

PROSTITUTION: WHAT YOU NEED TO KNOW

BASIC FACTS

There are approximately 72,800 sex workers in the UK -- 88% are women, 6% men and 4% transgender.¹ (No research we have found distinguishes between trans women, trans men and non-binary sex workers or asked those who identified themselves as female or male whether they identified as the gender they were assigned at birth.)

Most sex workers are mothers working to support families.² 74% of off-street sex workers “cited the need to pay household expenses and support their children”. More than 70% of UK sex workers have previously worked in healthcare, education or charities.³

Prostitution is increasing because of austerity. A 60% increase in street prostitution recorded in Doncaster is primarily attributed to destitution caused by benefit sanctions.⁴ A quarter of young homeless women have engaged in sex work to fund accommodation or in the hope of getting a bed for the night.⁵ 89% of austerity cuts have targeted women. 3.9 million children in the UK are living in poverty.⁶

THE LAWS

Whilst it is legal to exchange sex for money, anything that sex workers do to contact a client is criminalised. For an explanation of the prostitution laws and sex workers' rights under them see [‘Know Your Rights an A-Z for Sex Workers’](#).⁷

The most commonly used laws are:

- Street Offences Act 1959, Section 1: Loitering or soliciting for purposes of prostitution,⁸ which criminalises the act of offering sex for money on the street.
- Sexual Offences Act 1956, Section 33: Keeping a brothel,⁹ which criminalises sex workers who work with others from premises and anyone that manages or assists in the running of a brothel.
- Sexual Offences Act 2003, Section 53: Controlling prostitution for gain¹⁰ and Sexual Offences Act, Section 52: Causing or inciting prostitution for gain.¹¹ No evidence of force, coercion or even exploitation is required to bring charges for controlling or inciting. Consequently, these laws prevent sex workers from working with others and employing a security guard, driver, assistant or anyone who could provide protection and reduce the risk of violence.
- Anti-Social Behaviour Orders (used against sex workers on the street) and Brothel Closure Orders (used to close premises)¹² are imposed on the basis of police evidence alone. Adverts placed in phone boxes have been banned since 2001.
- Criminal Behaviour Orders are given out on the basis of a suspicion of prostitution and Community Protection Notices are used against sex workers found in a designated area (defined by the Council). These civil orders also rely on police and hearsay evidence but a breach is a criminal offence punishable with prison sentences or fines up to £2,500.

- Sexual Offences Act 2003, Section 51A: Soliciting,¹³ criminalises a person who solicits another for sex in the street or a public place. Sex workers complain that this law increases their vulnerability to violence as they have little time to check out a client who is nervous of arrest.
- Sexual Offences Act 2003, Section 53A: Paying for sexual services of a prostitute subjected to force¹⁴ is used to criminalise clients of sex workers. This is a strict liability offence which means the client can get convicted whether or not he knew the sex worker was forced, and regardless of what efforts he made to find out.
- Proceeds of Crime Act 2002 has increased raids and prosecutions. Legislation gives courts the power to freeze bank accounts and seize savings and assets of people convicted for prostitution offences. The burden of proof is reversed so people have to prove that any money they have was not earned through “criminal activity”. Police and the Crown Prosecution Service keep a proportion of any money and assets seized.¹⁵
- Sexual Offences Act 2003, Section 57 to 59: Trafficking into the UK for sexual exploitation.¹⁶ A person can be convicted for trafficking under UK law for helping a sex worker come into the UK or move around within the UK – no evidence of force or coercion is needed.

IMPACT OF CURRENT LAW AND POLICY

Under the prostitution laws thousands of sex workers a year, the vast majority women, are arrested, raided, prosecuted and even imprisoned. When women are imprisoned, the impact is far-reaching — the lives of children are devastated for a start.¹⁷ Fines force women back into prostitution to get the money to pay the fine. Criminal records prevent sex workers from leaving prostitution and getting another job.

Prosecutions of sex workers on the street and in premises are increasing. For example, brothel-keeping convictions (the charge used against women working together collectively) rose from 55 in 2014 to 96 in 2015.¹⁸

The English Collective of Prostitutes regularly compiles and publishes information on prosecutions around the UK.¹⁹ The cautioning, arrest and prosecution of street based sex workers is likely to be under represented because such cases are less likely to appear in the press.

The ECP’s experience is that the prostitution laws – against sex workers and clients – are implemented in a racist way with immigrant people and people of colour being targeted for arrest. There is no UK based evidence of this that we know of but evidence from the US shows this to be true: Black people are 13.2% of the population but are 42% of all prostitution arrests.²⁰

TRAFFICKING AND DRUGS

The majority of sex workers are not trafficked or on drugs. A study of migrant sex workers found less than 6% had been trafficked, many said they “went into prostitution to escape exploitation in other jobs”.²¹ If you take into account all sex workers there is no evidence that drug use among sex workers is higher than other jobs.^{22 23} Claims that 95% of women in street prostitution are problematic drug users comes from a sample of 71 women in Bristol contacted by an outreach project in 2001 who were particularly vulnerable (2/3 of whom were homeless). Sex workers who don’t use drugs have little contact with such projects and are unlikely to be surveyed.

For more information on trafficking see ‘[Facts About Trafficking](#)’.²⁴

VIOLENCE

Sex workers face a lot of violence. Sex workers in London are 12 times more likely to be murdered than other people.²⁵ It is much safer to work indoors with others but this is illegal.²⁶

But criminalisation increases violence. Attacks on sex workers doubled in Scotland after kerb-crawling laws were introduced which criminalised clients.²⁷ A 2014 survey found that where arrests of sex workers and clients were high, only 5% of sex workers who were victims of a crime reported it. This compared to 46% of victims in areas where police adopted a harm reduction approach.²⁸ 63% of sex workers said a law which criminalises clients in Sweden created more prejudice.²⁹

LEGAL MODELS

Decriminalisation – New Zealand

Decriminalisation works. New Zealand decriminalised sex work in 2003 with verifiable success. 90% of sex workers said they had additional employment, legal, health and safety rights. 64.8% found it easier to refuse clients and 70% said they were more likely to report incidents of violence to the police.³⁰

Criminalising clients (Sex Purchase Law) – Sweden

Sweden criminalised the purchase of sexual acts in 1999, while decriminalising the sale of sexual services. Despite claims that the law has led to a decline in prostitution, there is no actual evidence of this.³¹ Under the constant threat of police interference, sex workers are forced to hurry the process of screening and negotiating with clients, resulting in increased risks. In a 2014 study 63% of sex workers said the law created more prejudice.³²

Criminalisation of sex workers and clients – US

In the US both the selling and buying of sex is criminalised. Research from New York found that 80% of street workers and 46% of indoor workers experienced violence or threats in the course of their work. Thirty percent of sex workers had been threatened with violence by police officers, while 27% actually experienced violence at the hands of police.³³

DECRIMINALISATION v LEGALISATION

Decriminalisation involves the removal of all prostitution-specific laws; sex workers and sex work businesses operate within the laws of the land as other businesses. Under legalisation the sex industry is controlled by the government and sex work is legal only under certain state-specified conditions, creating a two-tier system where the most vulnerable sex workers remain illegal and outside of the protection of the law.³⁴

CHILDREN AND YOUNG PEOPLE

The average age of entry into prostitution is 19 for women working outdoors and 22 for women working indoors. Claims that the average age of entry into prostitution is 13 years old are based on studies of young people under 18.³⁵

HEALTH

Generally, sex workers take good care of their health. Research has found high levels of condom use among sex workers³⁶ and that clients got more health education from sex workers than they did from health professionals. Criminalisation prevents sex workers from getting the health care they need. Decriminalisation could reduce new HIV transmissions by up to 46% globally over a decade.³⁷ Using possession of condoms as evidence of prostitution makes it harder for sex workers to practice safer sex.³⁸ Since police raids in Edinburgh in 2013 condom use among sex workers had fallen and the prevalence of STIs had increased.³⁹

SUPPORT FROM OTHER ORGANISATIONS

Decriminalisation is supported by prestigious organisations such as: Royal College of Nursing, Women Against Rape and internationally by Amnesty International, World Health Organisation, UNAIDS, Human Rights Watch, Global Alliance against Trafficking in Women among others.

MORE INFORMATION ON PROSTITUTION

[Decriminalisation of Prostitution: the Evidence](#)⁴⁰

[Fact and Fiction – Debunking Common Myths on Prostitution](#)⁴¹

The English Collective of Prostitutes is a self-help organisation of sex workers, working both on the street and in premises, with a national network throughout the UK. We campaign for the decriminalisation of prostitution, for sex workers' rights and safety, and for resources to enable people to get out of prostitution if they want to

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References

- ¹ Brooks-Gordon, B., Mai, N., Perry, G., Sanders, T. (2015). Calculating the Number of Sex Workers and Contribution to Non-Observed Economy in the UK for the Office for National Statistics.
- ² Home Office. (2004). Paying the Price: a Consultation Paper on Prostitution.
- ³ The Guardian, 27 February, 2015. Most Sex Workers Have Had Jobs in Health, Education or Charities.
- ⁴ The Star, 19 March, 2014. Support Bid for Doncaster's Prostitutes.
- ⁵ Crisis. (2012).
- ⁶ Child Poverty Action Group. (2016). Child Poverty Facts and Figures.
- ⁷ English Collective of Prostitutes. (2012). Know Your Rights an A-Z for Sex Workers.
- ⁸ Street Offences Act 1959, Section 1: Loitering or soliciting for purposes of prostitution.
- ⁹ Sexual Offences Act 1956, Section 33: Keeping a brothel.
- ¹⁰ Sexual Offences Act 2003, Section 53: Controlling prostitution for gain.
- ¹¹ Sexual Offences Act 2003, Section 52: Causing or inciting prostitution for gain.
- ¹² Community Safety Partnership Executive. (2010). Policing and Crime Act 2009 – Closure Order Provisions.
- ¹³ Sexual Offences Act 2003, Section 51A: Soliciting.
- ¹⁴ Sexual Offences Act 2003, Section 53A: Paying for sexual services of a prostitute subjected to force.
- ¹⁵ Broadly. 6 April, 2016. Why Sex Workers are Losing Their Homes and Life Savings in Police Raids "POCA was created in 2002 to aid the recovery of assets gained through criminal activity. Between its implementation and 2013, more than £12 million has been confiscated by the police relating to brothels, prostitution, pornography, and pimps. Of this, the police were awarded £2.26 million and the Crown Prosecution Service £1.78 million."
- ¹⁶ Sexual Offences Act 2003, Section 57 to 59: Trafficking into the UK for sexual exploitation.
- ¹⁷ The Independent, 17 September, 2012. Imprisonment Separates Around 17,000 Children From Their Mothers Every Year.
- ¹⁸ Hansard (Citation: HC Deb, 13 October 2015, c61WH).
- ¹⁹ English Collective of Prostitutes. Police Raids, Arrests and Legal Cases.
- ²⁰ U.S Department of Justice, FBI, Criminal Justice Information Services Division. Crime in the U.S, 2013.
- ²¹ Mai, N. (2009). Migrant Workers in the UK Sex Industry: ESRC Full Research Report.
- ²² Research that finds high levels of drug use among sex workers has been based on women with multiple needs. For example, one study from 2012 which found that 76% of sex workers were drug users also found 35% had mental health issues and 35% had issues with alcohol.
- ²³ Student Sex Work Study. (2016). 15.4% of students engaged in sex work reported illegal drug use.
- ²⁴ English Collective of Prostitutes. (2016). Facts About Trafficking.
- ²⁵ Boff, A. (2012). Silence on Violence. Improving the Safety of Women. The Policing of Off-street Sex Work and Sex Trafficking in London.
- ²⁶ National Ugly Mugs. (2014). found: "77% of violent incidents were experienced by street based sex workers, 11% by independent sex workers,
- ²⁷ The Scotsman, 16 April, 2008. Attacks on Prostitutes Soar After Vice 'Driven Underground' by Law.
- ²⁸ Data provided by National Ugly Mugs (UKNSWP). (2012-2015).
- ²⁹ Jakobsson, P. & Edlund, C. (2014). Another Horizon: Sex Work and HIV Prevention in Sweden.
- ³⁰ Abel, G., Fitzgerald, L. & Brunton, C. (2007). The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers.
- ³¹ Levy, J. (2015). Criminalising the Purchase of Sex: Lessons from Sweden.
- ³² Jakobsson, P. & Edlund, C. (2014). Another Horizon: Sex Work and HIV Prevention in Sweden.
- ³³ Thukral, J. & Dittmore, M. Sex Workers Project at the Urban Justice Center. (2003). Revolving Door: an Analysis of Street-based Prostitution in New York City.
- ³⁴ New Statesman, 19 October, 2015. The Difference Between Decriminalisation and Legalisation of Sex Work.
- ³⁵ For example: Eminism. (2010). and Melrose, M. (2002). Also quoted is M.H. Silbert. and A.M. Pines. (1985) where sex workers were asked when they first had sex not when they started sex work.
- ³⁶ Ward, H., Day, S. & Weber, J. (1999). Risky Business: Health and Safety in the Sex Industry Over a Nine-year Period.
- ³⁷ The Lancet. (2015). Keeping Sex Workers Safe.
- ³⁸ The Lancet. (2015). Human Rights Violations Against Sex Workers: Burden and Effect on HIV.
- ³⁹ Health, Social Care and Housing Committee. (2015). Sex Work in Edinburgh – A Harm Reduction Framework – Year One Progress Report.
- ⁴⁰ English Collective of Prostitutes. (2016). Decriminalisation of Prostitution: the Evidence.
- ⁴¹ English Collective of Prostitutes. (2015). Fact and Fiction – Debunking Common Myths on Prostitution.