

Response from English Collective of Prostitutes to the Criminalisation of the Purchase of Sex (Scotland) Bill (2).

**“The elimination of poverty must be a priority
for all those working for equal rights for women”¹
“Safety is paramount.”**

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, including in Scotland.

Since 1975 we have campaigned for the decriminalisation of prostitution, for sex workers' rights and safety, and for resources to enable women to get out of prostitution if we want to and to prevent anyone being driven into prostitution by poverty or other violence. We work with anti-rape and anti-poverty campaigners and organisations which oppose immigration and welfare policies that impoverish women to the point of destitution and make us more vulnerable to attack. We oppose anti-trafficking laws because they have been used primarily to deport immigrant sex workers, and to justify raids and prosecutions of sex workers working consensually.

We co-ordinate the Safety First Coalition which includes distinguished members like the Royal College of Nursing and Women Against Rape, and spearheaded the campaign against the 2009 Policing and Crime Act which under the cover of criminalising clients, increased the criminalisation of sex workers.

Q1: Do you support the general aim of the proposed Bill? Please indicate “yes/no/undecided” and explain the reasons for your response.

No, we do not support the general aim of the Bill and we do not accept the stated reasoning behind it.

Summary of our objection: Criminalising clients will not stop prostitution, nor will it stop the criminalisation of women who work as prostitutes. But it will make more dangerous and stigmatising for sex workers. All the evidence shows that to criminalise clients pushes prostitution more underground, thus making it harder for sex workers to get protection from rape and other violence. Since clients in Scotland were criminalised in October 2007, the number of assaults on sex workers has soared. Attacks reported to one project almost doubled from 66 in 2006 to 126 in 2007, including eight reported rapes and 55 violent assaults.² To ignore this evidence shows a total disregard for the lives of women in the sex industry.

Evidence from Sweden where clients were criminalised in 1999 also shows that discrimination and stigma against sex workers has increased, that sex workers have

¹ First US Congressionally mandated Conference on Women, 1977.

² The Scotsman, 18 April, 2008

been put more at risk of attack and are less able to call on the protection of the police and the authorities:

“We have also found reports of serious adverse effects of the Sex Purchase Act – especially concerning the health and well-being of sex workers – in spite of the fact that the lawmakers stressed that the law was not to have a detrimental effect on people in prostitution.”³

Where is the outrage at the fact that *“a quarter of single mothers in Sweden now live in poverty, compared to 10% seven years ago.”*

There is no mention in this proposal of looking into the decriminalisation of prostitution, rather than legalisation. Decriminalisation was introduced in New Zealand in 2003 with verifiable success. The New Zealand Prostitution Reform Act is a good basis for any serious change in prostitution law and policy. It removes prostitution from the criminal law, allows people to work together collectively, and distinguishes between consenting sex and violence and exploitation. Crucially, it has been shown to improve sex workers’ working conditions, while making it easier for those who want to get out, to do so.[2] Why is New Zealand being ignored?

A summary of the difference between decriminalisation (New Zealand) and legalisation (Netherlands) is [here](#).

We object to statements made by Rhoda Grant MSP in proposing this bill such as:

“Prostitution impacts negatively on society.”

Thirteen Scottish councils have wards where more than 30% of children live in pockets of severe poverty. The worst areas were main cities including Glasgow, Edinburgh, Dundee, Fife, Aberdeen and Stirling. Is the impact of child poverty really less than the impact of women selling sex to ensure that our kids can eat? With rising poverty and the urgent economic need women are facing, have women politicians nothing better to do than to attack sex workers? Those who rage against prostitution have not a word for mothers struggling to feed their families.

Ms Grant also stated: *“No individual in a 21st century Scottish society should be subject to inequality, abuse or exploitation.”*

We agree with that. But why target the sex industry when so many women, particularly mothers, are dependent on the income they earn from prostitution to survive and put forward proposals that will make sex workers more vulnerable to violence? Sex workers are not the only workers to suffer from inequality, abuse and exploitation, and all these would be lessened if prostitution was decriminalised and workers could insist on their rights rather than have to take it because otherwise they’ll be arrested.

³ The Swedish Sex Purchase Act: Claimed Success and Documented Effects, Susanne Dodillet & Petra Östergren

Domestic workers suffer similar “inequality, abuse and exploitation” – their conditions around the world are often likened to near slavery, yet no-one would sensibly propose people who employ them are criminalised. Domestic workers have campaigned for recognition as workers, and recently won an ILO convention which establishes a number of basic entitlements; they are campaigning for governments to ratify it – the UK government has refused so far.

Faced with no benefit or job, or only the lowest-waged jobs, many women will sell sexual services. 70% of sex workers are mothers. Home Office figures show that “74% of off-street sex workers “cited the need to pay household expenses and support their children”. Are we less degraded when we have to skip meals or beg in order to feed our children; stay with a violent partner to keep a roof over our heads; or work 40 hours a week for under £5 an hour to pay our bills? Is it surprising that many women would rather make three times as much working part-time in a brothel and have time to look after their children? Since student fees were raised, many more women students are paying for their education by working in the sex industry. If governments are offended by the work we do, they should stop welfare reform, abolish student fees, reinstate resources for women fleeing domestic violence and bring in pay equity.

Virginia Woolf wrote that some other kinds of work were more destructive to society than sex work.

“ . . . To sell a brain is worse than to sell a body for when the body seller has sold her momentary pleasure she takes good care that the matter shall end there. But when a brain seller has sold her brain, its anaemic, vicious and diseased progeny are let loose upon the world to infect and corrupt and sow the seeds of disease in others.”

“I believe that prostitution in Scotland is a form of violence against women and sexual exploitation.”

Prostitution is the consensual exchange of sexual services for money. It is not illegal. Sex workers, like any other human being, have always distinguished between the sex we consent to (for money or not), and that which violates our bodies and our will.

This is a two-pronged attack on women, led by an unholy alliance of feminist politicians and Christian fundamentalists who object to prostitution just as they object to gay marriage. Until recently gay sex was criminalised just like prostitution. Why are governments which support gay marriage, criminalising consenting sex for money? There are many reasons why people have sex and one of them is money. It is time prostitution was decriminalised like gay sex has been.

“Prostitution is harmful to those who are exploited.”

That can be said of any job and workers who feel exploited would definitely agree that their job is harmful to them. But why single out prostitution? While many sex workers (like many other workers) would undoubtedly prefer another job. They also point to the fact that sex work is often better paid than most of the low-waged jobs available to women. A sex worker in our network commented:

Nine out of 10 women turn to prostitution or lap dancing to get money to survive. I work with students, mothers and all kinds of other women. Recently my mum couldn't afford a pair of school shoes for my brother. When I worked a day job I couldn't help her, but now I can. We are not ashamed of what we have to do to survive. But we are furious that those who claim to know what's best for us are ready to see us starve as long as we keep our clothes on, or put us in prison when we take them off.

Another has this to say about other jobs available:

I tried leaving prostitution and worked in a chicken factory for a while. But I found it too upsetting. I'd rather earn my living working on a street corner.

“The majority of those who are involved in prostitution are unwilling participants.”

Claims that “80% of women in prostitution are controlled by traffickers”⁴ have been thoroughly discredited, most recently in the Guardian’s extensive investigation ‘Prostitution and trafficking – [the anatomy of a moral panic](#),’ 20 Oct 2009.⁵ London’s Met Police got half a million pounds to trace and deal with the **thousands** of victims **predicted by them to be** brought to the UK during the 2012 Olympics. Afterwards they commented that *“Although London’s Met Police are investigating one case of trafficking for sexual exploitation linked to the Olympics, there was no rise in trafficking directly connected to the event.”*⁶

Racism against women from poorer countries is behind the labelling of immigrant sex workers as victims of trafficking. [Research](#) by the Poppy Project found *“of approximately 8,000 women involved in off-street prostitution in the capital, 80% were foreign nationals.”* Based on this figure the researchers went on to say: *“The Project believes that a large proportion of foreign national women are likely to have been trafficked.”* (Poppy Project memorandum to Home Affairs Committee, 2004). This research was condemned as having “serious methodological limitations: ([A Question of Consent? Sexual Slavery and Sex Work in the UK, 2009](#))

“Just because we are foreign doesn’t mean we are forced”, is what immigrant women in our network said.

STATISTICS USED TO JUSTIFY THIS PROPOSAL ARE FALSE OR MISLEADING

⁴ For example, former Solicitor General, Vera Baird MP, Woman’s Hour, 15 January 2008

⁵ Prostitution and trafficking – the anatomy of a moral panic, Guardian 20 October 2009

⁶ Reuters, 28 November 2012 (<http://blogs.reuters.com/the-human-impact/2012/11/28/london-olympics-the-sex-trafficking-event-that-wasnt/>)

“Most sex workers enter prostitution as children.”

This assertion is extrapolated from two pieces of research. One is a [25 year old sample of 20 street workers](#). 75% were aged 17 years or under at the time of their initial involvement in street prostitution, and 40% were 15 years or under.

The other [survey](#) was of 46 sex workers who ALL started working in the sex industry BEFORE THEY WERE 18. Of those under eighteen year olds, fourteen was the average age of entry into the sex industry. Ask the 70% of sex workers who are mothers, working in all areas of the sex industry, how old they were when they started and you would get a very different answer.

Why didn't the proposer of this bill highlight the key thrust of this research?

“In order to tackle the causes of child prostitution, there is a need to tackle the poverty of the communities from which these young people so often come. . . . there is a need to provide them with attractive opportunities in the formal labour market, as well as to restore welfare benefits and educational grants to young people.”
(Adams et. al 1997).

Children's charities have for a long time said that *“Because the Social Security Act 1986 and Housing Act 1988 deprived 16-18-year-olds of benefits, teenagers are forced to take desperate measures”*⁷ Why not campaign for these benefits to be reinstated and against other cuts which will force more young people into destitution.

“45% of women in prostitution report experiencing familial sexual abuse.”

How many nurses, office workers, factory workers, teachers, or women in other jobs have been abused within the family? And what sense does this claim make without this comparison? Considering that two women are killed a week by their partner or ex-partner we can guess that the proportion of women generally who suffer abuse within the family is high. If anyone claimed that women became nurses because they were abused as children they would rightly be ridiculed. Yet prostitution is presented as a job only fit for “damaged” people and a connection of this kind is made without challenge.

“70% of prostitute women have spent time in institutional care.”

There is no evidence provided to back up this claim but if this is true then why not look at the relationship between childhood abuse, poverty and institutional care? Or is it too inconvenient to blame State policies for violence and neglect? Children leave care without any economic or other support – they are just dumped. Is it surprising if some end up working as prostitutes to support themselves?

A study by NCH Action for Children found that one third of all children who ran away were in local authority care at the time. *“The string of sexual and physical abuse*

⁷ Community Care, 20 May 2000

cases centering on children's homes during the previous decade suggests one reason why many children abscond."⁸ For some young people, prostitution is a way of escaping rape and violence in the home and in institutions. If more focus was put on dealing with this abuse, less young people would end up on the streets.

The lack of action against Jimmy Savile and against related allegations of rape, sexual assault and other violence, from Jersey to North Wales, as well as recent "grooming" cases, where girls, many of those in care, were raped for years despite repeatedly reporting to police and social services, prove that children and young people's safety is rarely the priority by the authorities.

"One study found that out of 115 women involved in street prostitution 81% of them experienced violence and 48% of indoor prostitutes questioned, experience violence from purchasers."

We do not dispute that prostitute women suffer high levels of rape and other violence. Since 1975, we have been highlighting the ways in which criminalisation increases sex workers' vulnerability to rape, exploitation and other violence. In 2007, in response to the tragic murders of five young women who worked as prostitutes on the streets of Ipswich, we initiated Safety First, a coalition which includes bereaved mothers; residents of red-light area; anti-rape and anti-poverty organisations; drug and prison reformers; probation officers; trade unionists; nurses and other medical professionals; church people; students; academics; lawyers.

Sex workers are systematically denied protection by the police and courts. Violent men target sex workers knowing that most fear being exposed because we risk of being prosecuted, losing custody of children, losing any other job we may have, being evicted, ostracised by family and friends, and being deported. The ECP has fought a number of cases (see recent example [here](#)) where women reported serious attacks to the police and were themselves prosecuted or threatened with prosecution while their attackers went free. Reports of violence have dropped dramatically as a result, and violent gangs have been left to operate with impunity.

Recent research from Vancouver found that: *"The persistent relationship between enforcement of prostitution and drug use policies (e.g. confiscation of drug use paraphernalia without arrest, and enforced displacement to outlying areas) suggests that criminalization may enhance the likelihood of violence against street-based female sex workers"*⁹.

"Problematic drug use is linked to those involved in prostitution."

Assertions that a high percentage of sex workers are Class A drugs users come from figures provided by Home Office funded projects whose main constituency is women

⁸ Community Care, 22 May, 2000

⁹ "Prevalence and structural correlates of gender based violence among a prospective cohort of female sex workers" Kate Shannon, assistant professor, T Kerr, assistant professor, S A Strathdee, professor and chair, J Shoveller, professor, J S Montaner, professor and director, M W Tyndall, associate professor, BMJ 2009; 339:b2939, bmj.com

who work on the streets and who use drugs. Women who work on the street and do not use drugs, rarely use these projects on which figures are usually based. They do not need the services on offer and do not want to compromise their anonymity for the sake of free condoms. Figures on drug use imply that sex workers have a unique problem with drug addiction. No comparison is made with people in other jobs. Yet addiction to different types of drugs is widespread – it is well-known that a high proportion of artists, doctors and journalists, to name but a few, are regular drug users.

“Disruption to the sex industry is crucial to tackling commercial sexual exploitation and human trafficking.”

Trafficking is not about prostitution but about poverty, immigration and asylum. Many women from poorer countries come to work in the UK in the hope of improving theirs and their children’s lives. Others are asylum seekers fleeing war or persecution who have been left without support, yet prevented from working legally. How can they survive except by begging or working illegally, including in prostitution? The debt immigrants incur in order to get here and the destitution asylum seekers face, combined with the fear of deportation, lays them open to exploitation. Whether in the sex industry, agricultural, domestic or other service work, [exploitation is rife](#). (‘Modern slavery – the reality,’ Guardian, 12 Sept 2011)

Victims of trafficking are not being helped. Despite government claims about prioritising trafficking, most victims get no protection. A parliamentary inquiry found they are frequently deprived of “*protection, access to services and justice*” and “*treated as immigration offenders facing detention and removals*.”¹⁰ Child victims, forced to work as servants, recently got compensation because the police systematically refused to investigate the horrific abuse they suffered.¹¹

Creating fair working conditions and ending abuses in low-wage industries will ultimately do far more to end trafficking in persons and protect the human rights of workers in vulnerable situations.

Conclusion and recommendations:

- The Criminalisation of the Purchase of Sex (Scotland) Bill (2) should be dropped. Criminalising sex workers’ clients will push prostitution more underground and make it harder for sex workers to get protection from rape and other violence. Criminalising clients will make more dangerous and stigmatising for those of us who work as prostitutes.
- Serious consideration should be given to the New Zealand Prostitution Reform Act 2003 as a model for decriminalising prostitution in the UK.
- Prevent women being trapped in prostitution by fines and criminal records by repealing loitering and soliciting laws along with those laws which criminalise

¹⁰ Joint Committee on Human Rights report on Human Trafficking, 2005

¹¹ URL: <http://www.bailii.org/ew/cases/EWHC/QB/2011/1246.html>

women working together in premises. Expunge all criminal records for prostitution offences that do not include force or coercion.

- Sex workers should be able to work together more safely from premises and the laws on brothel-keeping and closure orders should be abolished.
- The law should target abuse and violence rather than women working consensually and collectively.
- Anti-trafficking laws must target abuse and violence, and not be used to deport immigrant sex workers or the people we choose to associate with.
- Recognise sex workers as workers with rights like other workers, including the right to safety, to a pension, to form and join trade unions.
- Instruct the police and courts to prioritise safety by vigorously investigating and prosecuting rape, sexual assault, domestic and other violence. Non consenting sex is a serious violent crime. Criminalisation increases prostitute women's vulnerability to violence: many will not report for fear of being dismissed or even arrested. As numerous cases of serial rape and murder made clear, no woman is safe if prostitute women aren't safe.
- Ensure free, accessible, non-discriminatory health services for all. The Royal College of Nursing supports decriminalisation on grounds of removing any obstacle to health service delivery.
- The Scottish Parliament has demonstrated understanding and leadership in tackling poverty and defending people's right to free healthcare and education, housing, and other resources. Throughout the UK, those of us who are fighting increasing poverty and criminalisation look up to Scotland. The **Welfare Reform (further provision) (Scotland) Bill** which refuses to implement the Welfare Reform Bill 2012 and other cuts in benefits, housing and other life-saving services, has set an example. Why not build on that rather than add to the burden of criminalisation mothers and others on low incomes will inevitably face if prostitution is further criminalised?
- Provide viable economic alternatives to prostitution for those who want to get out, including: refuge places and other targeted assistance for women to escape domestic violence; immediate weekly cash payments comparable to what was provided in Ipswich at the time of the 2005 murders to cover the transitional period until women are able to get benefits or another form of employment; housing priority for sex workers who are "vulnerable" because of homelessness, drug use, domestic or other violence; financial help to cover childcare costs; financial help to clear debt; immediate and appropriate drug rehabilitation services for those who want them.
- Financial recognition for mothers and other carers, and pay equity for those who go out to waged work. Seventy percent of prostitute women are mothers. Mothers are the lowest paid workers. Financial support, and equal pay for work of equal value would help many, especially single mothers, stay out of prostitution.

- Reinstating benefits to under 18 year olds, recognised by children's organisations and charities as the single most important measure to prevent young people being forced into prostitution by poverty.
- Ensure that sex workers and sex workers' organisations are central to the process of changing the law.
- Recognise and measure the contribution sex workers make to the survival of families, communities and the economy of every country by including this work in national accounts as the System of National Accounts recommends.

Finally, have some humility, hear what sex workers have to say for ourselves rather than assume that others know 'what's good for them'.