

In the matter of Re C

STATEMENT OF KAREN INGALA SMITH

I, Karen Ingala Smith, CEO of Nia of Leroy House, Essex Road, London N1 3QP, will say as follows to support the intervention application which we make in the public interest, to assist the Court:

1. I have been Chief Executive of Nia, an East London charity providing services for women, girls and children who have been subjected to sexual and domestic violence and abuse, including prostitution, since 2009. I have worked in specialist women's services for women who have been subjected to men's violence and also homelessness for 31 years, since 1990. I first worked with women exploited through prostitution from 1995 – 2000 as manager of a women's homeless hostel in Bradford. Towards the latter half of my time in that role, heroin had become a problem in the city and the abuse through prostitution that too many young women endured went hand in hand with problematic substance use and together, these two issues had profound negative impacts on young women's quality of life. This experience has stayed with me all my professional life and was instrumental to me understanding that prostitution is a form of serious abuse of women and girls by men, both those who sell and those who buy access to women's bodies. Since then, I have always made sure the services I worked in supported women in prostitution.
2. Nia established in 1975, is a rights-based, secular, women-only charity working on all forms of violence against women and girls including prostitution.

3. In 2004, we started a project supporting women involved in and exiting prostitution and in 2006 Nia held a conference 'Not for Sale: The Buying of Women and Children'. In 2008 the organisation held a conference on childhood sexual abuse and exploitation. The keynote speaker was Emma Jackson (pseudonym) who had been groomed into prostitution from the age of 13 in South Yorkshire. Also, in 2008, Nia opened The Emma Project, a specialist refuge for women with problematic substance use (at least half of all service users in this facility have had some prostitution involvement, and in 2016 we opened Daria House, a specialist refuge for women affected by sexual exploitation. Both refuges are still running, always operating at capacity.
4. In 2015, the Eaves Project, which supported trafficked women (in a project known as the Poppy Project) and women exiting prostitution, closed down and so Nia took over the exiting work. Since then, we have developed further prostitution-specific services.
5. We now operate the Anita Project which currently comprises four separately funded services devised to bring about long-term sustainable change for women facing multiple disadvantages and who are involved in prostitution in London. The project advocates for women and helps them access housing, welfare benefits, health services, legal advice, drug and alcohol services, specialist counselling and routes to exit prostitution. Women are also supported through outreach services and with access to employment training, education, volunteering and sustainable employment.
6. Our outreach services include a van going out usually two evenings/nights a week, providing basic necessities such as food and warm clothes, increasingly also we take other services with us to improve women's access. We have found that both women in on-street prostitution and indoor prostitution access this support. The van serves as a first point of contact to us and as a gateway into other support as we do not believe harm reduction is sufficient.
7. Nia is part of ASCENT; a partnership of 22 specialist Violence Against Women organisations. Our prostitution work within ASCENT offers shorter-term support, usually around 6-12 weeks. This includes assisting women with more short term, practical interventions that are barriers to their exiting. Some of the women are treated as having No Recourse to Public Funds so we work on issues like their immigration

status and access to benefits/bank accounts otherwise leaving prostitution becomes too difficult.

8. Women may self refer and we receive referrals from other statutory and non statutory services. Some of the women referred may not engage easily or disclose much information at first because they may not initially recognise their situation as one of exploitation, or they may feel so ashamed due to the stigma of prostitution that they do not wish to access prostitution specific services, or they may have no trust or confidence that they will be kept safe and supported or receive any meaningful help.
9. These prostitution-specific projects are primarily aimed at assisting women currently being exploited in prostitution/trafficking. In some cases, it is clear the woman wishes to exit but in others women may not see exiting as a possibility. These projects also assist exited women at risk of re-entering, usually due to a violent partner or dire financial need, or with continued emotional and trauma support needs.
10. Nia also operates East London Rape Crisis which includes Young Women's Advocates (YWA) supporting girls 11-18. Many girls are experiencing physical or sexual violence and abuse at home and often run away or experience problems, including sexual harassment and abuse at school, in some cases gang-affiliated violence and in others overt grooming. Young women in this situation often would not immediately recognise this as exploitation. A lot of the work by the YWA therefore centres around child sexual exploitation and prevention of exploitation which are known pathways into both adult prostitution and offending.
11. In the judgment under appeal, I note that while the Court accepted that many women are exploited into prostitution, it also stated that many are not. However, the number of women who make a free, informed "choice" out of a range of viable alternative options is vanishingly small and that element of "choice" may be viewed differently by an exited woman compared to one still involved.
12. We supported approximately 151 women in our prostitution projects in the year ending March 2021. 13 out of 24 (54 percent) of women who stayed in our refuges were women from Black and minoritised ethnic communities. 78 of 127 (61 percent) women using

our community-based Anita project services were women from Black and minoritised ethnic communities. Combined together 26 out of 151 (17%) were aged 18-29, 76 women (50 percent) were aged 30 to 44, and 36 women (24 percent) of women in the two projects were aged 45-59. We didn't know the age of 13 women who had accessed outreach Anita Project services. The previous year (year ending March 2020), we had a total of 312 contacts with women involved in prostitution.

The women we support will usually face a combination of problems; commonly:

- Women and girls who have experienced sexual and/or physical abuse and/or neglect in childhood, in some cases, they may have run away from home at young ages or been in care and been targeted by predatory and exploitative men.
- Women who are subjected to domestic violence and abuse, including being pimped and sexually exploited by their partners.
- Women who are homeless or in insecure housing, destitute or suffering extreme financial need. Women in such circumstances may be targeted by loan sharks and landlords who then sexually exploit them.
- Migrant women who may be here under a range of circumstances both legal and illegal and again having experienced various forms of abuse and trauma, face racism, stigma and prejudice. They often fear the authorities and may have no recourse to public funds and then find themselves with no other choice to survive.
- Women who are on the margins of the sex industry who are encouraged by others to take up escorting and do so, often paying agencies, websites and individuals in setting up and operation, and thinking it is something they will have control over, do for a short time to save or pay off a particular cost. They then find they are stuck and cannot get out though they want to.

13. Through our work we have identified nine barriers to exiting prostitution:

1. violence against women (pimps or exploitation or historic),
2. the duration of involvement,
3. Severe financial need,
4. housing issues
5. mental health issues,
6. problematic substance use (often either being put on substances by their exploiters or taking substances to cope with the trauma of prostitution)

7. having a criminal record,
8. lack of education or other opportunities and
9. age of entry.

14. Most women face several of these, often interlocking, barriers which trap them in their exploitation making leaving seem impossible. These barriers are significant: it means that women may present as choosing to be in prostitution and even actively seek “clients” through websites, agencies and advertising, but this is because they cannot leave/leaving is so difficult, rather than making a true choice remain in it.
15. Hayden J considered that exploitation is only of significance in street prostitution and thus this is not likely to be an issue for a care worker assisting JB, or anyone else in his situation, to pay for sex because they would likely use an agency. He appears to conclude that arranging for a prostituted woman, as long as this is done online, would thus not need to be concerned about the woman being exploited. However, in our experience, it is very difficult to differentiate between types of prostitution so the distinction being drawn is not as clear cut as Hayden J seems to believe. In any event, in whatever situation the woman is engaged, this does not preclude her being exploited.
16. In 2012, Eaves conducted some joint research with London South Bank University, which looked at 114 women involved in prostitution. This work and the learning and training arising from it came over to **nia** and informs our services. They asked women to state where they felt they had *predominantly* been exploited/involved. Around 50% had been involved in multiple forms and sites of prostitution across the sex industry e.g. mixtures of strip/lap-dancing clubs, webcam and phone sex lines, massage parlours, brothels and flats (in-calls and out-calls) and on-street.
17. They also asked women to what extent they considered their involvement as coerced and allowed women to interpret the word coercion as they wished. Half the women (50%) identified coercion in their experiences, (seven of these were women who had been identified as trafficked). This level of coercion appeared to be an understatement. Many women did not feel they were coerced because, like society, they had a very narrow understanding of the term coercion (extreme physical violence and held or forced against one's will) and they “blamed” themselves.

18. Women may have realised the role of a “partner” behaving in a predatory or exploitative fashion but, again, they blamed themselves for this and often retained a sense of agency. Eaves also asked women about their experience of violence, many women initially said they had not experienced much violence or no more than any other women. Yet in the course of the interview they described rapes, abductions, beatings and a range of injuries and dangerous situations often reflecting it was a hazard of the job. This degree of normalisation, understatement and minimisation masks the scale and extent of violence, coercion and abuse.

19. The research found that most of the women, regardless of where they “worked,” had experienced various forms of exploitation and that in fact, there was no clear distinction between on-street or indoor prostitution. Many of the women we support are moved between indoor and outdoor prostitution by those who control or exploit them, according to where there is most demand or in response to increased pressure from police or local authorities in certain areas. This has now been exacerbated by Covid-19 and the growing use of the Internet. It is also our clear view, based on our work, that those working in brothels or as escorts may have become involved in similar ways after similar troubled histories and types and levels of exploitation.

20. We would stress that we support women in all forms of prostitution and this includes women who may be involved in “escorting” online and similar, which is often assumed to be somehow less harmful or exploitative and to involve more agency. Our experience and the research with this group of escort women has again found many similarities. In the sample, the women involved in escorting exhibited similar levels of problematic substance use albeit that they used less societally problematised products like high quality alcohol, cocaine and prescription medicines whereas women involved in on-street prostitution might use cheaper but high content alcohol and crack, or heroin etc. They also exhibited similar levels of mental health problems though again it may manifest differently. In many cases they had also experienced neglect, abuse or violence. Women in this sample were likely to feel that they had chosen to enter prostitution, though on examination, forms of exploitation and control were commonly also evident. The 12 women involved in “escorting” were also likely to have thought they would do this for a limited period to earn money for a specific

purpose or in a specific timeframe. However, where they had made money, they had rarely used it for that specific purpose and were still involved up to 10 years later and, despite 10 of the 12 clearly wishing to exit, had found it extremely hard for a variety of reasons, as set out in the list of barriers to exit as set out above.

21. Regardless of how they are prostituted, all of the women we support have experienced some form of coercion or exploitation and as such, anyone, including a careworker is running an extremely high risk of engaging someone who is being exploited. For most of the women in prostitution that we encounter, there is usually someone behind them profiting from their exploitation. Lay people often have a stereotyped idea of the pimp, but this could be anyone, including sometimes a woman who was previously involved in prostitution herself. Often for this reason the woman herself may not recognise her own situation as one of exploitation and prostitution. The prevalence of violence and exploitation are therefore severely underreported. Indeed, it is often only some considerable time after a woman has escaped a situation of violence, exploitation, abuse and control and is in a better place that she is able to reflect on her experience and recognise it as abuse. This is why Government are urged in consultations not only to consult with women currently involved but also to consult with women who have exited. The perspective and understanding is different depending on one's distance from the abuse and one's personal, physical and mental safety, security and space to reflect and analyse.
22. Many women are first exploited into prostitution at a very young age. In the Eaves research 67% of the sample, and in Nia's service user profiles around 70% entered prostitution under 18. The majority of those girls did not recognise that they were being exploited as they usually believe that their pimp is their boyfriend. Some slip into prostitution from being on the margins of the sex industry, they may think they are involved in something glamorous, risqué or sexually liberated. They may believe they are entering willingly and not see the underlying exploitation/grooming.
23. In my view, there is little to distinguish between women who have been trafficked and women who have not, in terms of the exploitation and harm they suffer. However, among the women and girls involved in prostitution whom we support are women who are officially and administratively recognised as "trafficked" for the purposes of

the Council of Europe Convention on Action Against Trafficking in Human Beings and latterly for the purposes of the Modern Slavery Act and the National Referral Mechanism (NRM), as well as women who are trafficked but may not yet have been recognised as trafficked, may have been wrongly rejected as not trafficked by state identification processes, or may have chosen not to enter the NRM. They are of all ethnicities and nationalities, including British girls whose experiences contain all elements of the definition of trafficking (a) movement, b) violence, threats or deception or fraud, c) for the exploitation or profit of a third party.

24. It is not possible to tell in one, superficial interaction with a woman if she has been trafficked or coerced, as a care worker would be expected to do if the judgment under appeal is upheld. Indeed, it is not always clear whether or not she would consider herself, or would come to be considered as “trafficked” for the purposes of an administrative, official status. Often this may become apparent only after a period of time working with a woman when she has built up some trust and/or is able at a safe distance to reflect back on the details of her experience and exploitation.
25. Given the difficulties of identification of trafficking, some indicators have been elaborated to assist in this determination and services should be trained on this (slides). The level of disclosure and detail that this aims to elicit, clearly needs considerable time, trust and relationship building. It is clearly not information that will emerge in a one-off transaction to arrange for a prostituted woman’s services.
26. As outlined above, much of prostitution directly overlaps with the concept of trafficking such that the distinct category of “trafficked” may not be very useful or clear. The Northern Ireland Assembly heard evidence to this effect when considering changes to their legal regime. Ruth Breslin of Eaves, a violence against women charity and the first to identify and build a specialist service for trafficked women (the Poppy Project) identified five areas where the [experiences of prostitution and trafficking were very similar](#) ” (pages 413-417, paragraphs 2918-2936 specifically 2922) : “trafficked and non-trafficked women’s routes into exploitative situations; their experiences in the exploitative situation; the context of the exploitation; their buyers; and the impact and outcomes of the exploitation on their lives. In our experience, the vast majority of women in prostitution, whether trafficked or not, have been drawn

into it as a result of a range of compelling factors, including but not limited to marginalisation, coercion and the exploitation of their vulnerabilities”.

27. This highlights the very real difficulties of either distinguishing trafficking from prostitution at all or of identifying someone as “trafficked”. Indeed, numerous reports by the expert Anti-Trafficking monitoring group, UNODC and numerous successful immigration appeals (and in some cases compensation claims) and reports by the treaty monitoring body are evidence of the State’s own failings in making “trafficked” identifications. In response to the Third Evaluation Round of the Council of Europe Convention on Action against Trafficking in Human Beings, the UK based Group of Experts on Action against Trafficking in Human Beings stated: “*Various respondents highlighted that officers in charge of criminal law and immigration enforcement frequently fail to identify trafficking survivors.*”¹ Women are even being wrongly imprisoned due to these failings.² This raises troubling questions for a care worker organising a sexual experience for a service user with a woman involved in prostitution who will have received no training to identify victims of trafficking, if those trained to do so are frequently failing to do so. This is especially so given that the Government has been keen to deter the buying of the services of women exploited in prostitution and as a result the Police and Crime Act, 2009, s14 established a strict liability offence of engaging in sexual activity with a coerced woman, as now inserted as s53A Sexual Offences Act.

28. The UK has struggled to arrive at any clear position on prostitution. Reflecting on our legislative history in this field, there are key themes arising: prostitution as a public health issue, as a nuisance or undesirable activity, as a moral ill and as a crime. There is a constant tension between a punitive and a supportive approach with the pivot assumed to be agency versus force. Unfortunately, this is not a realistic portrayal of how coercion, inequality and grooming operate in a still sex discriminatory climate.

29. However, UK governments of all political parties, have demonstrated their ambiguities about prostitution. They recognise the harms and abuses involved both in

¹ https://www.antislavery.org/wp-content/uploads/2020/04/GRETA_submission_Final.pdf

² <https://www.reuters.com/article/us-britain-slavery-women-prison-idUSKCN1LX23Z>

women's life histories entering prostitution and in their experiences within it and increasingly the barriers in trying to exit prostitution. While successive Government policies have avoided taking a clear stance on prostitution, they have all sought at the very least to prevent its growth and proliferation.

30. This is evidenced in several, albeit fragmented, and isolated ways. For instance, successive governments have maintained a bar on the advertising of contact jobs in the sex industry in job centres/government funded employment schemes. Where such jobs have been advertised and this has been pointed out they have been removed and statements issued that this was in error and is against Government policy.³
31. Where women seeking to exit prostitution have tried to enrol on UK benefits schemes, they have sometimes been told they have an adequate income source, earnings and savings and so are not entitled to benefits. This has been successfully challenged by pointing out that prostitution is not deemed work and is abusive and exploitative and it would be discriminatory to deny her the means to exit this form of abuse.
32. Successive Government initiatives may have been contradictory in the methods they employ: while some methods have criminalised either or both the women and the men involved and some have tried to invest in diversion or education schemes, support services and exiting support – nevertheless, in both instances, the tendency of policy is to reduce prostitution. Given, as we see in our work, that most, if not all, women are exploited into and during prostitution, in my view the government is right to pursue policies which seek to reduce prostitution and any judgment which suggests it would be appropriate to assist more buyers flies in the face of that policy.

Statement of truth

I believe that the facts stated in this witness statement are true.

Signed 

Dated: 14/07/2021

³ <https://www.express.co.uk/news/uk/190797/Job-centre-ban-on-sex-industry-ads>