affects sex workers operating on the street.

We are developing a programme of action to tackle the problem. This involves:

- The production of **specific guidance on managing the problem** which will cover policing, treatment, education of those at risk, and exit strategies. This is due November 2003. This will ensure that those who provide services or would like to provide them receive full guidance on what works or is effective, with models of intervention and practical services with regard to prostitutes who are dependant on drugs.
- The **National Crack Plan** is committed to delivering on breaking the links between crack markets and sex work. In particular it is committed to ensuring that DATs work with CDRPs to ensure that partners deliver new programmes to meet the needs of special client groups most affected by crack, such as sex workers.
- As part of the crack plan, new powers in the **Anti-social Behaviour Bill** to enable crack houses, which are closely linked to the sex trade, to be closed quickly by the courts. This should ensure that one opportunity by which sex workers obtain drugs and are dominated by pimps is controlled.
- **Specific funding for drug related local crime and nuisance**, included within the Building Safer Communities fund and the BCU commanders fund, both of which enable

local partnerships to channel funding towards specific problems associated with markets. This will ensure that where there is a local problem, it will be able to be tackled.

**Q: How are you going to address the inconsistency of response and enforcement between statutory agencies?**

- Through law reform we are ensuring appropriate offences and penalties to use against abusers and coercers.
- We are also ensuring that where prostitution is an issue, the Crime and Disorder Reduction Partnerships develop an appropriate response – this includes safeguarding the streets, and supporting those girls who are victims of pimping, as well as enforcing the law. The specific guidance (prostitution toolkit) we have developed will help them deal with the range of local issues arising from prostitution
- We are also assessing the Home Office funded prostitution projects to distil good practice.

**Q: How are you going to encourage women to leave prostitution?**

We are:

- assessing Home Office funded prostitution projects to distil good practice.
- ensuring that CDRPs focus on support as well as enforcement
- funding the CROP programme to support families

**Q: What prostitution projects has the Home Office funded?**

The 'What Works: Tackling Prostitution' scheme, funded through the Crime Reduction Programme (CRP) aims to find out which interventions are effective in reducing the crime and disorder associated with prostitution and are effective in helping people to exit from prostitution. A total of 11 multi-agency projects were funded in March 2001, and independent evaluation teams were commissioned to evaluate their work. The 11 projects were grouped into three areas depending on their main focus:

- exploitation of young people;
- policing (police led initiatives), and
- help with exiting and support for those leaving prostitution.

**Q: But aren't these short-term projects?**

- The initiative has always intended as a time-limited evidence based programme to inform both policy and practice on what works to reduce crime and disorder associated with prostitution. The funding for all the projects was due to finish in July 2002. However six projects (four from exiting and support, and two from the young peoples' group), which had the potential to answer key research questions and inform policy, had their funding extended until the end of March 2003.

**Q: When will we know if they 'worked'?**

The evaluation of the initiative is still in progress, and the findings are due in early 2004. It was never the intention to publish findings from individual projects, instead the data from all of the projects will be collated, and a compendium publication will be produced which has synthesised findings from across the whole programme.

**Q: What happened with the 'Risky Business' project in Rotherham?**

The Rotherham Risky Business project was funded under the Crime Reduction Programme (CRP) What Works: Tackling Prostitution Initiative, the aim of which is to find out which interventions can reduce the crime and disorder associated with prostitution and also help people to exit from prostitution.

It was a highly innovative project primarily targeting men involved in 'grooming' young women into prostitution, with a view to pursuing prosecutions against them. Considered very important area of work as little is known about men prepared to pay for sexual services of young people, or about people who may force them to become involved.

This multi-agency project was funded along with ten others in March 2001. The initiative was always time-limited and hence funding for this project ceased, along with five other projects, in July 2002.

Although the evaluation of this project has now finished, it was never the intention to publish findings from individual projects, instead the aim is to publish a compendium of all the findings, which makes recommendations which are based upon the whole of the programme. Findings are due to be published in early 2004.

Background (NOT FOR RELEASE):

It must be noted that during the funding period this project did run into a number of implementation difficulties, and there were also a number of allegations and disputes relating to work of statutory agencies, and individual members of staff. Hence, the Home Office did not consider extending the funding of this project beyond the original funding end date: July 2002.

Much of the criticism (of inappropriate sharing of information and non-professionalism) was directed from the council to ██████████, the Risky Business Research & Development Officer and sometime CROP researcher. Indeed since the project ended GOYH have on several occasions had to remind ██████████ that she cannot make use of the project findings prior to publication although the council dropped threatened disciplinary proceedings against her, she does not seem to be ready to let the matter drop. ██████████ will be at the conference, and will be speaking in the afternoon (on the law).

## TRAFFICKING

**Q: What are the levels of trafficking in the UK and other EU countries?**

- No accurate, reliable data in existence within the UK or the EU. HO research ('Stopping Traffic', 2000), estimated that between 140 and 1,400 women and children per year are trafficked into the UK for purposes of sexual exploitation and impossible to make a more accurate assessment. Report concluded: no evidence to suggest that this was on a large scale compared with other European countries.

**Q: What is evidence of children being trafficked into the UK?**

- 'Hidden' crime and there are no reliable figures about children being trafficked. Government has tasked the reflex group with co-ordinating intelligence on the problem.

**Q: What is the government doing to help the victims of trafficking?**

- Recently introduced a new criminal offence of trafficking someone to control them in prostitution in the Nationality, Immigration and Asylum Act 2002 to deal with the increased incidence of people being moved from one place to another in order to be exploited in prostitution. The Sexual Offences Bill expands on that legislation and replaces that offence with new, more comprehensive offences that will further protect those who are exploited in this way.
- From March 2002, safe accommodation and a range of services has been provided to support female victims of human trafficking through a non Governmental organisation.
- Government will consider, in individual cases, appropriateness of returning victims. Where they are to return home, will assist them to do so with practical help and assistance.

- New "best practice toolkit" for those who deal with illegal immigrants and trafficking victims to help identify victims and to provide practical advice on how to deal with them appropriately.
- Will also consider, in light of individual circumstances, whether it would be appropriate to allow such victims who have co-operated to remain here. Where they are to return home, we will assist them to do so, providing them with initial counselling, ensuring that they have suitable accommodation to return to, and providing help to enable them to re-integrate into their own community and find employment.

**Q: How is the Government helping child victims of trafficking in the UK?**

- Child victims referred to social services to receive advice and support. Under the Children Act 1989, local authorities have a duty to safeguard and promote welfare of children who are in need by providing a range and level of services appropriate to those children's needs. HO working with DoH on examples of good practice on how this commitment is delivered.
- Children will not be removed from the UK if we do not consider there to be adequate arrangements for them if they were to be returned to their country of origin.

**Q: Why not have a higher penalty for the trafficking of children?**

- Penalty for trafficking an adult or child is 14 years imprisonment. The highest determinate penalty available to the courts. A maximum penalty of life imprisonment is not considered proportionate as in many cases, the trafficker (at whichever stage of the process) may have no direct contact with the child, and no sexual act actually needs to take place for the offence to be committed. Where a trafficker also engages in illegal sexual activity with a child, they should be charged for that offence as well.

**Q. Will you be introducing a period of reflection for victims of trafficking?**

We recognise the trauma that victims of trafficking have suffered and are committed to offering them particular support and services so that they can escape their circumstances and, in certain cases, help law enforcement against organized criminals. The Government considers that it would be preferable not to specify a set period as each individual's circumstances will differ considerably. The Immigration Service already has procedures which allow victims of trafficking to be granted leave on a discretionary basis in appropriate cases, either to give evidence or for reasons of personal safety. There is the possibility that the availability of automatic reflection delays might provide a perverse incentive when traffickers are luring individuals into being trafficked.

**Q: What is the Government's overall strategy on trafficking?**

Trafficking is an aspect of organised immigration crime. It is a complex problem and we are determined to address every aspect of it – in countries of origin, en route to the UK and on arrival. It requires co-ordination across Government Departments, partnership with business and voluntary sectors and international co-operation. Our strategy on trafficking is set out in the White Paper 'Secure Borders Safe Haven' and focuses on:

- strengthening the law through new offences covering trafficking;
- dealing appropriately with the victims of trafficking by providing support in the UK and assistance to return home;
- tackling the criminals through intelligence & enforcement operations through the Reflex taskforce;
- EU co-operation and prevention in source and transit countries in partnership with FCO and DFID.

**Q: Has Reflex been successful in tackling trafficking?**

*Background:*

- Reflex was set up in May 2000 as a multi-agency taskforce on organised immigration crime involving the National Crime Squad, Immigration Service, intelligence agencies and key police forces. All operational activity targeted against serious and organised criminal involvement in illegal immigration is now co-ordinated through Reflex.
- Led by the National Crime Squad (NCS), Reflex brings together all the key agencies, including the Immigration Service, the National Criminal Intelligence Service and police forces such as the Met, Kent and British Transport Police.

*Success:*

- Between June 2002 and December 2002, Reflex has had 27 operations which have reached the arrest phase. 16 organised crime groups have been disrupted and over 60 operations are currently underway. These operations range from those conducted at the local level by individual police forces or agencies to the national level involving multi-agency partnerships that include the Immigration Service, Immigration Crime Teams (Heathrow and Gatwick), National Criminal Intelligence Service, and police forces such as the Metropolitan, Kent, Merseyside and British Transport Police.
- A Child Protection Pilot Project has also been launched recently at Heathrow as a joint initiative between the Metropolitan Police and the Immigration Service.

**Q: What have you done to address the trafficking of children highlighted by Operation Newbridge in West Sussex?**

- Operation Newbridge concerned young girls from West Africa who arrived in the UK and claimed asylum. As unaccompanied asylum seeking children they were placed in local authority care from which many of them subsequently disappeared. There was concern that some of the girls ended up working as prostitutes in Italy. The police investigation in Newbridge highlighted the difficulty of prosecuting traffickers under the current legislation. The new offence of trafficking for prostitution under the NIA Act will help in this regard, and will cover criminals taking people into and out of the country for the purposes of prostitution. Since Newbridge occurred the establishment of Reflex, our multi-agency taskforce on organised immigration crime, has led to better co-ordination arrangements between police investigations into trafficking.

**Q: How many children disappeared from the care of West Sussex Social Services and the date of the last disappearance?**

- Between 1995 and 2001, a number of West African girls who had arrived on their own at Gatwick, claiming asylum, disappeared from the care of West Sussex Social Services. 71 children disappeared, most of them fitting the same profile. West Sussex Social Services advise that in 2002 14 children (under-18s) were recorded as 'missing from care'. So far this year, 3 children have gone missing. However, it should be emphasised that the majority of children that are missing from care will have decided to leave for various reasons, and are not suspected to have been trafficked. It should also be noted that Social Services do not have the power to prevent a minor from leaving their care.

**Q: What lessons have been learned following Newbridge?**

- It has been accepted by all agencies that the strong inter-agency partnership that was developed has reduced the number of children at risk by disrupting the trade. The number of new arrivals suspected to have been trafficked has dramatically reduced since the time of the two police operations. Intelligence is still being passed to the police and immigration service from social workers responsible for those children in their care who fit the profile.
- The main lessons learnt have been that inter-agency work is essential to build up victim profiles, undertake investigations, protect children and deal with media interest constructively. The positive outcomes have been the reduction in children going missing



from care, the disruption of the traffickers' plans and the vindication of a joint approach to the trafficking of children for sexual and other exploitation.

**Q: What measures are you taking to reduce levels of trafficking in children?**

- We are working to support ratification of the UN Protocol on trafficking which sets out a globally agreed comprehensive response to the problem. The UK contributed to the EU STOP Programme, which provides support to Member State organisations responsible for action against the trade in human beings and the sexual exploitation of children. DFID and the FCO are funding prevention projects to educate potential victims of the dangers of trafficking, particularly for women and children, in source countries. They will also assist with repatriation and reintegration of people trafficked in an attempt to prevent multiple victimisation in the future. DFID also supports a project by the International Programme on the Elimination of Child Labour (IPEC) aimed at combating the trafficking of children in certain sub-regions.

**Q: What is the Government doing about the slave trade in children?**

- The Government is supporting an international effort to reduce the trafficking of all children in the sex trade, especially in West Africa where it is considered most prevalent. The UK is one of the strongest supporters of the International Labour Organisation's (ILO) Convention on the Elimination of the Worst Forms of Child Labour. We have also ratified the key international instruments such as the International Covenant on Civil and Political Rights, European Convention on Human Rights, UN Slavery Convention. We are promoting their widest possible ratification and supporting their practical implementation to achieve real change.

**Q: Why not have a higher penalty for the trafficking of children?**

- The penalty for trafficking an adult or child is 14 years imprisonment. This is the highest determinate penalty available to the courts. A maximum penalty of life imprisonment is not considered proportionate as in many cases, the trafficker (at whichever stage of the process) may have no direct contact with the child, and no sexual act actually needs to take place for the offence to be committed. Where a trafficker also engages in illegal sexual activity with a child, they should be charged for that offence as well.

**Q: Why are you not defining a "child" as a person under the age of 18, as in the UN Conventions?**

- Our proposed trafficking offence applies equally to adults and children and carries the highest possible maximum determinate penalty available to the courts (14 years) irrespective of the age of the victim.

**Q: Why have you not used the wording of the UN protocol in defining your offence?**

- The Bill meets the requirements of the UN Protocol and indeed goes further in that it criminalises trafficking for prostitution (and indeed for any sexual offence under the Bill) in circumstances where threat, use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person are not involved. The language and definitions used may not be identical to those used in the Protocol but this results from the requirement to ensure that the new offences are framed in such a way that they are consistent with other UK legislation.

