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Police Station Emergencies

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3 November 2014

Mr Jeremy Corbyn	
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Dear Mr. Corbyn

Modern Slavery Bill

I am writing as one of your constituents, although I send this from my professional address.

I am a partner in Hodge Jones and Allen and a criminal defence lawyer. I am also a Deputy District Judge sitting in the magistrates' courts. I have had 25 years' experience practicing in the criminal courts.

Over the last few years I have represented a large number of sex workers who have been prosecuted for a variety of offences. Some of them have been prosecuted for 'controlling' offences, although in this area the line between working as a prostitute and managing prostitutes is a fine one. I work quite closely with the English Collective of Prostitutes and Women Against Rape. I am writing to encourage you to oppose the clause in the Modern Slavery Bill which would make the purchase of sexual services a criminal offence.

The safety of women and men working in the sex industry will no doubt be of paramount concern to you. My view, and that of those who work with sex workers (along with the women themselves), is that this measure would profoundly increase risk of violence, rape and exploitation. Assuming that this proposal does not end prostitution at a stroke, it would drive the activity underground and remove the safety measures that women now use to protect themselves. These measures include:

- working together in small groups (in fact illegal, as it is an offence to run a brothel, but to an extent tolerated)
- working from safe premises rather than on the streets
- working through 'escort agencies', the better of which vet and monitor clients
- keeping records of potentially dangerous clients (the 'Ugly Mugs' scheme)
- not seeing clients unless they provide an email address or registered mobile phone number

It seems that the two main ways in which clients currently access sexual services are through internet advertising and obvious high street 'massage parlours'. Both of these, in separate ways, provide a considerable level of security for women working from them. Both would inevitably disappear if this offence is enacted. Sex workers will become far less visible with the obvious dangers that follow from this.

The vast majority of people who work in the sex industry are not exploited, let alone trafficked. Most work entirely of their own volition and for as many different reasons as others become lawyers or members of parliament. A great many are mothers who support their children and families from their earnings, without which those families would be living in poverty either in the UK or abroad.

From a legal perspective, I would like to point out that there is considerable legislation which prevents the exploitation of people through prostitution:

- causing or inciting prostitution for gain (s52 SOA 2004)
- controlling prostitution for gain (s53 SOA)
- trafficking people for sexual exploitation (s59A SOA)
- managing or assisting in the management of a brothel (s33A SOA 1956)

These are very wide ranging laws going far beyond what is necessary to protect people from exploitation. For example, offences are committed contrary to section 53 or the brothel legislation even if all parties are entirely willing participants and no-one is being exploited.

Specifically on the point, there exists an offence of paying for the sexual services of a prostitute subjected to force (s53A SOA 2004). This is in effect a 'strict liability' offence criminalising any person who has sex with a prostitute if she is acting against her will, whether the client knows this or not. It seems that this offence directly addresses the problem which the clause of the Modern Slavery Bill identifies. It is not necessary to trample on the rights of consenting adults to engage in relationships as they please in order to address it further.

I do hope you will vote and speak against this misconceived piece of proposed legislation.

Yours sincerely

Nigel Richardson

Hodge Jones & Allen LLP