

IN THE COURT OF APPEAL (CIVIL DIVISION) **Appeal Number: BA/2021/0879**
ON APPEAL FROM THE COURT OF PROTECTION: MR JUSTICE HAYDEN
CASE REFERENCE COP 12521181

In the matter of Re C

STATEMENT OF CAROLINE HATTERSLEY

I, Caroline Hattersley, Director of women@thewell of 54-55 Birkenhead Street, London WC1H 8BB will say as follows to support the intervention application which we make in the public interest, to assist the Court:

1. I am the Director of women@thewell and have worked here since 2015. Prior to joining women@thewell I was Deputy CEO of Providence Row, Head of Information, Advice and Advocacy for the National Autistic Society and I worked for the British Red Cross in a number of roles including working as their Community Education Manager. I am a trustee of MyAFK, and a member of the Institute of Directors, the UK Psychological Trauma Society and the European Society for Traumatic Stress Studies. I was recently appointed Convenor of the Violence against Women and Girls Committee of the National Board of Catholic Women. I have over 25 years' experience working in a wide range of settings with vulnerable and marginalised groups and communities, including with children, young people and adults. I am a recognised expert on safeguarding, sexual exploitation and violence, trauma, and autism. I have a particular interest in, and write and speak regularly on: sexual exploitation; women's issues; autism; complex trauma; specialist safeguarding; liminality; and self-harm and suicide. I have written two books on autism and have been published a number of times in academic journals.
2. Women@thewell is a charity established in 2006, run by women, which supports women who are involved in, or at risk of being involved in prostitution. Our CEO, Lynda Dearlove, set up women@thewell having identified a need to support women exploited through prostitution after over 20 years of working with women entangled in the sex trade in East London. She identified a particular need for support services

around the King's Cross area of London. We are a Catholic organisation, but provide support and assistance to all women affected by prostitution regardless of their religion or faith background. Indeed we do not use religion within our services at all. Our focus is on using trauma responsive accompaniment to assist women who are trapped in the sex trade.

3. To assist the Court to understand our level of expertise and set out our evidence, I outline below what we do and what we have learned as a result of our work.
4. We have 15 employees and are assisted by a team of 40 volunteers. We operate 4 core services (outreach to 6 boroughs in London, an in-house Advocacy and Support service, specialist ISVA provision and employability) to support women exploited or at risk of being exploited by prostitution. The demand for our service is very high. We try to help everyone who comes into contact with our service, but the demand will always be greater than our available provision. There are many more women affected by these issues than people realise.
5. Women@thewell supports approximately 300 women a year. This number includes all women to whom we have provided a service of some type. This is tangible support, not simply being approached by an outreach worker. In any year, approximately 100-150 of those 300 will have rolled over from the previous year as they will still be accessing some form of support. Some of the women require our assistance for many years as they have numerous issues to resolve, to be able to escape the exploitation they face and to deal with the complex situations that arise from this exploitation, such as mental health issues, substance misuse and emotional trauma.
6. Our outreach service operates regularly in 6 boroughs in London but provides support pan-London as needed. The outreach workers will usually go out in twos or threes, to areas where there are a large number of prostituted women and/or areas with a lot of crime. It is important to stress that this is not just where women involved in street prostitution are, but also where they can and do speak to women who are inaccurately perceived as being in a "better" position as based in brothels or working as "escorts" via agencies including online agencies. We will sometimes receive intelligence from

the Metropolitan Police Service or various London councils on where our services might be needed.

7. Our outreach workers also contact women who are advertised online to see if we can assist them. This method has increased over the Covid-19 pandemic, because the women are still being prostituted regardless of the risk to their health. They have been forced to find other ways to find “customers” so they can continue to make money, sometimes for basics such as food, sometimes because they have addictions, and often because they are forced to do so by their pimps/traffickers. We never contact agencies as these will usually involve a third party and we want to speak to women directly, so they can tell us what they truly need and we can help them if they are in danger. We do not know if contacting them via a third party might put the women in danger if the agency becomes aware that someone is trying to help them.
8. After an outreach worker makes contact, if a woman says she does need help, they begin by trying to assist her with her immediate and basic needs such as food, warm clothes, laundry services and helping them access emergency accommodation, etc. We assist all women who need this service, whether they wish to exit prostitution or not. Many of them are in dire straits and we try to alleviate any immediate needs.
9. Once the woman’s basic needs have been met, if she asks for further help, the outreach workers will speak to her about further support and advocacy. In our experience, all the women we speak with would like to leave prostitution, but are so enmeshed in it and the impact it has had on them, that they face multiple barriers to exiting. They have often been involved in the sex trade for many years which makes them feel like they have no option or choice but to continue. I will set out some statistics from our service in further detail below, but the court should be aware that while the average age of the women we assist is 35, 74% of them report being first prostituted before they turned 16. In my view, it is unarguable that these women are victims of exploitation.
10. Once identified, support and advocacy is then provided by our in-house team, who will work with the women to break down those barriers. This can involve signposting them for legal advice, substance misuse and mental health support, helping them to access housing and welfare benefits, support around immigration status and domestic violence

issues, as well as any other challenges each woman is facing which is keeping her trapped in prostitution. Sometimes they will need help with basic things which others take for granted, such as registering for a GP and a dentist, help attending medical appointments and check-ups to deal with any health issues. Alongside that, there is a range of holistic support offered at our centre, such as acupuncture and reflexology. We also provide a counselling service, run by one of our trained and accredited volunteers. This is a well-used service. These services are available to all women who access our support.

11. By way of example, we supported a woman I will refer to as “L”. L was homeless, had no access to funds and therefore was unable to meet her own basic needs - such as food, clean clothes and washing facilities. She also had substance misuse issues. She was making choices from a place of survival as stark as to live or die. In the short term we provided L with food, clothes, a place to shower and a hot meal. We assigned L a named support worker, who helped address her substance misuse and also immediate housing issues. We then supported L to attend meetings and make phone calls for her regarding: health issues; benefits; housing; and drug/ alcohol services. This resulted in her now having secure housing and benefits which enable her to live a life free of exploitation and abuse. L’s case is not uncommon: every day we meet women who have complex needs which present as barriers to exiting prostitution and entrapment in the sex trade.
12. We also provide a prostitution specific Independent Sexual Violence Advocate (ISVA) service. This advocacy support is for women who have experienced any form of sexual violence, ranging from rape and sexual assault to sexual harassment. The ISVA will provide support around accessing a sexual assault referral centre, reporting to the police if the woman wishes to do so and any issues concerning the criminal justice system. A significant number of the women we support disclose being victims of sexual violence. Many also disclose being victims of domestic violence from their “boyfriends”, who are in reality often their pimps and insist that they “work” as prostitutes.
13. Our fourth service is provided via an Exiting and Employability Worker (EEW). They work with women usually nearing the end of their journey seeking help with us and who are in a more secure situation. They will have already been assisted with addressing all their other needs and are now ready to seek employment as a final way out of

prostitution. The EEW can support the woman with access to training courses, interview experience, placements, etc.

14. Of the women we support, 48% are exploited through on-street prostitution, 25% are in brothels, 2% in escort services and the remaining 25% are women classed as being at risk of exploitation. This latter category includes women who were previously exploited and who are now facing difficulties and so are at risk of re-entering the sex trade out of desperation, or women who are at risk of entering for the first-time, for example women who are newly street homeless. Newly street homeless women are most at risk of exploitation. They are seen as targets for men who pimp women who will prey on their vulnerability and make them “work” for them, but also for individual exploiters such as those who will offer them a place to stay for the night in exchange for sex. We try to reach those women before their potential exploiters.
15. Increasingly and now accelerated by Covid-19, it can be difficult to differentiate between on-street prostitution and other forms as women have had to adapt and advertise online. Some may then use hotels, but some still meet the men on the street. We are noticing this more and more. It is difficult to clearly differentiate between on-street prostitution and online and escort services due to this shift. It simply cannot be said that an online advert, whether via an agency or otherwise, guarantees that a woman has not, or is not still being exploited.
16. As explained above, the average age of the women we support is 35. Some of those women are now involved in street prostitution but will have previously been so-called ‘high-class escorts’. Bluntly, they will be seen as having “aged out” of that area of prostitution and had to find a different way to carry on. Even while “high class escorts” we are often informed that the women had pimps who simply move them to a different area of the sex trade to continue exploiting the women making money for them.
17. A very high number of the women we support were in care or sexually abused as children, with around 75% reporting this to us on our initial meeting. And a further 20% disclosing this as they work with us over a period of time. The women we support tell us how this adverse childhood experience has led to them ending up in prostitution.

18. Based on their own disclosures, approximately 74% of the women we support had their first experience of being sold for sex under the age of 16. It is thus not as easy to look at an adult in prostitution and say she is doing it of her own volition. Indeed it is also difficult to accurately age the women. In the 6 years I have worked at women@thewell, I have been aware of 8 women seeking our assistance who were under the age of 18. 5 of those told us they were under 18 but of the other 3 were identified as such by other women who have brought them to us to request help. Of those, I was immediately able to identify only one as under 18 as she was very young, only 14, but until they admitted it themselves, the other 2 I would not have known were under 18. They initially claimed, even to us, that they were 19 and 20, but were in fact 16 and 17, which we were not able to immediately discern. I have no doubt that they would claim the same to someone seeking to pay them for sex, or a carer seeking to engage them for the person they care for to ensure that they can be paid. Young women tend to be technologically savvy and thus many will use the internet to advertise.
19. Regardless of their age of entry into prostitution, 100% of the women we support have experienced some form of control by another person or some form of coercion and/or exploitation. A high percentage of the women have experienced or continue to experience domestic violence. Many believe that their pimp is their boyfriend and are expected to earn enough money for them or face violence. I have even experienced women at our centre seeking help and their pimp would be outside shouting at them to come out.
20. While it is rarer for women to be controlled by a group of pimps, outside of trafficking situations, we are seeing more of this, particularly in younger girls involved in county lines situations. They are passed around groups of men and made to prostitute themselves and give much of the money to the gang.
21. A very high percentage of the women we assist misuse drugs and alcohol. From our work, we see many who were started on drugs by their pimps as a form of controlling them and trapping them. Access to drugs then becomes a further tool of coercion. Some women misuse drugs and alcohol as a way of coping with what they are being forced to experience. From our experience, most women have to have sex with a stranger 10 or 15 times a day. This inevitably takes a huge toll on their physical and mental health

and they use drugs or alcohol as a way to dissociate from what they go through and numb the physical and psychological pain.

22. There are many different forms of coercion too. Some are told they can stay the night somewhere as long as they sleep with the man and the ‘choice’ is then between sleeping in the freezing cold or that. The ‘choice’ can also be between being prostituted or starving. We know many women had to keep bringing in money and risk Covid-19 for this reason. Cash and money are often the coercion. ‘Sex for rent’ is now an offence, but the women we support experience many similar forms of coercion. Issues relating to coercion and consent are clearly outlined in this Conservative Party report ‘*The Limits of Consent*’.¹

23. Of the women we support, 20% have been trafficked into the UK for the purposes of sexual exploitation. Many are victims of scams promising them work outside of the sex trade, or believe that they are in relationships with men online, who lure them to the UK only to then force them to work in prostitution. The women’s passports are taken on arrival and they become undocumented, trapping them further and making them fearful of seeking official help. Some have been told that if they do not keep earning money through prostitution for their traffickers, then their families will be attacked at home as the traffickers have their details.

24. However, the above are not the only women who have been trafficked. In fact, through our service we have found that approximately 60% of the women have been trafficked within the UK. We use the definitions with the Modern Slavery Act 2015 in assessing who has been trafficked into and/or around the UK. Women who have been moved across one or more borders for the purposes of being sexually exploited will have been trafficked into the UK. Women who are moved between premises and cities within the UK will have been trafficked internally. This would include, for instance, women who work in lap dance venues and are then driven by their pimps to other premises (so called Taxi Flats) for prostitution with those they meet in the club. This also includes women who work in ‘pop up brothels’, where they will be moved by the man controlling them

¹ //www.fionabruce.org.uk/sites/www.fionabruce.org.uk/files/2019-07/419657465-Cphrc-Consent-Report-Digital-1.pdf

between residential property short term lease locations every few weeks. Anyone paying for sex with these women would be liable to prosecution under section 53A of the Sexual Offences Act. This is a strict liability offence, and it is not a defence that the person paying them did not know they were victims of trafficking.

25. Indeed, it is very difficult to assess whether a woman has been trafficked, either into or around the UK. Very few women enter our services and disclose they have been trafficked. Many do not even realise it themselves or do not have the understanding and/or language to describe it. In the 6 years I have worked at women@thewell, I have only known 3 or 4 women to immediately disclose they are victims of trafficking. To establish if they are, we spend time gaining their trust and ask them about their situation very carefully and over a long period of time. Only through that process can we establish if they are victims of trafficking. It can often take 4-6 months before we are able to determine whether a woman has been trafficked.
26. In the most extreme instance, it took our specialist and experienced workers 12 years to determine a woman had been trafficked internationally and make a National Referral Mechanism referral. She was from a country which is not known for significant trafficking and was a very well-spoken and well-presented woman. However what we later established is that she was forced to learn certain skills and mannerisms to fly under the radar to avoid abuse from her traffickers and pimps and to avoid suspicion from authorities. She continued to hide behind these mannerisms even with those assisting her as she was fearful of being deported and found it hard to trust anyone after what she had been through. After being trafficked she was initially forced to work as a “high-class escort” and then made to work in brothels thereafter.
27. Lay people usually look for certain stereotypes in trafficked women. We know that this is not the case and that even for professionals, it can be extremely difficult to make those determinations because exploited women will have learned how to avoid detection, particularly if they are undocumented, if they are in fear of repercussions from pimps or trafficking gangs. Indeed, even the Metropolitan Police Service will sometimes ask us to help them establish if someone has been trafficked, such is the difficulty in identifying it.

28. Further, many women do not themselves realise that they have been trafficked, particularly when this is around and within the UK. One woman we supported would tell us she was travelling to different cities around the UK to visit her ‘boyfriend’. After a few months of working with her we established that the “boyfriend” was in fact a number of different pimps who would arrange for her to go to various cities around the UK and make her sell herself there for a few days.
29. I do not believe it is normally possible to tell within one meeting with a woman if she has been trafficked or exploited in some way. For the reasons outlined above, most will not give anything away initially. They have learned to avoid detection and are often performing a role. Even for a specialist service like women@thewell, while we may have a sense that there is more going on, it takes a long time to establish this formally. I simply do not believe that a carer assisting a man they care for to access a prostituted woman would be able to make this assessment, nor would the man accessing the prostituted woman given that even we can sometimes find this difficult. I believe this puts the carers and those they care for at real risk of prosecution and respectfully suggest that Hayden J was wrong to dismiss this issue by seemingly relying upon the evidence of Professor de Than alone. We work directly with women on the ground day in, day out.
30. Finally, I wish to say that from our evidence, all the women we have supported at women@thewell have experienced some form of coercion, whether that is abuse or extreme poverty, as illustrated by Melissa Farley with her academic research regarding women trapped in the sex trade and the Covid -19 pandemic. “If you ask any rational person if they’d rather take the virus, or not eat, that’s not even a thought.”²
31. Similarly to abusive relationships, women are kept in prostitution through a variety of factors. They are often victims of childhood abuse, groomed into prostitution while still underage, then trapped and controlled in so many different aspects of their lives, whether by a pimp, an addiction, years of trauma and abuse, feeling they no longer fit in society, a criminal record from prostitution or their financial situation. They are deeply entrenched and it is not as simple as saying that they are making a choice. In

² <http://logosjournal.com/2020/prostitution-the-sex-trade-and-the-covid-19-pandemic/>

fact some start by saying that they are, as it is a way of limiting the trauma they face daily. In reality they cannot just leave the sex trade and find a regular job, particularly the younger they have been exploited. It is often many of the factors trapped and controlling the women into this life, which is incredibly harmful to them.

32. Prostitution takes an enormous mental and physical toll on the women we support, including physical and mental injuries and risks of STIs and other illnesses. There is a very high risk of violence and abuse. There is also a psychological impact, which is immeasurable. Some women tell us of having to go to a different place in their minds, either by using drugs and alcohol or by fully dissociating from their bodies. The long-term impact of that is huge. That is why I consider the government has rightly followed a policy seeking to discourage and restrict prostitution and why I believe the Court should consider the public policy arguments and implications in its deliberations.

Statement of truth

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

Signed: 

Dated: 19 July 2021