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Police Research Series
Paper 125

Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK

*Liz Kelly
Linda Regan*

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*Liz Kelly
Linda Regan*

*Editor: Carole F. Willis
Home Office
Policing and Reducing Crime Unit
Research, Development and Statistics Directorate
Clive House, Petty France
London, SW1H 9HD*

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Policing and Reducing Crime Unit: Police Research Series

The Policing and Reducing Crime Unit (PRC Unit) is part of the Research, Development and Statistics Directorate of the Home Office. The PRC Unit carries out and commissions research in the social and management sciences on policing and crime reduction.

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Foreword

This paper presents the findings of research carried out to assess the extent of trafficking in women for the purposes of sexual exploitation and the law enforcement responses in the UK. It estimates the number of women trafficked into conditions of sexual slavery, the ways in which they are trafficked and the responses of all relevant agencies in tackling and preventing such trafficking. A wide range of data sources have been used in this study, though finding accurate estimates of the scale of either the sex industry in general, or trafficking in particular, has proven problematic.

The research establishes base-line data on the number of women known to have been trafficked into the UK during 1998. From this, a series of assumptions are used to produce a maximum estimate of the size of the problem. This information is presented as the range of numbers of women possibly trafficked in the UK during this period. A number of methods of 'supplying' women are identified and are discussed in a series of case studies indicating how they became known to the police and how the cases were resolved.

The research identifies the current law enforcement responses and the legislation drawn on in tackling women identified as having been trafficked. In doing so, a 'human-rights' based approach, endorsed by the Association of Chief Police Officers, is suggested as 'good practice'. A range of recommendations are made by the researchers for the police, immigration service, local and central governments and many other organisations with a potential impact on this activity. A co-ordinated, partnership, response is suggested as likely to be the most effective in reducing the scale and cost of this criminal activity.

Carole F. Willis

Head of Policing and Reducing Crime Unit
Research Development and Statistics Directorate
Home Office
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The Authors

Dr. Liz Kelly is the Director of the Child and Woman Abuse Studies Unit (CWASU) at the University of North London. Linda Regan is a Research Officer at the Unit. CWASU has a national and international reputation for its research, training and consultancy in the field of sexual violence against women and children.

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Executive summary

Background

This report outlines an exploratory study, focusing on the nature and extent of trafficking in women for the purposes of sexual exploitation in the UK. It does not address European or global issues except where they have an immediate impact on the UK situation. The research is primarily based on a survey of police forces, placing this within the wider context of national and international law and policy. Other sources of information drawn on include a review of the legislation currently used, in-depth interviews with a number of topic specialists, media accounts of trafficking cases and secondary analysis of data on immigration patterns and prostitution related prosecutions. Finding accurate estimates of the scale of trafficking in women has proven problematic.

The Extent of Trafficking

Trafficking in women for the purposes of sexual exploitation is not amenable to traditional forms of data collection or social research. There are currently no accurate estimates available either nationally or internationally. The research identified 71 women known to have been trafficked into prostitution in the UK in 1998. It is also argued that there is a hidden trafficking problem several times greater than we can currently document with certainty. Using various data it is estimated that there may have been between 142 and 1420 women trafficked into the UK during the same period. Trafficked women are found in off-street locations and information on their origins, the sending countries, recruitment patterns, routes used by traffickers and links to other forms of criminal activity are discussed.

Responses to trafficking

The research demonstrates that the majority of police forces have limited knowledge of, and thus give limited attention to, trafficking and there is a danger that this unintentionally creates a climate of toleration for trafficking of women into and within the UK. The Clubs and Vice Unit of the Metropolitan Police has developed a pro-active approach including finding ways to prosecute that do not rely on victim testimony. ACPO endorse this approach and will be providing investigation guidance for use by all forces.

Much of the international policy discussion focuses on the necessity for states to have comprehensive and effective legal frameworks on trafficking. Currently the police and immigration service in the UK use existing law to prosecute traffickers and exploiters but the current legal framework in the UK requires modernising. The authors recommend considering the creation of a crime of 'sexual exploitation' where proving the offence would require showing that a sexual act took place and

that someone else benefited from it in monetary terms or in kind. Coerced prostitution involving a vulnerable person, which would include a foreign national, could carry enhanced penalties.

In conclusion, this report argues that addressing trafficking in women effectively throughout the UK requires at the very least: basic and regular monitoring of off-street prostitution to improve understanding; extending the pro-active approach; support for trafficked women from a specialist Non-Governmental Organisation; and reform to ensure that the legal framework, including sentencing, acts as an effective tool to prosecute traffickers and exploiters.

Summary of main recommendations

Developing a common understanding

- Increasing awareness of trafficking in women and the violations of human rights involved.
- Increase awareness of coercion within prostitution.
- Increase knowledge of prostitutes' customers – understanding the market demand.
- Conduct research on women's experience of trafficking.
- Capacity building of Non-Governmental Organisations in the UK and internationally.

Challenges for the police

- All forces to be encouraged to undertake simple intelligence gathering on off-street prostitution with particular attention to the presence of foreign women.
- ACPO to publish their guide to investigation of trafficking of women for use in all forces, outlining the pro-active approach, how to conduct investigations and gather intelligence.
- Increased attendance at the vice conference from forces where prostitution is not considered a priority

Responsibilities of the government

- Home Office guidance on trafficking in women as both a human rights and serious crime issue. In particular the potential tension at policy level between the police and immigration service needs to be addressed.
- The Foreign and Commonwealth Office (FCO) and Department for International Development (DFID) to increase their stress on the importance of securing economic opportunities for women.
- Both the FCO and DFID should consider developing long term sustained prevention campaigns in the sending countries most linked to trafficking into the UK.

- The police and immigration service would benefit from stronger links with NGOs in sending countries.
- The Home Office and Cabinet Office Women's Unit could undertake development work to ensure that a well-resourced NGO providing support and advocacy to trafficked women exists in the UK within the next eighteen months.
- Consideration should be given to the creation of a crime of 'sexual exploitation', where proving the offence would require showing that a sexual act took place and that someone else benefited from it in monetary terms or in kind. The recently enacted Criminal Code Amendment (Slavery and Sexual Servitude) Act in Australia contains offences that might be considered in this context.
- Consideration of trafficked women to have the right to sue their exploiters (this would necessitate being given leave to stay for at least the period of the legal case).
- Coerced prostitution involving a vulnerable person (a child, foreign national, disabled person) could carry enhanced penalties.
- The pro-active, human rights based, police response should be promoted at European and international levels.
- The possibility of creating an interim change whereby trafficking is understood as an aggravating factor in living off immoral earnings cases, justifying consideration of the maximum sentence, should be considered.

International dimensions

- Both the EU and COE have encouraged member states to establish national multi-agency co-ordinating bodies, responsible for developing and monitoring responses (NCIS fulfils this role in the UK, collecting data and monitoring all serious and organised crime).
- One task of such a co-ordinating group would be to ensure detailed and useful data is collected (such as separating data on 'illegal immigration' and trafficking), and provide regular updates for national and international audiences (NCIS report annually to the Europol situation report).
- The COE concluded a five-year exploration of trafficking with proposals that each country form a pro-active unit to investigate trafficking and prosecute traffickers, and that prostitution laws target customers and organisers.

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1. Introduction

Attention to trafficking in women (and all human beings) has returned to the international agenda in the last decade, as evidence mounts of its extent in South East Asia, and more recently within Europe. Increasing concern is being expressed about trafficking within both the European Union (EU) and Council Of Europe (COE). A number of commentators have noted the limited information available on trafficking in women for sexual exploitation in the UK (Davies, 1992). There is some literature on trafficking domestic servants (Anderson, 1993) and refugees (Morrisson, 1998), but there are no official statistics for any EU member state, despite numerous calls to address this gap.

There are a number of reasons why trafficking in women for sexual exploitation has re-emerged as an international policy concern. One of the most potent is that trafficking has increased globally, and is continuing to do so (Konig, 1997; International Movement Against All forms of Discrimination and Racism, 1999). A number of potential contributory factors have been suggested, including:

- the growth of the sex industry internationally, to the extent that at least one commentator has proposed recognition of the 'sex sector' as a significant component of many economies (Lim, 1998). Lim (1998) states, for example, that in Thailand remittances from women in the sex industry to their families in rural areas exceeds the budget of government development programmes;
- globalisation making the movements of people, capital and businesses easier and faster than previously;
- transformations within and between nation states, which have exacerbated the differentials between rich and poor - for example, in the Central and Eastern European states (IOM, 1999);
- the feminisation of poverty globally, which has in turn fed into the feminisation of migration (Skrobanek, 1996); and
- the increased involvement and growth of organised crime in trafficking in persons (Konig, 1997; IOM, 1999).

The emphasis in most explanations of trafficking in women is on 'push' factors - the mechanisms encouraging women to enter the sex industry. They would not be so potent, however, it were not for pre-existing 'pull' factors - in the form of demand from sex industries and their customers (Hughes and Roche, 1999).

Whilst much international policy documentation attempts to draw boundaries between trafficking in women and prostitution, it may be suggested that such clear demarcations are problematic. Trafficking in women for the purposes of sexual exploitation relies upon, and sustains, prostitution and women's inequality (Kalayaan, 1999; Hughes and Roche, 1999).

Women are trafficked *into* countries that have existing sex industries which can absorb them, and are often trafficked *from* countries where there is an indigenous sex industry. They are possibly trafficked *through* one or more intervening ‘transit’ countries. It is evident that traffickers are adept at reading local, regional and international politics, targeting women whose lives and possibilities have been disrupted and diminished by economic, political and social dislocation. Hence the increased involvement of women from regions marked by war and conflict, and those where economic change has had negative impacts on women’s opportunities to earn a living (IOM, 1999).

By locating trafficking within the framework of the sex industry and prostitution, a complex public policy arena is being entered. It is not within the remit of this research to rehearse these ongoing debates, but it will be necessary to address these issues, and emphasis is placed on areas where consideration of trafficking may shed a different light on recurrent, yet unresolved, issues.

Defining Trafficking in Women

There is both consensus and disagreement about how trafficking in human beings, and trafficking in women for the purposes of sexual exploitation, should be defined. The inconsistency of definitions between states, between institutions within states, and across research studies is often cited as a serious barrier to progress in understanding and addressing trafficking (International Movement Against All forms of Discrimination and Racism, 1999). Although there are disagreements, however, there are considerable areas of agreement. Trafficking in women has been defined as:

- “Transport of women from third countries into the EU (including perhaps subsequent movements between member states) for the purpose of sexual exploitation” (European Commission, 1996, p2)
- “All acts involved in the recruitment and/or transportation of a woman within and across national borders for work or services by means of violence or threats of violence, abuse of authority or dominant position, debt bondage deception or other forms of coercion” (Global Alliance Against Traffic in Women (GAATW), 1999)
- “Any illegal transport of migrant women and/or trade in them for economic or other personal gain. This may include:
 - facilitating illegal movement to other countries, with or without their consent or knowledge;

- deceiving migrant women about the purpose of migration;
 - physically or sexually abusing them for the purpose of trafficking them; and
 - selling women into, or trading in women for the purposes of employment, marriage prostitution or other forms of profit-making abuse” (Escaler, 1998)
- “Sex trafficking; the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person for the purpose of prostitution or exploiting the marriage or such a person” (Coalition Against Trafficking in Women (CATW), 1999)
 - Trafficking involves the transport or sale of women, with or without the consent of the victim, use of enticement, deception, force or intimidation, for the purposes of prostitution or other sexual abuse (Kalayaan, 1999)
 - “Trafficking in human beings means subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children... These forms of exploitation also include the production, sale or distribution of child pornography material” (EUROPOL, cited in COE, 1997)

The key difference between these definitions is the extent to which they locate trafficking in women for sexual exploitation as a sub-category within a wider concept of trafficking in persons, or present it as a particular form. There are no absolute gains or losses for adopting one in preference to another. There is, however, an element distinguishing trafficking for sexual exploitation from *smuggling* that should be considered. Facilitating illegal migration is usually limited to delivering the person to the country they wish to enter, at which point they are left to their own devices (*smuggling*). Women *trafficked* for sexual exploitation are delivered to individuals or organisations who are party to the transaction, and who subsequently control their activity. These parties have invariably paid a fee for the ‘delivery’ of the women, which is then translated into a debt the women have to repay through prostitution. There are connections with forms of bonded labour, and this is why both are sometimes defined as ‘contemporary forms of slavery’.

The level of agreement in the definitions is more significant than the differences. No definition makes force the defining characteristic of trafficking, and some make explicit reference to a range of forms of power and control which vitiate consent, such as coercion, debt bondage, abuse of authority and threats and deception. This rather undercuts the simplistic distinction between ‘forced’ and ‘free’ prostitution that has dominated the international debate in recent years. If the boundary cannot

be maintained even with respect to trafficking (considered the exemplar of 'forced' prostitution) the justification for the distinction becomes unstable. The debate could move out of the current impasse if the concept of a continuum of control (Kelly, 1988) was applied. The continuum ranges from the clarity of abduction and control by imprisonment and physical violence, through to threats, deception and other forms of mental control which make 'free and voluntary agreement' impossible. Women may still be considered victims of trafficking through all stages of control, not simply the most physical.

The context of a woman's life can be taken into account when considering choice in entering the sex industry. Whilst all human beings have agency, the ability to act within an oppressive context limits the available options. For example, the choice a Ukrainian woman makes to become an economic migrant, in a context where 90% of the new unemployed are female, cannot be equated with simplistic concepts of freedom or autonomy. This is not to suggest that female unemployment is a cause of migration or sex industry involvement, but that such circumstances inevitably constrain available options.

Several of the definitions also refer to movements within, not just across, borders and others make reference to trafficking in the context of the exploitation of marriage. All of these agreements and commonalities reflect the increasing knowledge about trafficking in women and the new forms that it is taking. This discussion indicates that definitions may not constitute the barrier they are represented as – focus should shift away from the precise form of words and onto the substantial areas of agreement in content.

Understanding trafficking in women

An EU 'Daphne' funded project, documenting trafficking and responses to it between the Nordic and Baltic States, notes that trafficking in women can be placed within a number of frameworks (Foundation for Women's Forum, 1998). It can be viewed as a moral, criminal, migration, human rights, public order or labour issue. It can also be viewed as a gender issue (Kalayaan, 1999).

The view (or views) adopted will determine the strategies used to address trafficking and the balance between repressive and empowering measures. The victims of trafficking have a range of interests in common: To be freed from imprisonment, control and violence, protection from reprisal, protection from deportation and prosecution, opportunities for support and empowerment, possibilities for economic sustainability, and possibilities for safe return if this is desired. For governments, the individual interests of victims of crime are located in a context where the integrity of borders and immigration are sensitive political issues.

Internationally, and the UK is no exception, trafficking people is a less risky activity for criminals than trafficking in drugs. The maximum sentences in most jurisdictions are seldom as long for people as for drug trafficking (although there are now proposals to address this, including from the EU). The lower potential costs and higher profits, especially where the traffic is for the purposes of prostitution, have acted as powerful incentives to organised crime, smaller networks and 'enterprising' individuals.

Many countries across the globe are implicated in trafficking, as sending, transit and/or destination countries. Some are all three, with indigenous women being trafficked outwards, parts of the country being used as transit routes between two other countries, and women being trafficked in from still other countries. Most countries, however, sit either side of the origin/destination divide, with the former being characterised by poverty and the latter by relative affluence (IOM, 1996b; Skrobanek 1996; Konig, 1997; Escaler 1998; Kalayaan, 1999).

A strong 'outflow' of women tends to occur with limited employment opportunities and increasing economic marginalisation (whether due to the decline of subsistence farming in developing countries, the restrictive and exploitative conditions of work in Free Trade Zones or the feminisation of unemployment in central and eastern Europe). Anecdotal evidence suggests that demand for trafficked women tends to be strong in countries with an organised sex industry. Stricter border controls and entry requirements in Western countries creates a market for fraudulent documents, facilitated transportation, guided border crossings and brokering in relation to accommodation and employment. The flow of migration westwards, and its increasing female membership, is fertile ground for deception, coercion and exploitation (IOM, 1999).

2. Of needles and haystacks: Methodology

This report outlines an exploratory study, commissioned by the Home Office Policing and Reducing Crime Unit (PRCU), focusing on the nature and extent of trafficking in women for the purposes of sexual exploitation in the UK. It does not address European or global issues except where they have an immediate impact on the UK situation. The research is primarily based on police responses, whilst placing these within the wider context of national and international law and policy.

The aims of the study were to:

- explore how trafficking in women for the purposes of sexual exploitation should be understood and defined;
- gather information on the scale and organisation of trafficking in women in the UK;
- report on current policy and practice within the police (and other relevant agencies) to trafficking;
- highlight factors which distinguish successful and unsuccessful law enforcement investigations; and
- offer suggestions for improving responses.

A multi-methodological approach was used, to ensure as wide coverage as possible of potential sources of data. With an issue like trafficking, illegal and hidden, finding accurate estimates of the true extent can be compared to looking for needles in haystacks. The focus of the study was to take the first steps in developing an empirical estimate of the scale of the problem to enable policy development. It is regrettable that neither the time nor resources available made possible gathering testimonies from trafficked women. This remains a serious gap in the literature and our knowledge about trafficking, and requires addressing, a fact reflected in the recommendations.

Methods used

1. Review of the current legal framework, international policy and previous research

This included looking at the Sexual Offences Act 1956, Immigration Act 1971, Criminal Justice Act 1988 and Proceeds of Crime Act 1995. Considerable material was gathered from the COE, EU and United Nations (UN). Alongside these, a number of key texts on the sex industry, prostitution and trafficking were consulted.

2. A national survey of the 43 police forces in England and Wales

A questionnaire survey was designed to discover the extent of known trafficking cases across the UK, and to explore local policy and practice. Questionnaires were followed-up with a short telephone interview. A response rate of 78% was achieved, very high for this type of survey.

Variation in force awareness of trafficking was observed. Several forces responded that neither trafficking nor prostitution were local problems. Other forces, although reporting no problems, undertook a series of local checks to ensure their information was accurate. Still other forces expended considerable effort in order to provide the information; this group included all those who had a pro-active approach to prostitution and many (but not all) of those which have an operational vice unit. In some cases the survey seemed to stimulate activity even though the issue was not currently a force priority.

3. In-depth interviews

Thirteen topic specialists were interviewed. These included senior personnel within the police, immigration, government departments and four Non-Governmental Organisations (NGOs). A number of the journalists who had written articles mentioned below were contacted to ascertain if they had any additional information.

4. Media searches

Searches on newspaper stories from national daily, Sunday and regional newspapers were conducted. This yielded a total of twelve stories, which referred explicitly to trafficking cases.

5. Secondary analysis of official data on immigration patterns, organised crime and prosecutions for prostitution

The Home Office provided data from the Organised Crime National Data Scheme for 1998 and immigration data on patterns of entry 1996-8 for women as wives or fiancées. The Home Office and Scottish Office provided data on prosecutions for prostitution related offences in 1998.

6. Internet searches

Internet searches were conducted in three areas. First, to access policy documents from the EU, COE and UN. Second, to access the most up to date research and commentaries on trafficking in women. Third, to explore aspects on the online sex industry. In the latter case, listings for massage parlours in the UK and mail order bride agencies were investigated.

Summary

Whilst a wide range of data sources have been used in this study, finding accurate estimates of the scale of either the sex industry in general, or trafficking in particular has proven problematic. Trafficking is by definition an illegal activity, and as such is not amenable to traditional forms of data collection or social research. The

International Organisation of Migration received substantial funding from the EU 'STOP' programme to produce accurate estimates for trafficking in women across Europe (IOM, 1998). The conclusion of this project was that it was not currently possible with any level of accuracy. An ongoing follow-up project involves designing a model for the transfer of intelligence internationally, whilst Europol is also canvassing possibilities for a common format for recording information.

3. The Current Legal Framework

In this chapter the legal and policy framework within which trafficking is currently addressed in the UK is outlined. This is then placed in the wider context of European policies and the global background of UN conventions and declarations.

National law

There is no explicit UK law against trafficking in persons, rather, aspects of the crimes involved are covered under a range of legislation, most directly provisions within the Sexual Offences Act 1956. Like much of UK law on sexual offences, the language used, and some of the underlying presumptions within the law, are archaic. The current review of sex offences is considering the offences of sexual exploitation, and whether a specific offence of trafficking is required.

The most relevant provisions for trafficking in the 1956 Act are outlined below:

Section 22

- (1) It is an offence for a person
- (a) to procure a woman to become, in any part of the world, a common prostitute; or
 - (b) to procure a woman to leave the United Kingdom, intending her to become an inmate of or frequent a brothel elsewhere; or
 - (c) to procure a woman to leave her usual place of abode in the United Kingdom, intending her to become an inmate or frequent a brothel in any part of the world for the purposes of prostitution.

Section 24

- (1) It is an offence for a person to detain a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or to detain a woman against her will in a brothel.

Part (2) details that withholding clothes or any other property belonging to the woman, or making threats of legal action should she attempt to retrieve her property, counts as evidence of having committed the offence.

There are problems with these offences, however. Section 22 is more concerned with the trafficking of UK women to other countries, the specification of 'brothel' fails to reflect the range of forms of 'off-street' prostitution in which trafficked women are located, and it excludes street prostitution. Furthermore, the level of proof requires either more than one witness, or corroboration of a single witness, and it is sometimes impossible to prove who the original procurer was. The section 24

offence is narrower than false imprisonment and requires proving an intention that the woman has sexual intercourse. Whilst these offences might seem the most relevant to prosecuting trafficking offences, in practice, they are less likely to be used than others where the evidential requirements are less taxing.

The maximum sentence for offences covered in sections 22-29 of the Act is two years, and this is considered to discourage the police from using these provisions. Such short sentences are thought to offer minimal deterrent to offenders. The fact that the most relevant offences in UK law have fallen in disuse (CO14 Clubs and Vice, 1999) suggests that they need updating to reflect current knowledge about trafficking in people.

There are also a number of abduction offences within the Act, which might be relevant to cases where this is a clear element in the trafficking, and the common law offence of kidnapping might also be relevant. All of these offences, however, relate to those organising the trafficking from the country of origin, rather than the exploiters in the destination country. Proving and prosecuting these offences is much more demanding, requiring reliable connections with the police in the country of origin, testimony from the girl/woman and possibly extradition orders.

There are no provisions to cover the forms of mental coercion and deception regularly used. Common control methods make it very difficult to use the common law offence of 'unlawful imprisonment'. Whilst there have been examples where trafficked women have had their movements forcibly constrained, in the majority of cases it is a 'virtual imprisonment' – a context where freedom of movement is confined to extremely narrow parameters through forms of control such as removing passports and threats. Where further criminal offences such as rape and physical assaults have been perpetrated these charges can also be laid, but these rely on testimony from the victims themselves, in a context of extreme vulnerability and intimidation.

Additional charges may be laid under Section 25(1) of the Immigration Act 1971, for facilitating illegal entry into the UK, and these charges are often used in order to make clear to the court that the case involves trafficking. Despite co-operation between the police and immigration officials in compiling evidence to support such charges, they have in practice been difficult to prove due to the complexity of some of the evidential requirements. The provisions of the Criminal Justice Act 1988 and Proceeds of Crime Act 1995 are frequently used in relation to financial investigations and seizure of assets.

Currently, most prosecutions of those who profit from trafficking in the UK have involved charges of living off earnings of prostitution (for men) under Section 30 of the Sexual Offences Act 1956 and the accompanying Section 31 offence of a woman exercising control over a prostitute for women. Whilst prosecutions have been successful using these provisions, the maximum sentence of seven years is rarely used and not considered to constitute either a sufficient deterrent or to reflect the seriousness of the offences committed.

Whilst law enforcement officers have been able to use existing law to prosecute traffickers and exploiters, the current legal framework requires modernising. As with all legal reform, care needs to be taken to ensure that present law that works is retained. New law should be drafted to aid detection and prosecution of trafficking, with sentences that are likely to have a significant deterrent effect.

European law

Over the last decade both the EU and COE have devoted considerable attention to trafficking in women, and the documentation on this issue is extensive. All of the recent publications stress the gross violations of human rights that trafficking involves, noting that trafficking in women is a low risk, high reward activity, and that it is the responsibility of all states to increase the risks and penalties (COE, 1994; 1996; 1997; 1998; European Commission 1996, 1998; European Parliament, 1993, 1996; UN 1998a).

In 1993 the Justice and Home Affairs Council of the EU passed a series of recommendations to counter trafficking, and the European parliament unanimously accepted a further report in 1995 (Svevo, 1995). In 1996 the European Commission (EC) held a conference at which specific areas for action were identified, a set of recommendations agreed, including the need for a comprehensive plan for a structured approach across EU. A communication was published (European Commission, 1996) to stimulate debate and promote a coherent European approach.

In December 1997 the EC was asked to implement joint action within the EU to fulfil previous commitments and follow up the Beijing Platform for Action, and to make trafficking in women a priority in all aid and development programmes. Reflecting on the impact of the joint action plan, it was reported that trafficking has been made a criminal offence by all 15 member states. The requirement for efficient and dissuasive penalties has resulted in increased penalties (or plans to increase them) in Italy, Spain and the Netherlands. Four states have enacted formal rules giving trafficked women the right to temporary permission to stay (Austria, Belgium, Italy and the Netherlands).

'STOP funds research and action programmes on the sexual exploitation of women and children, and trafficking is one of its priority areas; Daphne is restricted to NGOs and funds innovative schemes and exchanges with respect to violence against women, it too has included projects on trafficking. The overlap and limited co-ordination between the two schemes are potential problems, and there is no easy access to the findings or achievements of funded projects.

A further EC communication (European Commission, 1998) recommended a series of new initiatives including: support for the key role played by NGOs, strengthening the multi-disciplinary approach, investment in prevention in sending countries, more research, evaluation of effective prosecution and sentencing approaches, and ensuring and increasing support for victims. This document also sent strong messages to applicant countries, that they were expected to address trafficking, and it was proposed that both the STOP and Daphne programmes¹ be opened to applicant countries. Further suggestions included: increasing the links between Europol and Interpol, that Eurostat (the statistical office of the EU) should collect data on sexual exploitation across Europe and the often repeated call for states to provide trafficked women with temporary residence if they were willing to stand as witness. EC member states now have an obligation to report annually on responses to trafficking in women.

Two new EU funded prevention campaigns in sending countries are planned for 1999, following those already conducted in the Ukraine and Poland in 1998. Germany has conducted its own internal public awareness campaign on trafficking in women. A new EU legal instrument on trafficking is under discussion that will address:

- encouraging women to make complaints through the provision of appropriate support and assistance;
- legal measures which take account of the exploitation and vulnerability of trafficked women;
- extending witness protection linked to NGOs;
- confiscation of proceeds;
- targeting traffickers;
- ensuring penalties are commensurate with the crime; and
- encouraging the development of specialised units.

²The COE has a broader membership than the EU, including all Central and Eastern European states, as well as Switzerland.

Work on trafficking in human beings, and of women for sexual exploitation, has been developing for over a decade within the COE². Whilst having fewer resources than the EU, the wider membership and human rights focus within the COE has meant its work has often been more inclusive. A new convention is currently under discussion, and developmental capacity building and training is being undertaken with women's organisations in central and Eastern Europe.

Whilst there have been a plethora of meetings, reports and action plans at the European level, it appears that there is much talk but limited action. Certain recommendations recur in the literature with little sense of progress being made. Some, such as increasing the role of Europol, seem ill thought through (there are

only one-and-half staff allocated to working on trafficking). Equally, the repeated calls for states to provide temporary residence permits for trafficked women willing to stand witness in legal cases appear to have precluded explorations of how to prosecute traffickers in ways which do not rely on women's testimony, and whether trafficked women ought to be considered for permanent status under asylum law recognition of gender violence.

International law

Trafficking in women was the subject of a series of UN agreements and conventions in the first half of the twentieth century (1904, 1910, 1921, 1947, and 1949). Yet, ironically, there is no international instrument that explicitly stipulates it is a human right to live free of sexual exploitation. That said, however, the provisions of the International Declaration of Human Rights 1948, have been explored to show how they cover many of the dimensions of trafficking. The most relevant articles are considered to be:

- Article 1 - all human beings are born free and equal in dignity and rights;
- Article 3 - everyone has the right to life, liberty and the security of the person;
- Article 4 - no one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms; and
- Article 5 - no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

The most recent convention on trafficking in women was adopted by the UN General Assembly Resolution 317(IV) on the 2nd December 1949. The 'Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others' is considered contentious by some, since it makes no distinction between 'forced' and 'free' prostitution, and located trafficking in women within an ambition to eradicate prostitution itself. By 1996 it had been ratified by 70 countries, though the UK is not amongst them.

Other relevant UN conventions include CEDAW (Convention on the Elimination of all forms of Discrimination Against Women), those on forced and migrant labour and the International Convention in the Rights of the Child. Work on trafficking in women within the UN has come from two main sources - the Working Group on Contemporary Forms of Slavery and the series of world conferences on women, linked to the work of the UN Special Rapporteur on Violence Against Women. The most explicit statement appears in 'Platform for Action' agreed at the Fourth World Conference on Women in Beijing in 1995. Trafficking is included in the definition of

violence against women (s114), states are urged to develop strategies which are effective in suppressing it (s123) and to strengthen the implementation of human rights instruments to combat and eliminate trafficking (s230). Paragraph 131 calls for a number of measures including: ratification and endorsement of the international conventions on trafficking and slavery, addressing the root causes, stepping up co-operation and concerted action by law enforcement, increasing resources for comprehensive rehabilitative programmes, and education and training to prevent sex tourism and trafficking.

A series of UN resolutions have been passed in the last decade:

- the Commission on the Status of Women (1993);
- the Working Group on contemporary Forms of Slavery (1998); and
- the Commission on Human Rights (1998).

The most recent General Assembly resolution ‘Traffic in women and girls’ was passed in December 1998 (Resolution 53/116). It encouraged an intensification of strategies to address trafficking and increased attention to its root causes. States were called upon to criminalise all forms of trafficking (which in the context of UN policy documents includes mail order bride agencies and sex tourism), to penalise all perpetrators and to ensure exploited women and girls were neither criminalised nor penalised. An encouragement to governments to adopt standard minimum humanitarian treatment to trafficked persons was reiterated.

Unifem (the UN development fund for women) have recently commented that many of its partners are seeking to address the causes and consequences of trafficking, specifically:

- its part in the systematic discrimination against women;
- globalisation and the impact on women and national economies; and
- the contributory effects of the policies of international financial institutions and development institutions.

Whilst the UN has acted as a catalyst for attention to trafficking, and has various reporting and monitoring systems, mechanisms for enforcement of conventions or international agreements are limited. This had prompted some commentators to call for international law which might provide a more effective (or at least additional) route for making procurers, brothel owners and managers, financiers and customers criminally liable (Demleitner, 1994). Yoon (1999) states that international law needs enforcing, and whilst the proposed international criminal court might address this at one level, without an international law enforcement agency there would be limited impact.

Summary

Much of the international policy discussion focuses on the necessity for states to have comprehensive and effective legal frameworks on trafficking. Both the COE and UN adopt a wider agenda than the EU, including sex tourism, marriage agencies and sexual exploitation via new technologies in their definition of trafficking in women. Data presented later suggest that serious consideration should be given in policy and law reform to using this wider framework . There are now numerous binding and non-binding European and international agreements on trafficking in women (for example, a new protocol 'to Prevent, Suppress and Punish Trafficking in Women and Children' supplementing the United Nations Convention against Transnational Organised Crime' is being developed). The challenge nationally and internationally is to secure better implementation. The legal framework in the UK needs revision and updating if it is to be effective in the complex task of prosecuting trafficking in women for the purposes of sexual exploitation.

4 Beyond anecdotes: Estimating trafficking of women in the UK

“Wherever there is organised off-street prostitution, our view now is that you will find trafficked women there. It is that lucrative.” (police officer, CO14)

In this chapter we present data which indicate the scale of trafficking in women in the UK; moving ‘beyond anecdote’ to account for the number of cases known to police in 1998, and other data which suggest the wider scale of the problem. Much of the latter information provides indicative rather than accurate measures, but are important in establishing a base of understanding. We also report what is known about the countries of origin, trafficking routes, control strategies, and the conditions of trafficked women living in the UK.

Various ‘guesstimates’ of the global scale of trafficking in people generally, and women for the purposes of sexual exploitation more specifically, have been presented in recent years. Whilst it is impossible to assess their accuracy, what is incontrovertible is that trafficking is a problem of considerable proportions internationally. As more attention is directed towards it, evidence is increasing with respect to the scale, routes and methods involved (Escaler, 1998; Foundation for Women Forum, 1998; IOM, 1995, 1996, 1999).

The most quoted international estimates include:

- Profits from the traffic in human beings now amount to \$7 billion annually (UN, 1998b)
- Trafficking in human beings and illegal immigration is now equivalent in financial terms to drug trafficking (UN, 1998b)
- 500,000 women were trafficked into the EU in 1995 (IOM, 1996)

These are rather general statements, the accuracy of which is open to question due to the limitations of the data available. One possible method of sidestepping the numbers debate is to present estimates within a range from the minimum (for which there is an accurate base) to a theoretical, and speculative, maximum (which relies on less substantiated material). This is the approach adopted in the current research.

Whilst accurate measures are still illusive, few would contest that trafficking in women (indeed in all human beings) has moved westward. The early literature

focussed almost entirely on South East Asia, but now virtually every continent has sending and/or destination countries. CO14 report that the first contemporary signs of trafficking into the UK were evident ten years ago in Triad controlled brothels. Information concerning women from South America, then Thailand and most recently Central and Eastern Europe followed this (CO14, 1999).

Baseline data on trafficking in women in the UK

In this section cases known and investigated in 1998, from the 36 police forces providing information, are considered. Forces were asked to report on issues of prostitution and trafficking in their area. Table 1, below, shows the extent to which prostitution is considered a problem by police forces, and whether non-UK women are known to be working in the local sex industry. Responses are presented for two sub-samples: forces that do, and do not, have vice units.

	No vice unit (%) N=23	Vice unit (%) N=13
No street prostitution locally	13 (57)	0
No 'off-street' locally	9 (39)	0
Some 'off-street' but not a problem	7 (30)	1 (8)
Street prostitution an issue locally	9 (39)	12 (92)
Concerns about 'off-street' locally	4 (17)	9 (69)
Non-UK women known to be involved	2 (9)	5 (38)

NOTE: % figures do not total 100 as multiple responses possible

The forces that did not have a vice unit were divided between those recognising a local sex industry but whose response was limited to 'nuisance' and containment, and a larger group claiming that there was negligible on- or off-street prostitution in the area.

Over a third of the police forces with a vice unit, but less than a tenth of those without, were aware of migrant women in their local sex industry. It could be argued that this is simply an artefact, since areas with vice units are likely to be those with more extensive local sex industries. On closer analysis, however, the relation is more complex – whether a force did, or did not, have a vice unit, and what proportion of its activities relate to the sex industry, were not simply functions of local and regional variations in crime.

Table 2 presents figures for known trafficking cases in 1998. One force suspected trafficking of girls and young women, but was unable to confirm this (see next section for a discussion of this information). Cases involving trafficking in children are not included, falling outside the remit of the current research.

These data indicate that the minimum number of women trafficked in the UK and known to the police in 1998 is 71.

All of these cases involved off street locations: call flats, walk up flats, massage parlours and saunas. In all but one of these cases the local force has a ‘pro-active’ approach to prostitution and/or a vice unit. Only nine police forces were able to provide any information about the scale of the sex industry in their area. In each case this related to a small location in which prostitution (usually ‘on-street’) was concentrated. The limited knowledge indicated of the local sex industries is concerning, especially since the basic information is not complex or difficult to access or track. There were only two police forces in the survey that regularly monitored their local ‘sex market’.

Force area	Trafficking cases in 1998	No of women involved	Nationality of women
Force 1	1	3	Thai
Force 2	2	4	Thai
Force 3	1	12	Thai
Force 4	13	51	Albanian, Brazilian, Czech, Hungarian, Lithuanian, Portuguese, Romanian, Slovenian, Thai, Ukrainian
Force 5	1	1	Spanish
Total	18	71	

CO14 prosecuted two large cases before 1998, each involving one hundred or more women from Brazil and Thailand respectively. No further previous cases were identified in any other force.

Thus the minimum number of women trafficked into the UK and known to the police in the last five years is 271.

Eight forces with vice units reported being aware of women being transported across the UK, and three thought that this happened frequently. Several other police forces also reported knowledge of within-country traffic. Until three years ago most of the cases dealt with by CO14 were 'internal trafficking' cases, with the most recent being in 1998, involving three young women brought from the Midlands. The reasons women are transported within the UK are similar to motivations for international trafficking: profit – moving women to areas where more money could be made; control – working in unfamiliar locations increases dependency on pimps; and detection – the less known and visible women were, the less likely they were to be arrested.

Data suggesting the wider extent of trafficking in women

In this section information from a variety of sources is discussed that strongly suggests the full scale of trafficking is larger than that suggested in the established figures presented previously. Each set of data is presented separately.

- In addition to the cases reported above, several police forces referred to on-going cases for which the numbers of women involved were not available. There were also instances where intelligence had either not been considered strong enough to act on, or had not been pursued. The research revealed at least six possible additional cases that might have led to knowledge about a number of trafficked women.
- Two separate sources provided information on the UK being used as a transit country. All the known cases involved girls under 18 years old and young women from West Africa. The traffic of West African girls, and especially Nigerians, into the Italian sex industry has been known for some years, and immigration controls in Italy have become stronger for direct flights as a consequence. Far fewer controls exist, however, on flights from the UK, since significant numbers of Black British young people travel to Italy for holidays and school trips. One source identified 31 young woman, 11 who entered during 1998. Investigation of these cases has highlighted the potential for other previously unidentified women to have been trafficked without detection. The Immigration Service have information from all London airports, and know of about 50-60 West African girls and young women who have been moved through the UK.
- CO14 check flats known to be used for prostitution in the Soho area every six weeks to ensure there are no minors working there. In spring 1999, 50 of the flats were surveyed; and the majority of women working there were found to be migrants - 148 foreign women were identified, the majority (125) from the

Balkans. Others were from Eastern Europe (14) South America (6) and Africa (2). Checks have also recently been made on some premises in outer London, where a further 35 migrant women were identified from SE Asia (9); Africa (8); the Balkans (7); Eastern Europe (6); South America (5). Whilst it cannot be presumed that all of these women had been trafficked, it is considered likely that a proportion of them have been.

- At a recent Home Office seminar (15th October 1999) workers in health projects were reported to estimate that 50% of London sex industry workers are migrant women, and that 5% have been trafficked.
- The Home Office Organised Crime Notification Scheme lists eight groups that are known to be involved both in the traffic of human beings and prostitution. These groups vary in size and nationality but all have been in operation for over two years. Only two limit their activities to trafficking in women for prostitution. At least two of these groups are potentially additional to the confirmed cases discussed previously, since either their nationality or area of operation did not correlate with information provided by forces in the current research.
- At least one newspaper story published in 1999 points to the presence of trafficked women in areas of the UK where the police forces have not identified it as a problem. An article in *The Times* (Hamzic and Sheehan, 1999) reports suspicions that there may be 'hundreds' of women who have been trafficked from Albania and Kosovo. One of the journalists reports infiltrating a trafficking gang in Tirana posing as an agent seeking women, and was told that women could be delivered to the UK.
- Additional information on the sex industry can be found on the Internet. One web-site clearly listed massage parlours and escort agencies in the UK offering prostitution services. There are listings by area confirming that there is 'off-street' prostitution in a number of force areas where the survey responses suggested no such activity. It cannot be assumed that the women referred to in these adverts had been trafficked, but neither can it be assumed that they had not. At the very least this listing reveals the presence of migrant women in off-street prostitution in areas where the local police have no knowledge of either. Similarly, another site reveals accounts of migrant women involved in prostitution in various UK cities.
- Marriage agencies are another area in which trafficking in women is suspected, these have increasingly shifted advertising 'online' (Hughes, 1999). The number

of potential sites is enormous (the listings from four 'link' sites have been analysed in terms of the locations from which women are marketed). The content of these sites suggests that this can be a method of trafficking, women are presented as commodities to be purchased (Cunneen and Stubbs, 1998). There is evidence that mail order bride agencies are used as a front for trafficking women for the purposes of prostitution, but there is also a strong argument that these agencies represent the 'soft' end of trafficking in women more generally.

- Immigration statistics on the origins of women entering the UK as overseas wives or fiancées offers additional food for thought. The largest numbers are from the Indian sub-continent and the USA. Both locations have strong connections with the UK and may therefore be likely sources of chosen marriage partners. What is also revealing, however, are the numbers of women entering from countries where trafficking is a known concern, and which are the favoured source countries for mail order bride agencies.

The combination of these data sources, some more robust than others, suggests that the trafficking problem is of greater proportions, and located in many more cities and towns in the UK, than the known and confirmed cases suggest. Using the additional information just described, it can be estimated that the true scale of trafficking may be between two and twenty times that which has been confirmed. This is calculated on the following basis, though it must be noted that these calculations are speculative in nature:

- 1 The suspected cases identified outside London give a figure almost equal to that of our confirmed 1998 figure, thus doubling it.
- 2 An additional 183 migrant women have been identified in a sample of off-street locations in London. The total number would be expected to be far higher if all off-street locations were included, since only two-thirds of the Soho locations were surveyed, no other central London locations were included, and only a small number of outer London premises were inspected. Estimating that there may be potentially three times this number of migrant women involved if all locations were included gives a total of 549. The London health projects estimate that 5% of migrant women have been trafficked, and that many of them do not overstay their six month visa and so are replaced. This means that at least another 54 trafficked women a year are present in London. Given that many trafficked women will not make contact with health projects, which are based in central London and those who are most controlled will not be allowed access anyway, then the proportion of migrant women who have been trafficked could be

considerably higher. If it is estimated at 10% then the number of women rises to 108, already significantly more than those currently detected by CO14. If it is estimated at 25% the number rises to 274, almost four times our established minimum figure.

- 3 The very low figures of detection outside London may reflect lower awareness of off-street prostitution. Hypothesising intelligent organised criminals identifying and taking advantage of this, it could be argued that locations outside London are more desirable. One confirmed case outside London involved 12 women (see Table 2) and it seems unlikely that there is only one small town in which a lucrative trade in exploited women has occurred. There would only need to be six more similar operations to equal the current proven cases. This alone would double the number of cases per year and if the six month average stay is factored in, treble it.
- 4 If the lower estimated figures from the calculations (1) and (2) above are added to the established known cases they increase the scale of trafficking by four times (the suspected cases in (1) double the numbers, the lowest estimate of additional migrant trafficked women in London (2) multiplies known cases twice, and the lower estimate of cases outside London is a further doubling). Including the highest estimates in (2) and (3) increases the number again by a factor of four. So if the highest estimates are taken then the number of possible cases are eight times those that are confirmed.
- 5 The maximum estimated multiplier of 20 times the confirmed number requires making a further set of calculations: Assuming that a higher proportion than the 25% of migrant women in the sex industry have been trafficked increases figures (if it is 50% it would double the estimate in 2 above); taking the journalistic estimates of 'hundreds' of women from Albania and Kosovo as accurate (this would increase known cases by at least a factor of three); postulating greater involvement of trafficked women outside London (to increase the figure by a factor of two) including women who enter as mail order brides (an increase by a factor of three) and including a significant amount of internal trafficking (a further factor of three). Combining these extrapolations with those made in 4 above, provides us with a figure twenty times larger than the confirmed cases.

Extrapolating from these estimates, therefore:

It may be estimated that the scale of trafficking in women into and within the UK lies within the range of 142 and 1420 women a year .

It is recognised that this is a wide range, but it indicates the likely scale of the problem, while reflecting the poverty of information in this area. It would be instructive if we could compare these figures with both the numbers of women involved in the UK sex industry and the extent of illegal migration into the UK. Unfortunately there are currently no comparable statistics available for either.

The realities of trafficking

Having a sense of the scale of trafficking tells us only part of the picture. Equally as important is understanding trafficking methods; where women are trafficked from, their experiences of procurement, migration and treatment after arrival in the UK.

As our knowledge of trafficking into (and within) Europe develops, there is increasing evidence of established links between sending and receiving countries. These links may reflect the relative ease of transportation of women across borders (for example, Albanian women into Italy and Greece), the presence of an extensive and tolerated sex industry into which trafficked women can be more easily absorbed (for example, the Netherlands and Germany), and/or historic links between countries (such as colonialism). Current information suggests that the most likely countries of origin for women trafficked into the UK are Thailand and Central and Eastern European countries. Table 3, below, summarises current police and immigration knowledge of the sending countries and trafficking routes into the UK.

Region of origin	Sending countries	Routes
South America	Brazil	via Lisbon
South East Asia	Thailand, Philippines, Malaysia, Hong Kong, Singapore	Air direct into Heathrow or via mainland Europe, and rail via Eurostar
Central/Eastern Europe	Lithuania, Hungary, Ukraine, Belarus	Various trans-Europe routes by air, sea and rail (Eurostar) e.g. through Greece and Italy, then to the UK
East and West Africa	Nigeria, Ghana, Kenya, Uganda	Air direct or via mainland Europe

Traffickers are ingenious and resourceful, once a route is discovered and attempts are made to block it, alternatives emerge to replace it.

There appear to be four patterns of recruitment:

1. Complete coercion through abduction or kidnapping.
2. Deception by promises of legitimate employment.
3. Deception through half truths, such as that they will be employed in entertainment, dancing or even stripping
4. Whilst some women are fully aware that they are going to work in prostitution, but have to put themselves at the mercy of traffickers in order to migrate to Western Europe, they are not made aware of the extent to which they will be indebted, intimidated, exploited and controlled.

Women who are recruited through methods 2,3 or 4 are led to believe that they can travel to a rich western country and earn large amounts of money in a short space of time, which they can then use to move themselves and their families out of poverty and despair (Konig, 1997; IOM, 1999).

In Central and Eastern Europe, two main recruitment methods are currently observed:

1. adverts in the media for well paying jobs abroad, through a (possibly bogus) employment agency; and
2. approaches by young men to young women in clubs and bars where they also offer the possibility of making a lot of money.

One of the most compelling attractions for these young women is the promise of their own accommodation which represents an independence unthinkable in their own country (Escaler, 1998).

The traffickers themselves vary in nature. At the level of recruitment and local organisation they reflect some of the patterns familiar in prostitution with respect to pimps; some are family members or friends, others encourage young women to believe they are their boyfriend, still others are small groups of 'enterprising' individuals which have recognised how lucrative trafficking can be and finally there are larger scale organised groups which may or may not be connected with other forms of organised crime (Barnardo's, 1998; Kelly et al 1995).

Current intelligence reported in the Home Office Organised Crime Notification Scheme suggest links between international networks which traffic in drugs, money and human beings. It is less clear whether (and if so, how) the smaller scale operations connect to more organised groupings - for example, do successful enterprising individuals expand their operations and move into the organised crime frame, are they absorbed into existing networks, or are they perceived as threats by

established groups? The scale of organised crime, and its involvement in trafficking human beings, has become an acute concern in many European countries (IOM, 1999).

It is rare for women to be trafficked into the UK through entirely illegal methods, such as being smuggled in false floors of trucks and lorries, although there are cases where parts of the journey involved this kind of transportation. Entry into the UK typically involves women presenting themselves at ports of entry with variations of legitimate and illegitimate documentation. They may have a real or false passport, a legitimate or forged visa, or one which is legitimate but has been obtained through duplicitous means (many women from Central and Eastern Europe no longer need visas). A male English-speaking escort, who will pose as her husband/boyfriend or a relative, accompanies most trafficked women. Some arrive by plane direct, if it is a long haul journey, such as from Thailand or Africa. Alternatively a European 'bridgehead' may be used, with a flight to a large European hub such as Paris, Frankfurt or Amsterdam. In these instances a legitimate visa for a third European country is often used, and a seat booked on a connecting flight. This flight is not taken and women come to the UK most frequently via Eurostar. Some traffickers instruct women to apply for asylum on arrival, knowing that the process will take at least a year.

On arrival in the UK the woman is transferred from the trafficker to the brothel owner/pimp with whom the traffickers are dealing. False papers will be taken back by the trafficker at this point, and the woman's passport will invariably be handed over to the person to whom she is now indebted and who has 'paid' for her. It is at this point that many women discover the extent to which they have been deceived. Many come on the understanding that their visa lasts for six months, and during this period they will be able to earn large amounts of money, as well as paying off the money they owe for transport to the UK.

For some, discovering that there is no good job, the debt they owe is £5,000 - £15,000, and that they have to pay it off in three months, are a series of shocks. For others it is the virtual imprisonment, lack of papers and that they will receive no money for three months, which are the realities they had not anticipated. Yet others understand that the first three months work are to pay off the debt, but then expect the money they earn will enable them to save. They are then told that there are charges - rent for the flat, payments for the maid, laundry, any number of expenses which they already owe and will continue to, and that they also have to pay exorbitant amounts to cover their transport home once their visa expires. Should any of the women protest at their treatment a series of threats will be made to

friends and family. Should these levels of coercion still not produce compliance, physical and sexual violence will be used.

The reality for most trafficked women is that they 'earn' considerable amounts of money, since they are expected to work longer hours, and service more clients, than indigenous prostitutes, yet they are lucky if they receive any of it. It is virtually impossible to earn enough to pay off the huge and mounting debt. In flat prostitution, for example, the usual arrangement is that the woman splits her earnings 50:50 with the owner/organiser. With trafficked women the owner/exploiter gets to keep close to 100% of takings, and these takings are further increased since trafficked women can be required to take more customers. Such huge profit margins are powerful motivators to enter an already existent market.

Summary

Trafficking in women is clearly an issue in the UK, and whilst it may not be problem of substantial proportions - "we are probably talking about hundreds not thousands" (Immigration Intelligence officer, interview) - it is of greater dimensions than many want to think, and extends beyond the metropolitan area. The human rights abuses which are integral to trafficking in women for the purposes of sexual exploitation, alongside existing international policy commitments, require that this form of trafficking is addressed with a suitable level of priority.

The survey of police forces carried out in this study found that where there is a reactive, nuisance based, response to prostitution it is less likely that trafficked women will be detected. The conditions under which they exist, alongside a fear of the authorities (many have come from authoritarian regimes and/or countries where corruption in law enforcement is rife) means few will come forward for help. Police forces that insist they have no problem must ask themselves, whether, unintentionally, they are creating 'areas of toleration' for trafficking. The survey findings also demonstrated that trafficked women are most likely to be found in the 'off-street' locations, a sector which has grown in recent years (CO14, 1999). Police forces that operate a tacit toleration policy for off-street prostitution currently have no mechanisms to assess whether there is a problem locally for trafficked women.

Recent experience in Australia offers food for thought in this respect. In the states of Victoria and New South Wales aspects of the sex industry were legalised. The intention behind these reforms included increased regulation and decrease in illegal activity. Neither has been the case, both legal and illegal sectors have boomed, accompanied by a large increase in the involvement of foreign and trafficked women

(Clennell and McClymont, 1999; Forbes, 1999b). There is evidence of increasing involvement of organised crime, and whilst there have been many cases of women being deported, there have not been any investigations by the organised crime section of the police since the law was changed in 1995.

5. What the Eye Does Not See: law enforcement responses to trafficking

In this chapter we explore current responses to trafficking in women for the purposes of sexual exploitation. Using case studies to illustrate of successful and unsuccessful investigations, the chapter will examine current best practice, and particularly the work of the Metropolitan Police's Clubs and Vice Unit. The role of all relevant agencies, including police forces, the National Crime Squad (NCS), the National Criminal Intelligence Service (NCIS), the Immigration Service and international bodies such as Europol and Interpol will also be considered. We conclude with a discussion of the barriers to effective responses to trafficking. The possibilities for breaking these barriers down are addressed in the last chapter. The most significant barrier appears to be the limited awareness of off-street prostitution throughout police forces. Where there is little or no monitoring, activities remain 'unseen', and therefore unpoliced.

The case outlined below received national publicity. This was not because of the number of women involved, or its links to a major trafficking syndicate, however, but because a politician was known to have frequented one of the targeted premises. It remains the most significant trafficking case yet investigated in the UK.

Case 1: A lesson in accident and delay

The first information arose in 1993 through an inspection by health and safety officials of a suspected business premises. A young Thai woman was found locked in a room. Following a media expose of the sauna, run by an English man and his Thai wife, an investigation began. Intelligence included reports that although the women working there were not held against their will, they were subject to coercion. The police received more than one report from 'punters' that women had asked for help to escape. Links were made with another premises and a decision to raid them both was taken in 1994. Restrictions in manpower and budgets prevented this action. In 1998 the case was passed to a beat officer who carried on building intelligence. Raids in November 1998 were made possible because concerns now extended to the possibility that the brothels might also be linked to trafficking of drugs.

Twelve Thai women were found in raids on the two premises. In one, all had overstayed visas and were removed by immigration ('removal' means being sent home, but not deported as an illegal migrant). In the other, five women married to UK nationals were found - all elderly men living in the region. These were later adjudged by the police involved to be 'sham' marriages, since when the five women were released from custody the 'husbands' had considerable difficulty identifying 'their' wife. No further action was taken with respect to these women as they had a legitimate right to remain in the UK.

In one premises a ledger was discovered which showed women were handing over large sums of money they had received for 'extra' sexual services. Women were expected to pay off £10,000 debts in three months, since they received little or no wages for massage, they had little choice but to provide sexual services. None of the women had 'earned' any money they could call their own. Five people were charged with a number of offences, including living off immoral earnings, exercising control over prostitutes, and facilitating illegal entry. Two have been convicted. Plans were uncovered that this small network intended to have four premises operating in the UK by the end of 1999, all supplied by the trafficking syndicate.

Evidence suggested that women were initially approached by an 'arranger', in one case this involved making a loan to a woman's parents so that they could re-mortgage their land. Although this young woman initially refused to provide sexual services, considerable pressure was exerted about her debt, and the shame she would bring on her family (though she did subsequently manage to escape).

The trafficking syndicate in Thailand has been revealed as an extensive one, supplying women to Canada, USA, UK, France, Germany, Netherlands, Switzerland, Japan, Indonesia, Malaysia, Australia and New Zealand. Connections with a French investigation into the same network have been made (at least 137 women are known to have been trafficked to Paris). Subsequent intelligence revealed that women were to be passed between England, France and Canada.

Commentary

What is both revealing and disturbing about this case is the extent to which it relied on accidental factors, and that despite a pro-active investigation and mounting evidence of trafficking and coercion, it took four years and a connection being made to concerns about drugs for any action to be taken. It is not clear how many women were trafficked, and abused, between 1994 and 1998. There is no criticism of the officers or force involved - those closest to the case were convinced of the need to act in 1994. Whilst more responsibility resides with the force, they were reflecting the attitudes and priorities of the time. This case highlights the potential consequences of the view that a problem unseen does not exist. However, it also reflects the lack of knowledge of the nature and extent of the problem as identified in the current research.

Case 2: Difficulty in Prosecution

This case started with a missing persons report concerning the disappearance of a Thai woman who had entered the UK on a tourist visa, with a UK male she had met in Thailand. She was traced to a restaurant, which further investigation

revealed was an eventual destination point for a number of Thai women. It then transpired that the female restaurant owner had supplied false information for visas, saying the young women were relatives. The investigation revealed that women were entering the UK through arrangements with various marriage agencies and within a week they disappeared and were found at this restaurant.

When the Thai women arrived, the restaurant owner would take them out to casinos, encourage them to gamble until they had a substantial debt, and then pressure them to provide prostitution services to customers above the restaurant to repay the debt. Whilst one woman provided considerable background intelligence, all of them were intimidated, suspecting their exploiter had contacts with the police in Thailand, and that the threats made with respect to their families and their own personal safety would be carried out. In the end none of the women was prepared to give evidence and immigration were unable to find evidence/grounds to prosecute.

Commentary

There are a number of similarities between Case studies 1 and 2. In both cases the trafficked women were identified accidentally and connections were demonstrated between mail order bride agencies and trafficking for the purposes of sexual exploitation. The main difference between the two being that no prosecution followed the second case. Although a 'fortuitous' lead opened up a much bigger case, the absence of witnesses prepared to give a formal statement, and lack of other evidence to support charges, meant the case could not be taken any further. These cases illustrate two points: First, there are many routes by which trafficking can take place, some less obvious than others and second, the need to find ways to proceed with legal cases which do not rely on the testimony of vulnerable and intimidated witnesses.

Case 3: When it all fits together

As with the previous examples, this case begins with, and is concluded by, opportune events. It is different from both, however, in several respects: The nationality of the women involved, the use of pro-active investigative method, and the building of a support system around a trafficked woman to enable her to give evidence. A Lithuanian woman escaped from a brothel in which she was being held against her will, and went to the local police station. A nine-month investigation followed, identifying seven women from Lithuania who had been trafficked using student visas.

All of the women had responded to adverts in the press, or had been recruited in cafes or clubs, thinking they would have a well-paid job in a bar. Once recruitment

had taken place the woman's details and passport number were sent to the UK. A Lithuanian woman already in the UK would then register for a language course, using these details. Registration would trigger a letter of acceptance, which was then faxed to Lithuania. The newly recruited women would travel on her own passport, with a student visa obtained using the course registration letter, and £2000 'flash money' (to prove to immigration, should it be necessary, that she could support herself during her stay). Once in the UK she would be met by gang members who would take back the money and her passport. Coercion into prostitution was made possible by the fact that she was now undocumented and responsible for the debt incurred for her travel to the UK. Additional threats, where necessary, would be made to her family and loved ones.

The investigation was difficult since the woman knew very little English, and was unable to identify any of the locations. Throughout, she received substantial support from the police officers involved, including an alarm, a pager, interpreting, regular contact and referral to a voluntary organisation for asylum seekers and a health project.

The woman was enabled to give evidence but was unable to speak in court about the sexual assaults she had suffered, despite considerable efforts to assist her. Three defendants were found guilty of living off immoral earnings, but acquitted of rape and unlawful imprisonment charges. It proved impossible to trace the assets in this case, which had been sent to Lithuania. It is suspected that the money was laundered through second-hand cars bought from Germany.

The police officers involved in this case gave evidence in the woman's application for asylum.

Commentary

Further routes into the UK are evident in this case, alongside similar though slightly different forms of controls on women once they are in the UK. This case also highlights the amount of support which needs to be provided if trafficked women are to be enabled to give evidence. Even with a witness, proving charges of violence and unlawful imprisonment was not possible. This is partly because of the extreme vulnerability and intimidation of this group of victim/witnesses.

The 'pro-active' approach

Considerable attention has been given in the international policy literature to encouraging and enabling women to give testimony against their traffickers, but this has proven possible in only a minority of the UK cases that have been prosecuted.

Both police and immigration officers report that most detected trafficked women request to be deported, preferably within 48 hours, as they are fearful that their exploiters will think they have given evidence against them, and carry out the threats made to themselves and their families. Many women are also thought to be ashamed about what has happened to them, and deeply angered by the deception and ways they have been treated. Whilst we have no reason to doubt these accounts, we were not able to check this with the perceptions of the trafficked women themselves. It is an open question as to whether trafficked women would feel the same were it possible to offer them the option of staying under the care and protection of a specialist NGO, since there is currently no such group in the UK. The European experience suggests these organisations can make a significant difference. Both STV in Holland and PAYOKE in Belgium enable about half of the women they support to give evidence against their exploiters. These groups provide safe accommodation, counselling, some form of income support, advocacy, and where possible education and training.

Whilst calls in international policy documents for effective witness protection are laudable, this is seldom possible to arrange in the UK. Further, it is virtually impossible to guarantee once women return home, since they are frequently returning to countries where corruption exists at all levels of police and government. This has prompted the development of a different approach.

The pro-active framework begins with the presumption that law enforcement cannot expect trafficking victims either to approach the police for protection, or to be able to give evidence. Investigations therefore need to be intelligence led, and use whatever other legal means are available to build a sufficient case to prosecute the exploiters at the UK end. If a case involves a willing witness this is seen as the 'icing on the cake'.

The Metropolitan Police's Clubs and Vice Unit (CO14) has an explicit remit to address trafficking in women. The Unit has four graded priorities for their work:

1. corruption, coercion and exploitation of children;
2. trafficking of women and children for sexual exploitation;
3. violence and coercion towards prostitutes (this is considered an equal priority with trafficking); and
4. organised crime.

The primary concern in any investigation is to ensure the rescue and safety of the women (or children). The success of an investigation - to the extent that it is

possible to make arrests and seize assets - is secondary. Interventions can be reactive, disruptive or pro-active. Reactive responses are those where there is a complaint from a victim and action is taken swiftly to protect her and possibly others.

Disruptive responses take place when there is not enough evidence to mount a case, but actions can be taken using health and safety/fire regulations to interfere with the 'smooth' running of certain businesses. The pro-active response is intelligence led and includes an investigation in the hope that a prosecution can be mounted.

Traffickers and exploiters view women and children as commodities, from which they seek to profit. To maximise their return it is necessary to market their 'product'; thus monitoring the market place is a key component in gathering initial intelligence. This includes cards placed in phone boxes, listings in yellow pages and newspapers, alongside other more familiar forms of intelligence gathering. This information is used to identify premises and key players. As investigations progress, surveillance and undercover elements are added, alongside a financial investigation. The legal charges used most effectively are Sections 30 and 31 of the Sexual Offences Act 1956 (living off immoral earnings). Of the eight trafficking cases prosecuted in 1998, seven resulted in convictions, (the other is still pending). The estimated total criminal benefit from these cases is in the region of £10 million, of which it has been possible to reclaim £49,000. The sentences received range from nine months to three years, and are not considered a significant deterrent.

Whilst CO14 includes specialist financial officers who are able to estimate the scale of criminal benefit, tracking the money has proven very difficult. Typically the money is rapidly transferred out of the UK, and in the case of groups operating out of Central and Eastern Europe is often converted into other goods which are in short supply (for example, children's shoes, car tyres, farm machinery and cars) and for which premium prices can be charged.

CO14 have developed considerable insight into the position of trafficked women, and use a practical human-rights based approach in seeking to support women in situations where they have limited options. Policing trafficking requires being able to address women's fears and concerns, and this can be time and resource intensive. Where women request to return home, CO14 work with immigration to facilitate this in a way which retains as much dignity and confidentiality as possible. Where possible they use the administrative process of 'removal' rather than the criminalised and stigmatising response of 'deportation'. They also endeavour to make links with NGOs and/or embassy staff in the country of origin to extend the woman's options (though this can be difficult because of limited information on trust-worthy local NGOs).

Other relevant agencies and sectors

Throughout the research, references were made to the strategic role of the National Crime Squad (NCS, whose role is to combat national and transnational serious and organised crime) and the National Criminal Intelligence Service (NCIS, which provides “leadership and excellence in criminal intelligence to combat serious and organised crime”). Both of these organisations are responsible for tackling criminals at the highest level. They have no explicit brief with respect to trafficking, but will act when sufficient information is available about criminals operating at a national or international level. NCIS carry out an annual assessment of the threat of serious and organised crime to the UK. Illegal immigration, prostitution and the involvement of trafficked women in the sex industry are all considered, yielding figures very similar to those in the current study. Given current information, trafficking is not currently considered to merit high prioritisation. Both organisations do acknowledge, however, that the level of priority may be influenced by the limited amount of information available, a fact supported by the current research. Since the threat assessment is on-going and priorities continually reassessed, it is possible for change in the future.

Trafficking cases necessitate inter-agency work between the UK inland law enforcement agencies and the Immigration Service, both at the level of enforcement and intelligence gathering. Immigration are undoubtedly developing a more ‘pro-active’ intelligence led response, having an assistant director with a brief on trafficking and five officers with a vice brief.

At local levels, working relationships appear to be good, though (as previously discussed) there is an underlying tension. Trafficked women are viewed by the police as victims of crime and potential witnesses, whereas the immigration service views them as illegal entrants and potential deportees. Whilst it has proved possible, thus far, to negotiate between these competing policy remits in individual cases, there is an inherent conflict of interests which can only be resolved through greater clarity at policy level within the Home Office and government.

There are at least two potential shifts in emphasis which might reduce this formal conflict:

1. developing more effective mechanisms for tracking traffickers and exploiters (such as targeting serial sponsors of minors or young women from particular countries); and
2. developing a ‘human rights’ policy framework for trafficked women which, with other agencies, means temporary visas to remain in the UK could be issued (safe supportive accommodation would need to be available for this to be realistic) and for the possibility of permanent status through the Geneva Convention being explored in each case.

Barriers to addressing trafficking more effectively

A number of potential barriers to addressing trafficking have been identified:

- One significant barrier is the perception that trafficking in women is a 'Metropolitan problem'. In discussion, a number of officers noted that this type of case is resource intensive and there is little interest or commitment locally to allocating scarce resources to such 'marginal' areas, or to re-entering the contested arena of prostitution generally. This may, in part, reflect the lack of knowledge of the nature of the off-street, and hence not clearly visible, sex market.
- We have already noted that these views can lead to an implicit climate of toleration, which traffickers and exploiters are unlikely to be slow to notice. In the absence of a willingness to countenance that trafficking may be happening locally, it is extremely unlikely that cases (other than the rare occasions where women escape, or ask a punter with a social conscience for help) will be identified, which in turn will serve as further justification for the continuation of current policy.
- An emerging barrier is how to investigate gangs who are known to be strongly linked to trafficking in women. The success of several undercover operations has resulted in a 'closing ranks' within certain groups, such that many of the intelligence gathering and undercover operations are no longer possible. There is an urgent need to discover new strategies, otherwise these groups will be able to operate with impunity.
- Another barrier to effective law enforcement responses to trafficking, as discussed previously, is the current legal framework and sentencing structure. It might be suggested that where sentences are considered derisory, this acts as a powerful disincentive to the allocation of police resources.

6. In from the margins: Developing recommendations for future activity

This chapter explores some of the changes that will be necessary if trafficking in women for the purposes of sexual exploitation is to move in from the margins of policing and public policy. We begin with a contribution to the development of an overarching framework for thinking about trafficking, then look at the challenges for the police, the responsibilities of government, and the international context. The key concern must be prevention:

- primary prevention to stop the trafficking by interrupting supply and demand; and
- secondary prevention through interventions that increase the costs (and decrease the rewards) to traffickers and provide support and redress to trafficked women.

All of the following discussion and recommendations are framed within this understanding.

Towards a common framework

There is consensus nationally and internationally that trafficking in women for sexual exploitation involves gross violations of human rights, and results in extremely vulnerable and intimidated witnesses. Interventions must seek to free women from entrapment, whilst simultaneously targeting the traffickers and other exploiters. Where a strong case can be built, and links made nationally and internationally, the pay off can be significant - it may be possible to shut down a complete network that has been trading in human beings within the UK and abroad.

Trafficking in women is a global issue, with most countries in the world affected, as sending, transit or destination countries (Escaler, 1998; Foundation for Women Forum, 1998). The flows are typically from the poorer to the wealthier countries, with increasing patterns of trafficking within, as well as between, continents. Traffickers range from small-scale family/community based networks to large groupings linked to international crime groups, and at least one commentator argues that there are strong connections between the local, provincial, national and international networks (Skrobanek, 1996). The trade in women is facilitated by corruption at many levels, and by lack of knowledge and inaction at others. Currently the risks to traffickers are small, and the profits substantial. A preventative strategy, therefore, must aim to make the market both more costly and risky.

The risks and costs to traffickers cannot be increased without also considering prostitution. What has been discovered about trafficking suggests that prostitution

is often not a 'victimless crime'. The limited power and options of women who are trafficked is exacerbated by the involvement of organised, and sometimes extremely brutal, networks and gangs. Whatever one thinks about the prostitution contract (O'Connell Davidson, 1998) and the contracts migrants make to facilitate their entry into another country, neither of these are the reality for trafficked women.

Trafficking in women can be considered a contemporary form of slavery. The UN international convention defines slavery as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. In the late twentieth century we have witnessed the emergence of new forms of slavery in which individuals are more disposable, and the 'rights' of ownership exercised over temporary, rather than life-long, time periods. In the case of trafficked women, whilst in conditions of sexual exploitation their movements are controlled, their earnings confiscated, and they have minimal, if any, control over their labour.

"Organised prostitution is the economic and structural foundation of sex trafficking" (Leidholdt, 1999, p51). Women are trafficked into existing sex industries, and from countries where there is either a strong local sex industry or where economic and social structures have broken down and women are experiencing increasing inequality and marginalisation.

Any recommendation to increase the policing of prostitution will be met with hostility from many women in the sex industry and many of the organisations which support them. Any shift in policy must, therefore, take place within a clear, shared national framework that is based on human rights principles. Monitoring off-street prostitution should be understood as a necessary strategy to guarantee that neither children nor trafficked women are in those locations, and to ensure the absence of coercion and violence with respect to local adult women and men.

The representation of off-street prostitution as more 'benign' (May et al, 1999) belies the fact that these are the locations into which trafficked women are placed in the UK. This argument has been extended in other countries to argue for greater toleration and liberalisation of off-street contexts. Such policies are intended to free law enforcement to focus more directly on the exploitation of children and trafficking. Recent developments in both Australia and the Netherlands tell a rather more complex story.

In a series of newspaper feature stories (Forbes, 1998, 1999a and 1999b) the unanticipated consequences of the decision by the state of Victoria, Australia, to legalise brothels has been examined. One stated intention of the reform was to halt

the spread of illegal brothels. In fact, both the legal and illegal sectors have mushroomed, with the number of illegal brothels trebling in 12 months (Forbes 1998). The number of pending applications for sex industry businesses continues to grow unabated, and owners are complaining of a 'shortage of women' (Forbes 1999a). Victoria has thus created a context in which trafficked women will be considered lucrative commodities (Forbes, 1999b).

The Netherlands is frequently represented as having the most liberal approach to prostitution. An informal policy of toleration was formalised in 1999 when brothels were legalised (there were an estimated 2000). The law was justified through arguments that proper regulation would reduce trafficking and links to other forms of organised crime; clauses in the bill increased penalties for use of underage and trafficked women (Kole, 1999). The Dutch sex industry is over-populated by foreign women: one estimate was that 80% of prostitutes in Amsterdam were foreigners, and that 70% of them had no papers. A proportion of these women will have been trafficked (Louis, 1999).

Brothels will now be required to register their workers and meet minimum safety standards and conditions. Previous voluntary schemes permitting registration of workers also required evidence that they had not been 'forced'. They were taken up by only 4 of the 250 officially listed brothels in Amsterdam (Louis, 1999, p193). In the Hague police have been tightening up on 'illegal' women in anticipation of legislation (Europe Today, 1999). Some women have been summarily deported, others are thought to have disappeared into less visible places (Europe Today, 1999). One brothel owner has reported that regulation is creating a shortage of women, and that he is being forced to recruit from other EU countries. Whilst it is too early to assess the Dutch legislation, there is little evidence to date to suggest that liberalisation will have anything more than a limited and temporary impact on trafficking; and one which targets exploited women rather than those who profit from them.

In developing responses to trafficking, the first principle must be to ensure that changes in law, policy and practice do not increase the potential harms to women. For example, it is difficult to see how strategies to increase detection at points of entry, where they are not based on intelligence, will achieve anything more than harassment of women travelling from certain destinations. There is little likelihood of such a strategy being effective in detecting and prosecuting traffickers. Equally, a policy focussing primarily on detecting and removing women may have the unintended impact of increasing demand. Summary expulsion can have dramatic effects on the women - defining and treating them as criminals, sending them

‘home’ where adequate support is unlikely to be available. The victim is effectively punished, whilst there is minimal, if any, impact on either the perpetrators (supply) or customers (demand). Migrant women working voluntarily in prostitution should not be treated any differently by police and immigration officials than migrant women in any other employment sector. It is not our intention to encourage over-monitoring of this group of women; but at the same time, given what we now know about trafficking, it would be a dereliction of social and legal responsibility to limit responses to those few trafficked women who themselves come forward for help.

Recommendations to improve the general understanding of trafficking in the UK include:

- Increase awareness of trafficking in women and the gross violations of human rights involved. Consideration should be given to the possibility of targeting customers;
- Increase awareness of coercion within prostitution, including training for magistrates and judges;
- Increase research and knowledge about men as customers/buyers;
- Conduct research on women’s experience of trafficking;
- Increase monitoring of trafficking on the Internet, especially the mail order bride business; and
- Capacity building of NGOs, both in the UK and internationally, which address trafficking and provide integrated models of support and advocacy.

Challenges for the police and other law enforcement agencies

The first, and major, challenge for police forces is moving beyond the ‘see no evil’ orientation to actively assessing the nature and scale of the sex industry and trafficking. Whilst this might be a ‘low volume’ crime, serious offences of violence, coercion and deception are involved, and there are clear links to organised crime. This study suggests that many forces many have a ‘hidden problem’ (a fact supported by the NCIS threat assessment) and many forces need to develop explicit policies on prostitution. For some it is anticipated that this may require resolving substantial differences in approach at divisional level.

All police forces ought to engage in pro-active intelligence gathering about their local sex industry, not just with respect to trafficking, but to fulfil responsibilities with respect to child prostitution and respond to the use of violence and coercion by pimps/controllers. At the most basic level these tasks are not difficult or resource intensive. Some monitoring of the Internet as a route through which women are trafficked is also needed.

Recommendations to the police to enable effective tackling of trafficking within the current legislative framework include:

- All forces to be encouraged to undertake a simple intelligence gathering exercise on off-street prostitution, and to discover whether there are any suggestions of non-UK women involved;
- ACPO has developed, with the co-operation of the Metropolitan Police Clubs and Vice Unit, a guide to investigation of trafficking of women, outlining the proactive approach, how to conduct investigations and gather intelligence. This needs to be considered by all forces; and
- Increasing attendance at the vice conference from forces where prostitution is not considered a local priority.

Responsibilities of government

A fundamental requirement of government is to fulfil the UK's obligations under the conventions and policy documents of which we are signatories. The primary responsibility must be to protect and promote women's rights whilst they are in conditions of trafficking and prostitution, and to ensure that the legal framework is adequate to effectively prosecute traffickers and exploiters. In the case of the former, this means ensuring that there are places of safe refuge for trafficked women in the UK, that the legal framework can secure their protection, and options of applying for residence under asylum law or safe voluntary return are available. The latter requires a legal framework which enables detection and prosecution of traffickers and exploiters, and on conviction provides for sentences which act as a deterrent.

A series of secondary responsibilities accrue to government ministers and departments, especially those connected to international affairs, to ensure that trafficking in women is not an optional extra in policy and practice with respect to aid, development and foreign relations. Tackling the causes of trafficking in women means making women's equality, and access to employment, a key policy objective. Other activities which need to be considered include: providing accessible prevention materials in sending countries at embassies and consulates; supporting existing NGOs in sending countries and capacity building where there are gaps in provision. All areas of government need to ensure that there is appropriate training on trafficking for those dealing with migration, law enforcement and social care. The Cabinet Office Women's Unit and the Department for International Development (DFID) have addressed a number of these issues.

The ongoing review of sexual offences law, co-ordinated by the Home Office, has considered the adequacy of current legislation with respect to trafficking. There is some support at senior levels of the police, and certainly across Europe, for the

creation of a new offence of sexual exploitation. Whilst there may be some benefits to this approach, it should not be at the expense of successful legislation on the existing statute book. One possibility for early action would be for new sentencing guidelines for Sections 30 and 31 of the 1956 Act which make trafficking an aggravating feature to be reflected in sentencing. The review should also follow the implementation of new laws on trafficking in women for the purposes of sexual exploitation which have been introduced in the USA and Australia. Of particular importance will be the extent to which they do, or do not, facilitate successful prosecution.

The absence of a dedicated NGO providing support and advocacy for trafficked women is a serious gap in provision within the UK. There is development work to be undertaken here, possibly by the Home Office and Cabinet Office Women's Unit. A potential source of funding for such services could be the funds confiscated from traffickers and exploiters in successful prosecutions.

Local authorities have the powers to licence saunas, massage parlours and other sex industry businesses, but there are minimal checks made subsequently. Serious consideration should be given to making this an aspect of the work of local trading standards officers. Forms of multi-agency partnerships for monitoring off-street prostitution could be shared between local government and the police, and fed into local strategies under the Crime and Disorder Act 1998.

Recommendations to local and central government to better enable tackling of trafficking in women include:

- Home Office guidance on trafficking in women as both a human rights and serious crime issue. The potential tension at policy level between the police and immigration service needs to be addressed, as well as encouraging local monitoring of the sex industry, improved intelligence, and pro-active approaches. The possibility that trafficked women may qualify for asylum, where they can show that they would be in danger should they be returned, should also be addressed.
- The Foreign and Commonwealth Office (FCO) and DFID to increase their stress on the importance of securing economic opportunities for women, both through their own international links and within bodies such as EU, COE, UN and G7.
- Both the FCO and DFID should consider developing long term sustained prevention campaigns in the sending countries most linked to trafficking into the UK. Such strategies should encompass information to women vulnerable to trafficking and training of staff in embassies and consulates.

- The police and immigration would benefit from stronger links with NGOs in sending countries. The Foreign Office and DFID (possibly in partnership with the British Council, organisations such as Oxfam and international NGOs such as CHANGE) should develop a directory of NGOs in sending countries, detailing what services they are able to offer. This should also identify gaps in provision and enable strategy to be developed for capacity building through co-ordination with aid and donor agencies.
- The Home Office and Cabinet Office Women's Unit could undertake development work to ensure that a well-resourced NGO providing support and advocacy to trafficked women exists in the UK within the next eighteen months.
- Consideration should be given to the creation of a crime of 'sexual exploitation', where proving the offence would require showing that a sexual act took place and that someone else benefited from it in monetary terms or in kind. The recently enacted Criminal Code Amendment (Slavery and Sexual Servitude) Act in Australia contains offences which might be considered in this context: it creates an offence of sexual servitude where because of threats a victim is not free to stop providing sexual services and an offence of deceptive recruitment. The maximum sentences are 25 years.
- Consideration of trafficked women having the right to sue their exploiters (this would necessitate being given leave to stay for at least the period of the legal case).
- Coerced prostitution involving a vulnerable person (a child, foreign national, disabled person) could carry enhanced penalties. Consideration also needs to be given to whether coerced prostitution offences should come within the ambit of the Sex Offenders Act 1997.
- The pro-active, human rights based, police response to trafficked women should be promoted at European and international levels.
- The possibility of creating an interim change whereby trafficking is understood as an aggravating factor in living off immoral earnings cases, justifying consideration of the maximum sentence, should be considered.

International dimensions

The international policy context was outlined in Chapter 3. The necessary conditions for increased co-operation and effectiveness are discussed here. Effective means of sharing information on patterns of trafficking in women across the globe would enable the evaluation of trends, the relative importance of various source and transit countries, and the systems and methods used by traffickers. Global early warning systems could be developed, possibly through international agencies such as the IOM and development funders. These are best placed to predict likely outflows of refugees and migrants. The aim of such work would be to institute early intervention preventative strategies.

Various recommendations at the European level bear repetition here:

- Both the EU and COE have encouraged member states to establish national multi-agency co-ordinating bodies, responsible for developing and monitoring responses (NCIS fulfils this role in the UK, collecting data and monitoring all serious and organised crime).
- One task of such a co-ordinating group would be to ensure detailed and useful data is collected (such as separating data on ‘illegal immigration’ and trafficking), and provide regular updates for national and international audiences (NCIS report annually to the Europol situation report).
- The COE concluded a five year exploration of trafficking with proposals that each country form a pro-active unit to investigate trafficking and prosecute traffickers, and that prostitution laws target customers and organisers.

There is also a need at the international level to evaluate responses – to assess how effective various different measures in destination, transit and countries of origin are. Important issues to address include whether stronger sanctions act as deterrents, whether networks are successfully disrupted and dismantled, and what effects legal reform may have.

Conclusions

This study has shown that trafficking in women occurs in the UK, and that five police forces had confirmed cases in 1998. A further four forces have suspected cases. Whilst the majority of known cases have been located in London, the most significant UK case to date was located in a town in the Midlands. It has been argued that there is a hidden trafficking problem at least several times greater than that which can be documented with certainty, and the scale of problem is potentially larger still – ranging from 71 known trafficked women to an upper estimate of 1420. The study has also documented what we currently know about the routes into the UK, the forms of coercion and deception used to recruit women, and the extensive abuses of human rights they suffer whilst residing in the UK.

The limited attention afforded to trafficking by most police forces currently runs a danger of unintentionally creating climates of toleration for trafficking in women into and within the UK. At the same time, the CO14 Clubs and Vice in the Metropolitan Police has developed a pro-active approach, which has much to commend it, and in some ways (especially finding ways to prosecute that do not rely on the victim’s testimony) move beyond current international recommendations. Addressing trafficking in women effectively throughout the UK requires at the very least: basic and regular monitoring of off-street prostitution, extending the pro-active approach, support for trafficked women from a specialist NGO and reform to

ensure that the legal framework (including sentencing) acts as an effective tool to prosecute traffickers and exploiters.

The UN special rapporteur on violence against women considers one of the barriers to effective responses is the fact that CEDAW is the international human rights convention with the largest number of reservations. It is noted that women's rights are the most popular of international initiatives, whilst at the same time being an arena in which the most profound disagreements arise. The fragility of the women's human rights agenda means that it has both weaker implementation and inadequate financial support from UN than other areas (Coomswarmary, 1997).

All members of the UN are, however, expected to comply with the due diligence standard (an expectation that all actions necessary will be taken to uphold and implement the principles underlying international law such as CEDAW and the International Convention on Human Rights). The UN special rapporteur notes "a state's failure to prosecute individuals who are violent against women constitutes a violation of equal protection in the implementation of laws" (Coomswarmary, 1997, p9).

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