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Police fear laws to criminalise men who pay for sex will be 'unworkable'

Police fear new laws to criminalise men who pay for sex will be unworkable because of difficulties in proving guilt.

By Tom Whitehead, Home Affairs Editor
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The country's most senior police spokesman on vice, Chief Constable Tim Brain, has warned the Home Office that officers may not be able to gain sufficient evidence to prosecute.

In turn, that also means there will be too few convictions for the proposed new offence to act as a deterrent to others, he said.



New laws to criminalise men who pay for prostitutes could be unworkable, according to police
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In a separate development, the Home Office has ditched plans to effectively legalise mini-brothels three years after first raising the prospect.

Mr Brain's comments are a major setback for the Home Secretary Jacqui Smith who has vowed to target men who use women who have been forced in to the sex trade.

The Policing and Crime Bill, currently passing through Parliament, creates a new offence of paying for sex with a woman "controlled for another's gain", such as those with pimps, in brothels or who have been trafficked.

It is a "strict liability offence", meaning prosecutors will not have to prove the man knew a prostitute was being exploited to charge him. Ignorance of the woman's circumstances will be no defence and those convicted can be fined £ 1,000. In cases where the man knows the woman is working as a prostitute against her will, he could be charged with rape.

But Mr Brain, who heads Gloucestershire police but is also the lead on vice issues for the Association of Chief Police Officers,

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told MPs there are concerns over putting the new laws into practice.

He said he supports the legislation "in principle", but added: "It will have, we are concerned, some difficulties in successfully prosecuting. The idea that men should be responsible, to have a wider knowledge of the harm that they can cause by paying for sex in such circumstances, is an absolutely sound principle.

"Our concern is around gaining sufficiency of evidence to merit a suitable number of prosecutions to act as a deterrent."

Peter Lodder, QC, chairman of the Criminal Bar Association, recently told MPs the proposed offence was a "very heavy-handed way" of tackling the issue.

"Our concerns are that individuals will be convicted without knowing what they are involved in. Alternatively, this will not lead to any prosecutions because the information will not come to light," he said.

Mr Brain has passed his concerns on to the Home Office but officials were last night steadfast in pushing ahead with the proposals.

Mr Brain said he would also be willing to meet with the Director of Public Prosecutions, the head of the Crown Prosecution Service, to discuss his concerns.

But he added: "I will emphasise, I believe the direction of travel is the correct one. We are talking about problems around practicalities not principle."

Opposition MPs and campaigners have warned the new law will simply drive prostitution under ground and put women in even greater danger.

In separate move, plans to allow up to three prostitutes to work together in the same property have been abandoned.

In 2006, the Home Office raised the prospect of changing the legal definition to allow three women, including a "maid" or receptionist, to work together in a home - effectively decriminalising small brothels.

But a source confirmed the plans have been quietly ditched.

The Home Office estimate there are about 80,000 prostitutes working in Britain in a trade worth £1 billion.

More than one in 10 men are said to pay for sex and it is feared 4,000 women have been trafficked into the country for sex exploitation.

Ms Smith has stopped short of an outright ban on paying for sex after admitting it would be "difficult to enforce".

However, the proposed new law raises the prospect of men having to ask sex workers if they have been trafficked or have a pimp.

A Home Office spokeswoman said: "There will be no more excuses for those who pay for sex. This new criminal offence of paying for sex with someone who is trafficked or pimped will apply even if the buyer claims he did not know the woman was being controlled for gain.

"We want to send a clear message to force sex buyers to think twice before paying for sex and are confident this new offence will be a strong deterrent.

"We are determined to shift the focus onto the sex buyer, the person responsible for creating the demand for prostitution markets which in turn creates demand for the vile trade of women being trafficked for sexual exploitation."