

The safeguarding delusion: sex work and policing in Wales.

Abstract

This article explores the extent to which sex worker's accounts of living and working in Wales are compatible with the discourses of wellbeing, vulnerability and safeguarding that are increasingly utilised by governments and police forces to frame their interactions with sex work. In revealing a disjuncture between the declared aims of state-based institutions and sex workers ongoing experiences of repression and abandonment, the article challenges claims that a more enlightened and transformative approach to sex work is being realised in the United Kingdom as a product of updated policing guidance and Welsh legislative change. By drawing on data collected through a series of Freedom of Information (FOI) requests distributed to Police forces and the Crown Prosecution Service, in addition to interviews with sex workers, massage parlour managers, local authority, police and third sector workers, a critical discourse analysis seeks to demonstrate two conflicting realities of the function of the state's interaction with sex work. On the one hand, FOI data reveal low rates of arrests and charges for prostitution related offences in Wales, in line with National Police Chiefs Council guidance (2015; 2019) that disincentivises their enforcement. But sex workers' accounts reveal how policing conducted under the guise of welfare, safeguarding and vulnerability supplement and disguise, rather than replace increasingly discredited enforcement techniques. Furthermore, the findings reveal how the move away from enforcing prostitution offences does nothing to prevent sex workers from being subjected to policing by virtue of other 'at risk' or 'deviant' labels imposed on them. It is in this way that the malleability and symbolic power of concepts of safeguarding and vulnerability enable the maintenance of an illusion whereby oppressive state practices can be recast and presented as enabling progressive and benevolent outcomes for sex workers. The analysis outlines the importance of recognising the function of the front-staging of concepts of vulnerability and safeguarding in enabling the renewal of deviancy control systems in light of changing social perceptions on how the state should interact with sex workers. In so doing it prompts consideration of the state's ability to meaningfully address the demands of sex workers without first recognising and dismantling the multiple structures and processes that undermine their safety and autonomy.

Introduction

Sex workers in the United Kingdom are experiencing a period of crisis. This crisis is a culmination of multiple policy failures, the harmful consequences of which have, and are continuing to be, exacerbated by the Covid-19 pandemic and state responses to it (Orton, 2020; Lam, 2020a, 2020b; Platt et al, 2020; Wyton; 2020). By the government's own admission, even before the pandemic it was evident that inadequate welfare support was compounding the violent consequences of austerity and pushing primarily, but not exclusively, women towards sex work to support families and avoid destitution (House of Commons Work and Pensions Committee, 2019; UKNSWP, 2020). Restrictive immigration policies and increased border violence associated with the United Kingdom's withdrawal from the European Union, in addition to the now 'compliant' environment more broadly, have been shown to lead migrant workers towards sex industries (PICUM, 2019), where threats of deportation can be used extort and exploit them (Connelly and The English Collective of Prostitutes, 2021; Hanks, 2021; ICERC, 2020). Harmful prostitution stigmas and the omnipresent threat of repressive police surveillance and enforcement displace sex workers to more dangerous and clandestine workplaces, compromising safer working practices and conditions. This precarity has been produced and reinforced by legislative frameworks that refuse to recognise sex work as work and exclude the majority of individuals who engage in sex work from accessing justice, health services, welfare support and labour rights.

This article focuses on how, despite the above, a number of state-based organisations maintain that they are committed to, and actively engaging in, practices that are designed to protect and safeguard sex workers. Specifically, it centres on the ways in which state-based rhetorics of 'safeguarding' and 'vulnerability' distort the role and function of a range of institutional practices and interventions across the United Kingdom. Rather than serving to disrupt the oppressive systems that lead the majority of individuals to sex work, it is argued they instead ensure the continued exposure of sex workers to dangerous and precarious working conditions, extensive surveillance, repressive social controls, labour exploitation, police impunity and border violence. Indeed, efforts by the National Police Chief's Council (2015: 4) to 'shift the focus' of policing to 'safeguarding' sex workers by working in partnership with a range of organisations is argued to have simply rebranded rather than diminished the oppressive and violent regulatory gaze of the state.

A key purpose of the analysis that is offered is to reflect on the function of changing rhetoric relating to the governance of sex work in the United Kingdom. Indeed, it seeks to challenge accounts that are often implicit (and at times explicit) in their presentation of progress and transformation in the regulation of sex work. On the one hand, of course, reductions in arrests (see Sanders et al, 2020: 4), and efforts, however misguided, to improve sex worker safety amongst the Police (NPCC: 2019) do signify progress when considered against a backdrop of practices such as forced health checks of the past (see: Brooks-Gordon, 2006: 7). But as Foucault (1975) and Cohen (1985) have made clear, history shows us that the master patterns of control do not change. Rather, institutions of control 'adapt and modify themselves in light of changing moral sensitivities, scientific knowledge or social circumstances' (Cohen, 1985:18). We must therefore proceed with considerable caution when considering the emergence of state based rhetorics that focus on the safeguarding and vulnerability of groups such as sex workers. To return to Cohen (1985: 21), 'the

warning from history is that benevolence itself must be distrusted'. 'Words neither 'come from the skies' nor can they be taken as literal explanations of what is happening' (ibid: 115).

This article builds on and expands the focus of work that has sought to draw attention to the regressive consequences of purportedly progressive policies in relation to sex work and vulnerability across a range of legislative contexts (Munro and Scoular, 2012; Pheonix, 2012; Munro and Scoular, 2013; Brown and Sanders, 2017). In doing so it contributes to wider discussions on the utilisation of harm reduction and vulnerability as concepts in the field of criminal justice and policing (Ford et al, 2019) and how they enable the increased criminalisation and exclusion of sex workers (Munro and Scoular, 2012: 31). By focusing on the Welsh context, it provides insights that contribute to a broader international analysis of the function of vulnerability in policing (Asquith, Bartkowiak-Théron and Roberts, 2018), as well as the ability of criminal legal systems to ever be able to meaningfully protect sex workers (Stardust, Treloar, Cama and Kim, 2021).

Given the extent and pervasiveness of the surveillance and monitoring that sex workers are subjected to, there are, of course, examples where existing modes of policing and partnership working has led to the identification and alleviation of significant harms and risks posed to some individuals engaging sex work. However, the article suggests the championing of such reactionary outcomes distracts from the overwhelming failure to implement measures that substantively combat the harms and inequalities most routinely experienced by sex workers. A focus on addressing vulnerability as defined and recognised by the state, rather than sex workers, is used to justify and bolster the ongoing disruption, monitoring and criminalisation of some of the most marginalised in society, whilst overlooking the structural inequalities, barriers and harms that sex workers themselves identify. As this article demonstrates, such examples are further used to promote homogenised constructions of sex work(ers) and to call for policies that further criminalise and endanger them.

Sex work legislation across the United Kingdom

Sex workers have a precarious legal status across the United Kingdom. Whilst it is not a criminal offence to purchase or sell sexual services per se, sex workers are subjected to an array of laws that restrict their ability to advertise, or to share a work premises with co-workers; a key factor that increases safety (Weitzer, 2013). Despite the Wolfenden Report (1957) establishing that the state should have no role in the regulation of private sexual transactions between consenting adults, an array of legislation contained in the Street Offences Act (1959) and Sexual Offences Act (1956; 2003) relating to brothel management, proceeds of crime, the coercion and exploitation of 'prostitutes', as well as living off immoral earnings is used to facilitate the surveillance and control of sex workers. Whilst a Home Affairs Select Committee recommending the adoption of decriminalisation of sex work in England and Wales in 2016, nothing has since been done to realise its recommendations. The prevailing legislative context is therefore one that fails to recognise sex work as work and excludes sex workers from accessing employment rights and worker protections. Although some workers can register independently as self-employed, this is not often feasible or desirable given the entrenched social stigmas and harms of 'whorephobia' (Roberts, 1993; Pheterson 1992, 1994) and the need to avoid the disclosure of irregular migration status.

Despite little legislative change in relation to prostitution offences, the police have sought to update their codes of practice in relation to sex work in England and Wales. Most frequently identified is the National Police Chiefs' Council (2019: section 3.4) guidance which states that the Police 'should ensure that [they] do not start from a position that treats sex workers as criminals simply for being sex workers... The focus of law enforcement activity should be to improve safety and to target those who exploit or cause harm'. This guidance, updating a previous version from 2015, has been presented as marking a considerable shift in policing tactics. Indeed, as Sanders et al (2020: 5) have described, it constitutes a first attempt to move from enforcement as a primary response to sex work, to a focus on harm reduction and protection.

Such an account is consistent with the stated aims of policing documented across other police publications. In its Policing Visions for 2025 document, the National Police Chief's Council (2016: 4) outline how 'reducing crime and protecting the vulnerable are core priorities for the police service'. In the Welsh context, the document outlines how the Wellbeing of Future Generations (Wales) Act 'will oblige Welsh police forces to contribute to the wellbeing of communities and individuals' by increasing their focus on 'proactive preventative activity' (2016: 7). It appears at first glance then, that against a backdrop of stubborn legislation, there is an effort amongst institutions such as the police to adapt their practices relating to sex work.

In Wales the terminology of safeguarding and vulnerability has been utilised by a range of organisations. Consecutive Welsh governments have committed to legislative frameworks that are presented as working to ensure the wellbeing and rights of citizens. As alluded to above, this is clearly evident in the Wellbeing of Future Generations Act (2015) which commits public bodies to ensuring the development of seven 'wellbeing goals' including 'a more equal Wales'. Although Wales has no specific policy on sex work, sex workers are affected by legislation pertaining to domestic abuse (Violence Against Women, Domestic Abuse and Sexual Violence Act, 2015) and human trafficking (Modern Slavery Act, 2015). These Acts incorporate Wales Safeguarding Procedures and the statutory safeguarding guidance 'Working Together to Safeguard People' (Welsh Government, 2016). These Acts are further underpinned by a range of third sector organisations that are commissioned to provide services for victims and survivors of domestic abuse, human trafficking and sexual violence. It is purported therefore by advocates of the current systems that adequate support is available for sex workers through procedures embedded in the Acts above. As a consequence of this, there is no recognition of, or interaction with sex workers beyond narrow conceptualisations of sex work as synonymous with domestic abuse or modern slavery. Despite the diversity of sex industries and experiences of sex work in Wales (Sagar, 2007), it is a focus on experiences of victims of sexual exploitation, domestic abuse and modern slavery that are used to inform the development of sex work service provision, whilst disregarding the requests of sex workers for decriminalisation, self-determination, labour rights and safety (SWARM, 2020; UKNSWP, 2020).

It is perhaps for this reason that key frameworks for practice in Wales such as the Cardiff Diversionary Pathway work to 'force sex workers to engage with support services' (see, Police Accountability and Legitimacy Group (PALG), 2019: 4) in an act of forced welfarism (Carline and Scoular, 2014). Other fora such as Sex Workers Operation Team Multi Agency Risk Assessment Conferences (SWOT MARACs) are used to manage high risk instances of sex work in Cardiff, often in relation to street-based interactions where individuals face considerable risks

(Sagar, 2007). Whilst the provision of outreach services for street working exists in cities including Cardiff, Swansea and Newport, no support is provided for sex workers based in any other setting. Previous informal and ad hoc visits made in recent years to massage parlours by third sector and local authority workers in some locations have ceased due to withdrawal of resources. All that remains therefore are visits conducted by non-uniformed sex work liaison officers to ‘build trust and check on the welfare of sex workers’ (PALG, 2019: 4).

Despite the explicit guidance laid out by the NPCC (2015; 2019) and accompanying emphasis placed on protecting and improving the safety of sex workers, it is clear that the repressive targeting and raiding of sex workers is not confined to the past. Whilst Operations Pentameter in 2006, Companion in 2013 and Lanhydrock in 2016 (Feis-Bryce, 2017) saw the systematic raiding of sex working premises across England and Wales, more recent examples of the raiding and deportation of sex workers continue to be documented (SWARM, 2020; UKNSWP, 2020; Connelly and The English Collective of Prostitutes, 2021; Hanks, 2021). It has been further reported how various online platforms used to advertise sexual services have been trawled by police throughout the Coronavirus pandemic across the United Kingdom (SWARM, 2020) and there are ongoing efforts to ban sexual entertainment venues in Bristol (Bristol Council, 2021). In Wales, Swansea has seen instances of police disrupting on-street workers (Oppenheim, 2019), whilst Newport council reintroduced Public Space Protection Orders for ‘sexual exploitation’ criminalising sex workers in Newport (Gill, 2021)

It appears therefore that there is a disjuncture between narratives of various state-based institutions and sex workers experiences of subjugation and repression. This disjuncture is the focal point of this article. It examines the legitimacy and boundaries of discourses of vulnerability, safeguarding and wellbeing. In doing so it argues that this disjuncture is not simply a product of a disconnect between the stated aims of institutions like the police and extant legislation in the United Kingdom, as has been posited in some places (see for example, Sanders et al (2020: 2)). Though existing legislative frameworks are undoubtedly important, reducing the endemic marginalisation and violent oppression reported by sex workers at the hands of the state to such a disconnect fails to recognise the broader social control functions of criminal justice practice. This article argues that documents such as the NPCC (2019) guidance are not designed solely to ensure the wellbeing of sex workers, but rather to safeguard master patterns of deviancy control. Terms such as vulnerability and safeguarding provide considerable flexibility to organisations looking to frame and justify their increasingly discredited practices as progressive and enlightened. They possess much symbolic power and are free from negative connotation (Cohen, 1985: 117) Yet as has been argued in relation to the adoption of community rhetoric in the field of deviancy control in the 1980s, words that invoke a sense of benevolence often serve as an alibi for the exercising of power (Cohen (1985: 30; 70)). We must therefore consider that rather than witnessing a radical re-imagining or transformation in the role and function of the police and state in relation to sex work, such rhetorical shifts represent the modification of control structures and logics, as the system renews and updates itself. To lean further on Cohen’s analysis, the strength of these new ideologies of safeguarding, wellbeing and vulnerability lie in their persuasive ability to suggest that ‘we are doing one thing’ — protecting sex workers — ‘while we might really be doing something else’ — oppressing them (1985: 127). The NPCC (2015; 2019) guidance therefore is not notable because of what it sets out to do, but rather because of how it sets about doing it.

Such an analysis introduces the possibility therefore that the stated intentions implied through the language used to rationalise practice are not all that they appear and must be critically examined. That being said, it is not suggested that the guidance and policies outlined above have been designed and enacted with purely disingenuous and deceitful intentions. But it is to question the extent to which contemporary policing practices and policies are as benevolent and detached from the master patterns of crime control as they first appear.

Methodology

In order to explore the apparent disconnect between state based discourses on sex work, and sex workers experiences of them, the research utilised strategies associated with critical discourse analysis. This enabled the examination of ‘opaque [and] transparent structural relationships of dominance, discrimination, power and control’ (Wodak 1995: 204) embedded in and enabled by such discourse. Exploring the nature of the discourse used by state-based organisations and contrasting it with sex workers experiences facilitates an analysis of the relationship between language and social structure, and in so doing enables insight in to ‘new orders of discourse, struggles over normativity and attempts at control’ to be established and resisted (Blommaert and Bulcaen, 2000: 449).

As outlined above, a range of policing guidance documents and state policy rhetorics centre on concepts of safeguarding, vulnerability, and wellbeing to imply increasingly benevolent and progressive stance towards sex work. Part of the exploration of the possible disjuncture between such accounts and sex workers experiences involved the distribution of extensive Freedom of Information requests under the Freedom of Information Act (2000) to the Crown Prosecution Service in England and Wales, and each of the four police forces in Wales. The function of these requests was to examine the effectiveness of efforts to move away from the enforcement of prostitution related offences (NPCC 2015; 2019). The requests asked for data on the number of arrests and charges for prostitution related offences across police forces in Wales between 2012 and 2020. To examine the escalation of sex workers through the criminal justice system, the Crown Prosecution Service were contacted for figures on the total number of charges for prostitution related offences reaching a first hearing at Magistrates’ Courts in England and Wales. It is important to note however that the data below do not include non-statutory cautions given to sex workers, as police forces stated such data was not routinely recorded on their systems.

The data were then reviewed in light of accounts given by a sample of sixteen sex workers, three massage parlour managers, eight third sector and local authority employees and one police officer. Semi-structured interviews with this sample were conducted as part of an ongoing research project that has focused on sex work in Wales since 2015. This began as a doctoral research project that focussed on established massage parlours in Cardiff and the ways sex workers experience and contextualise their labour in them. Access was facilitated by a gatekeeper who at the time provided informal support to sex workers where possible as an extension of a local authority role, which has since been decommissioned. Interviews with sex workers and massage parlour managers took place in massage parlours, although many of the participants reported engaging in sex work across a range of premises, including private flats and sexual entertainment venues. The research was granted ethical approval at each stage by the relevant university research ethics committees, and

all participants gave informed consent to participating. Identifiable information has been omitted from the documentation of the findings.

The process of data analysis subsequently sought to compare accounts of the interactions between sex workers and the state, as identifiable in policy documents, freedom of information data and participant interviews. As detailed below, this reveals conflicting accounts of the realities of various practices sex workers are exposed to.

Findings

Analysis of the data disclosed under the Freedom of Information Act (2000) revealed consistently low rates of arrests and charges for prostitution related offences across police forces in Wales between 2012 and 2020 (table 1)¹. Additional data disclosed by the Crown Prosecution Service (table 2) shows a relatively low frequency of prostitution related charges reaching a first hearing at Magistrates' Courts between 2013 and 2020. With that in mind, CPS data suggested that in Wales, at least 28 charges reached a first hearing over this seven-year period, with a potential for there being as many as 80. In comparison, England saw a considerably higher rate of 3915 charges reaching a first hearing over this time frame (table 3).

Although all charges and prosecutions for prostitution related offences should be resisted, the relatively low volume of charges and arrests for prostitution offences as a proportion of the total number of arrests and prosecutions for all other forms of deviant and illicit activity that is notable.² Indeed, comparatively low arrests and prosecutions for prostitution related offences may at first glance be indicative of the success of efforts to bring about changes in police conduct. Given the codes of practice such as NPCC guidelines that have been promoted, these figures are perhaps unsurprising. They are consistent with other indicators of reduced police enforcement such as an apparent decline in arrest rates documented elsewhere (see Sanders et al, 2020: 4).

¹ Despite the low rates of arrests and charging of sex workers, FOI data revealed isolated but significant instances of heavy police enforcement of kerb-crawlers. Gwent Police reported an operation between 2020/21 that led to 'no arrests of on street sexually exploited adults (prostitutes) for soliciting' but which did involve the arrest of 42 'kerb-crawlers', of whom 32 were charged.

² CPS (2021) reported a total of 380,230 convictions in 2019/20.

Table 1. Total number of disclosed prostitution related offences leading to an arrest and/or charge of a sex worker across each Welsh police force area.

Year	South Wales Police		North Wales Police		Dyfed Powys Police		Gwent Police		Total Arrested	Total Charged
	Arrested	Charged	Arrested	Charged	Arrested	Charged	Arrested	Charged		
2012	0	0	4	4	5	0	n/a	n/a	9	4
2013	3	0	1	0	0	0	n/a	n/a	4	0
2014	10	0	3	1	0	0	n/a	n/a	13	1
2015	3	2	7	1	1	0	0	0	11	3
2016	3	1	4	1	0	0	0	0	7	2
2017	4	0	1	0	0	0	0	0	5	0
2018	1	1	4	0	3	0	2	0	10	1
2019	2	0	6	0	3	0	1	0	12	0
2020	n/a	n/a	n/a	n/a	2	0	6	0	8	0
Total	26	4	30	7	14	0	9	0		

Table 2. Number of sex workers charged and reaching a first hearing at Magistrates' Courts for a prostitution related offence in Wales between 2013 and 2020.

Legislation	Charge	Disclosed number of offences reaching a first hearing each								
		2013	2014	2015	2016	2017	2018	2019	2020	
Sexual Offences Act 1956 {33A & Schedule 2}	Keeping a brothel used for prostitution	0	0	<5	0	<5	0	0	0	
Sexual Offences Act 1956 {33 & Schedule 2}	Keeping a brothel	0	0	0	0	0	0	<5	0	
Sexual Offences Act 2003 {51A}	Soliciting	<5	<5	<5	<5	0	<5	0	0	
Sexual Offences Act 2003 {52}	Causing or inciting prostitution for gain	0	8	0	0	0	0	<5	0	
Sexual Offences Act 2003 {53}	Controlling prostitution for gain	0	0	0	0	0	0	11	0	
Street Offences Act 1959 {1(1) & (2)}	Loitering or soliciting for the purposes of prostitution	<5	<5	<5	9	<5	0	0	0	
										Overall disclosed totals
	Disclosed total hearings per year	0	8	0	9	0	0	11	0	28
	Potential total range of disclosed hearings per year	0 - 8	0 - 16	0 - 12	0 - 13	0 - 8	0 - 4	0 - 19	0	28-80

Table 3. Number of sex workers charged and reaching a first hearing at Magistrates' Courts for a prostitution related offence in England between 2013 and 2020.

Legislation	Charge	Disclosed number of offences reaching a first hearing each year								
		2013	2014	2015	2016	2017	2018	2019	2020	
Sexual Offences Act 1956 {33A Schedule 2}	Keeping a brothel used for prostitution	25	60	91	57	53	33	61	13	
Sexual Offences Act 1956 {33 Schedule 2}	Keeping a brothel	20	10	36	19	16	1	3	0	
Sexual Offences Act 1956 {34}	Landlord letting premises to be used as a brothel	0	1	0	1	1	0	0	0	
Sexual Offences Act 1956 {35(1) & Schedule 2}	Tenant permitting premises to be used as a brothel	3	2	1	2	1	3	2	1	
Sexual Offences Act 1956 {36}	Tenant permitting premises to be used for prostitution	3	2	3	0	0	0	0	3	
Sexual Offences Act 1985 {1(1) & (2)}	Soliciting	3	0	0	0	0	1	0	0	
Sexual Offences Act 1985 {2(1) & (2)}	Persistent Soliciting	0	0	0	1	0	0	0	0	
Sexual Offences Act 2003 {51A}	Soliciting	232	250	165	152	109	86	79	22	
Sexual Offences Act 2003 {52}	Causing or inciting prostitution for gain	12	20	14	17	31	24	15	9	
Sexual Offences Act 2003 {53}	Controlling prostitution for gain	54	63	142	104	74	67	40	17	
Street Offences Act 1959 {1(1) & (2)}	Loitering or soliciting for the purposes of prostitution	490	505	233	114	56	78	66	43	
										Overall disclosed total
	Disclosed total hearings per year	842	913	685	467	341	293	266	108	3915

If we however consider that such official data are not autonomous but rather, at least to an extent, a byproduct of a range of policy decisions and frameworks, we see the importance of not taking them at face value (Cohen, 1985: 91). Indeed, when examining sex workers' experiences of working and living in Wales during the time reflected in the data above, a disjuncture is clear between the rhetorics of vulnerability and safeguarding used to justify and rationalise the actions of a range of agencies and organisations, and sex workers' accounts and experiences of abandonment, repression, and surveillance.

Supplementing enforcement and the limits of benevolence

As outlined previously, guidelines such as the NPCC guidance do not say there is no role for the police in relation to sex work. Rather, they seek to clarify the grounds on which intervention is seen to be justifiable, and what form such intervention should now ideally take. That a high number of sex workers in Wales are not arrested and charged for prostitution related offences each year does not therefore mean that they are free from other forms of state control and surveillance. Indeed, sex workers and parlour managers were aware that they were the subject of extensive police interest. One sex worker described how when recently working from a private flat:

“I’ve had police up and down my street, PCSOs stopping at my door... I’ve had a lot of it, but not had any bother. I think that’s because I was in touch with [police officer’s name] at the time. [She] knew me, my address was all pointed up on their system and everything. So I think the PCSOs were just going past for a nose, just to see everything is going alright”.

Whilst monitoring premises known to be used by sex workers to ensure “everything is going alright” is preferential to a more traditional heavy enforcement approach to sex work, participants were aware that welfare checks served several functions. When discussing the routine welfare visits made by non-uniformed police officers to massage parlours in Cardiff, a parlour manager outlined how:

“I open up as much as I can to them, but at the same time I know it’s fact finding out. I’ve had 1 or 2 police that’s come here, that’ve been great... But they’re saying that they want to work with us and going back some years they were saying that then. They got all the intelligence and raided the parlours”.

It is in this way that contemporary practices aligned with NPCC guidance and rhetorics are best seen as supplementing rather than replacing traditional enforcement tactics. Indeed, alongside welfare checks, participants reported how sex workers have experienced ongoing raids and deportations in Wales. One sex worker described her own experiences of being raided:

*“[The Police] smash through the door, they’ll chuck everything everywhere, they’re f*****g horrible. They’ll literally push you flying they don’t give a f**k, they see the girls as a poxy piece of meat who shouldn’t be there”.*

She continued to speak about a co-worker’s recent experience in South Wales:

*“She and another Romanian girl were working from this place, the police went through the door, immigration went in, she got sent back to Romania... she had a really traumatic experience... The way I know Police can operate, and the way I actually know they operate really upsets me... they treat [sex workers] like s**t”.*

Not only does this demonstrate a disjuncture between sex workers’ experiences of interactions with police and the guidance they are meant to follow, but we also see how sex workers are targeted by and caught up in the criminal justice system for a number of non-prostitution related offences. As sex workers often exist at an intersection of multiple criminal justice domains, disincentivising their targeting as sex workers does little to prevent them from being subjected to policing by virtue of other ‘at risk’ or ‘deviant’ labels imposed on them.

For instance, a sex worker described how:

“Romanian girls, if they were to work together from a place and the police had spotted it and they wanted a nose they could fly through that door... Police don’t go in there for the sex work because they know it would take them ages to build a case against prostitution whereas they can just slam them with immigration there and then. They’re not going to waste their time, waste their money or their resources on these girls. It’s easier to smack them with immigration and send them back”.

In a similar light, an organisation that works with street sex workers in South Wales described how they often encounter sex workers being released from custody. They outlined that:

“We run a resettlement service and we do see quite a few sex workers, but it’s not because of their sex work, it’s because of their other complex needs. It could’ve just been they’ve got no money and they shoplift. But they seem to be very low-level crimes, it’s like a revolving door”.

Here we see how police powers of discretion enable individuals engaging in sex work to be pursued and brought under the auspices of the state for alternative offences. In scenarios such as those presented above, the police can maintain that they are following codes of good practice, whilst continuing to target and disrupt sex workers. Crucially, there were several examples highlighted by participants whereby concepts of vulnerability and safeguarding played an integral role in enabling the ongoing surveillance and disruption sex workers faced.

Enabling surveillance and disruption

In addition to drawing attention to the disjuncture between practice and rhetoric, discussions with participants revealed the ways in which concepts of safeguarding and vulnerability enable the ongoing surveillance and disruption of sex workers. In a freedom of information request, it was described by a police force in South Wales how:

‘Well known brothels are tolerated and checked on a monthly basis... We have closed a number of Chinese/Romanian brothels after we have safeguarded the ladies’.

Here we see how the language of safeguarding is central in the legitimisation of the disruption and closure of premises used by sex workers. This demonstrates how notions of safeguarding and vulnerability are used to justify the ongoing disruption of sex work. One participant who has worked to deliver support services to sex workers described how:

“There is this big drive around vulnerability, [the police] are doing it allegedly under the guise of trafficking; the potential that in private flats there are women who are not being checked out by anybody, they don’t have any access to health, they think there’s organised crime...”

They continued to outline how policing conducted in the name of safeguarding and vulnerability often does little to achieve outcomes that might be recognised as increasing the safety or wellbeing of sex workers. An incident was described whereby following the closure of a private premises being used by sex workers:

“The Police dropped her at the train station to get a train to London. They didn’t go after the [sex workers], it was the men they wanted because of possible links with Chinese gangs and organised crime... Another time, the girls did a runner. As soon as [the Police] got there they legged it”.

It is in such examples that it can be seen how vulnerability and safeguarding are being used to reframe and justify the continuation of discredited forms of policing, that lead to the displacement and repression of sex workers. Despite the language of safeguarding and vulnerability, sex workers continue to experience repressive policing, which creates and further reproduces conditions of violence. Yet the violent consequences of this disruption for sex workers are obscured and obfuscated by guidance that discourages its documentation in ways that such repression can be made more tangible, such as arrests, charge and prosecution figures. This enables the control and oppression of sex workers to continue unabated, albeit in new forms and under a new name.

Creating the conditions of harm

The experiences outlined above collectively had the opposite effect of the purported intentions of documents such as NPCC guidance, and Wellbeing of Future Generation Act. Indeed, they contribute to and entrench many of the conditions that compromise worker safety and wellbeing. In doing so, these practices enable experiences of oppression, victimisation and exploitation which are, in turn, used to call for the increased intervention and monitoring of sex workers by the state. The culmination of a range of interactions between sex workers, their co-workers and the authorities is that sex workers’ isolation and suspicion of state agencies is reinforced. For example, a massage parlour manager described how:

“Even if [sex workers] get assaulted, it won’t get reported because they won’t want to make a statement”.

A sex worker described such a case whereby:

“A boy did come at me and had me up against the wall, so therefore, all I done was, I managed to get out the room whilst he was getting dressed, I didn’t bother to phone the Police, I phoned up my brother, I asked him to come in... I would not want to Police involved at any time”

It is in this way that a variety of practices serve to prevent sex workers accessing justice and safe working conditions. Crucially though, it is important that this is seen not simply as an unintended consequence of well-meaning policies that require further reform. This is precisely because rhetorics of vulnerability and safeguarding are not, nor have they ever been, primarily about protecting sex workers. Rather, they are designed to ensuring the evolution of social control logics in the face of changing social perceptions of sex work. Indeed, were the state genuinely invested in meaningfully supporting and protecting sex workers, one would expect the response to the coronavirus pandemic to have been centred on providing emergency provision to them. However, as one sex worker described:

*“My Romanian friend through [the lockdown], she was sitting in the parlour with nothing, she was getting food banks. There was no help for her, nobody gave a flying f**k. If it wasn’t for [the support of other sex workers], my friend would have gone hungry. I probably would have lost my friend. I’m not going to lie, she would never have coped...”*

But these experiences are located beneath the surface of official data such as arrest rates and court figures, precisely because of the overarching patterns of social control in which they are situated. It is in this way that an illusion of benevolence is maintained, whilst sex workers are abandoned to fend for themselves.

Discussion

The data presented above reveal why accounts that position contemporary state rhetorics and policing practices as transformative and capable of protecting and safeguarding sex workers should be treated with caution. Despite shifts in the rhetoric and stated aims of police in relation to sex work, beneath the surface of declining arrest figures, low prosecutions and charging for prostitution related offences remain experiences of disruptive raiding, displacement and targeting. Yet the malleability and symbolic power of concepts of safeguarding and vulnerability enable the maintenance of an illusion whereby such oppressive practices can be presented as having progressive and benevolent functions, albeit in new forms. This ensures the ongoing exposure of sex workers to increasingly discredited policing tactics, rather than prompting efforts to resist the oppressive systems that lead many individuals to, and increase their reliance on sex work to avoid destitution.

Despite the emergence of new rhetorics to define and justify policy and practice on sex work, there is little doubt that the underpinning logics and the master social control patterns they encase are unchanged (Cohen, 1985: 84). This is concerning given the willingness with which such terms are employed across multiple local authority, public and third sector organisations across Wales.

Indeed, both the success and danger of this social control talk lies in its ability to make a range of invasive and coercive practices appear benevolent, and in the interest of broader society and sex workers. Efforts to call for the extension of an interventionist arm into all areas and spaces of sex work to monitor the safety and 'safeguard' sex workers should therefore be fiercely resisted. By adopting the language of benevolence, guidance that purports to protect sex workers from oppressive police enforcement is serving to increase, extend and legitimise the control of the sex workers in those spaces where none existed before. Principles of safeguarding enable an extension of the gaze of the state in to those private spheres that are meant to be protected -- as outlined by the Wolfenden report (1957). Seemingly discredited practices such as the raiding of all known premises of sex work are replaced by measures that advocate the provision of welfare visits by non-uniformed sex work liaison officers. Yet as the data above show, identifying and engaging with sex workers on these terms supplements rather than replaces hard end enforcement practices. As has been demonstrated, the targeting of sex workers continues unabated and they remain exposed by virtue of their additional 'at risk' or 'deviant' identities (Connelly and The English Collective of Prostitutes, 2021; Hanks, 2021; ICERC, 2020). Ensuring the wellbeing and safety of sex workers cannot therefore be realised without also addressing the violence of inadequate welfare provisions, restrictive immigration policies and harmful prostitution stigmas. Indeed, each of these play an integral role in maintaining the omnipresent threat of repressive police surveillance and enforcement. There is an urgent need to amend legislative frameworks that refuse to recognise sex work as work, and implement the demands of sex workers for decriminalisation, self-determination, safety, and equal legal protection (UKNSWP, 2020).

Until this time, narratives that point to a progressive and transformative state approach to sex work should be rejected. Indeed, if the wellbeing and safety of sex workers were such a priority, it is hard to defend government decisions across the United Kingdom to refuse to make crisis payments available to sex workers during the Covid-19 pandemic. That organisations such as the Sex Worker Advocacy and Resistance Movement and the English Collective of Prostitutes are continually required to call on governments to demand the equal protection of sex workers under the law, and their ability to access income support and health care provisions (UNAIDS, 2020) reveals the extent to which sex worker wellbeing and safety are genuine priorities for the state.

References:

- Asquith, N. L, Bartkowiak-Théron, I and Roberts, K. A (2018) *Policing Encounters with Vulnerability*. Cham: Pelgrave Macmillan
- Blommaert, J and Bulcaen, C (2000) Critical Discourse Analysis. *Annual Review of Anthropology*. 29 pp447-466.
- Bristol Council (2021) *Sex Establishments Policy consultation 2021*. [Online] Available at: <https://bristol.citizenspace.com/bristol-city-council/sex-establishments-policy-consultation-2021/> [Accessed: 04/10/2021]
- Carline, A and Scoular, J (2014) Saving Fallen Women: Critical Perspectives on Engagement and Support Orders and their Policy of Forced Welfarism. *Social Police and Society* 14(1) pp 1-10. DOI: [10.1017/S1474746414000347](https://doi.org/10.1017/S1474746414000347)
- Clark, T; Foster, L and Bryman, A (2019). *How to do your social research project of dissertation*. Oxford: Oxford University Press.
- Cohen, S (1985) *Visions of Social Control*. Cambridge: Polity Press.
- Connelly, L and The English Collective of Prostitutes (2021) EU Migrant Sex Work in the UK Post- Referendum. Available at: <https://prostitutescollective.net/wp-content/uploads/2021/05/Full-Report-EU-migrant-sex-work-in-the-UK-post-Referendum.pdf>
- Cooper E (2016) 'It's better than daytime television': questioning the socio-spatial impacts of massage parlours on residential communities. *Sexualities* 19(5-6) pp547-566. DOI: [10.1177/1363460715616949](https://doi.org/10.1177/1363460715616949)
- English Collective of Prostitutes (2019) *Sex workers are getting screwed by Brexit*. [Online] Available at: <http://prostitutescollective.net/wp-content/uploads/2019/04/Brexit-is-screwing-sex-workers.pdf>
- Feis-Bryce, A. (2018) 'Policing sex work in Britain: A patchwork approach' In: Sanders, T and Laing, M [eds] *Policing the sex industry: Protection, Paternalism and politics*. Oxon: Routledge. pp: 19-37
- Foucault, M (1975) *Discipline and punish: the birth of the prison*. London: Penguin.
- Gill, E (2021) *Newport Council Makes a U-turn on 'sex workers' order in Pill*. Wales Online. Available at: <https://www.walesonline.co.uk/news/wales-news/newport-council-makes-u-turn-20934602>

Global Network of Sex Work Projects (NSWP) & Joint United Nations Programme on HIV/AIDS (UNAIDS) (2020) 'Joint Statement: Sex Workers Must Not Be Left behind in the Response to COVID-19'. [Online] Available at: https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2020/april/20200408_sex-workers-covid-19.

Global Network of Sex Work Projects (NSWP) (2020) 'COVID-19: Sex Workers Community Responses'. [Online] Available at: <https://www.nswp.org/page/covid-19> (accessed 10 July 2020).

Haiven, M (2020) *Revenge Capitalism*. London: Pluto Press

Hanks, S (2021). Increased Vulnerabilities: Considering the Effects of Xeno-Racist Ordering for Romanian Migrant Sex Workers in the United Kingdom. *International Journal for Crime, Justice and Social Democracy*. 10(1) pp130-142. DOI: 10.5204/ijcsd.1661

House of Commons Work and Pensions Committee (2019) *Universal Credit and "survival sex"*. London: House of Commons Press.

Hubbard, P and Lister, B. (2015). Sexual entertainment, dread risks and the heterosexualization of community space. In: Maginn, P, J. and Steinmetz, C. eds. *(Sub)urban sexscapes: geographies and regulation of the sex industry*. Oxon: Routledge. Pp. 141-158.

ICRSE (2020). Undeserving Victims? A community report on migrant sex worker victims of crime in Europe. Available at: <https://www.sexworkeurope.org/sites/default/files/userfiles/files/Undeserving%20victims%20-%20DIGITAL.pdf>

Jozaghi, E and Bird, L (2020) Covid-19 and sex workers: human rights, the struggle for safety and minimum income. *Canadian Journal of Public Health*. 111 pp 406-407. DOI:10.17269/s41997-020-00350-1

Lam, E. (2020) 'How the Asian Migrant Workers in Massage Parlours and Sex Industry are Affected by COVID-19', Butterfly, Toronto, May. [Online]. Available at: <https://www.butterflysw.org/publication>.

Lam, E. (2020) Pandemic sex workers' resilience: Covid-19 crisis met with rapid responses by sex worker communities. *International Social Work*. 63(6) pp 777-781. DOI: 10.1177/0020872820962202

National Police Chiefs' Council (2015). *National Policing Sex Work and Prostitution Guidance*. [Online] Available at: <http://library.college.police.uk/docs/appref/Sex-Work-and-Prostitution-Guidance-Jan-2019.pdf>

National Police Chief Council (2016) *Policing Vision 2025*. Available at: <https://www.npcc.police.uk/documents/Policing%20Vision.pdf>

Oppenheim, M (2019) *criticised for warning Swansea sex workers they could be prosecuted in clampdown*. [Online]. Available at: <https://www.independent.co.uk/news/uk/home-news/police-swanea-sex-workers-prosecution-criticism-wales-a8872956.html>

Orton, T. (2020). *B.C. orders all salons, parlours closed as 74 new COVID-19 cases reported*. *Pique Publishing*. [Online] Available at: <https://www.piquenewsmagazine.com/whistler/bc-orders-all-salons-parlours-closed-as-74-new-covid-19-cases-reported/Content?oid=15192877>.

Pheterson, G. (1993). *The Prostitution Prism*. Amsterdam: Amsterdam University Press.

PICUM (2019) Safeguarding the human rights and dignity of undocumented migrant sex workers. Available at: <https://picum.org/wp-content/uploads/2019/09/Safeguarding-the-human-rights-and-dignity-of-undocumented-migrant-sex-workers.pdf>

Platt, L; Elmes, J; Stevenson, L; Holt, V; Rolles, S and Stuard, R (2020) Sex workers must not be forgotten in the COVID-19 response. *Lancet*. DOI: 10.1016/S0140-6736(20)31033-3

Police Accountability and Legitimacy Group (2019). *Minutes*. [Online] Available at: <https://www.southwalescommissioner.org.uk/media/1671/english-palg-minutes-march-2019.pdf>

Roberts, N. (1992). *Whores in History*, London: Harper Collins.

Roberts, N. (1994). The whore, her stigma, the punter and his wife. *New Internationalist*, February 1994: 8-9. [accessed: 18/08/2020] Available from: <https://newint.org/features/1994/02/05/whore>

Sagar, T. (2007). Tackling on-street sex work. *Criminology & Criminal Justice*, 7(2), 153-168. <https://doi.org/10.1177/1748895807075568>

Sanders, T, Vajzovic D, Brooks-Gordon, B and Mulvihill, N (2020). Policing vulnerability in sex work: the harm reduction compass model. *Policing and Society*, DOI: 10.1080/10439463.2020.1837825

Sex Worker Advocacy and Resistance Movement (2020). *International Day To End Violence Against Sex Workers 2020* [Online] Available at: <https://www.swarmcollective.org/blog/2020/12/16/international-day-to-end-violence-against-sex-workers-2020>

UKNSWP (2020) *Action Alert: demand support not criminalisation for sex workers*. Available at: <https://prostitutescollective.net/action-alert-demand-support-not-criminalisation-for-sex-workers/>

Weitzer, R (2013) *Legalising Prostitution: from illicit vice to lawful business*. New York: New York University Press.

Welsh Government (2016). *Working together to safeguard people: volume 1: introduction and overview. Social Services and Well-being (Wales) Act 2014*. Available at: <https://www.scie-socialcareonline.org.uk/working-together-to-safeguard-people-volume-1-introduction-and-overview-social-services-and-well-being-wales-act-2014/r/a11G000000MI3IdIAL>

Wodak R. (1995). Critical linguistics and critical discourse analysis. In: Verschueren, J., Ostman J., Blommaert J. [eds] *Handbook of Pragmatics* Amsterdam: Benjamins pp. 204–210

Wyton, M. (2020). How the COVID-19 crisis is hurting sex workers. The Tyee. Retrieved from: <https://thetyee.ca/News/2020/03/27/How-COVID-19-Hurting-Sex-Workers/>.