

# PROSTITUTION: WHAT YOU NEED TO KNOW

Produced by the English Collective of Prostitutes

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## BASIC FACTS

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**There are approximately 72,800 sex workers in the UK** -- 88% are women, 6% men and 4% transgender.<sup>1</sup> (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.**<sup>2</sup> 74% of off-street sex workers “cited the need to pay household expenses and support their children”. 4 million children in the UK are living in poverty<sup>3</sup> and 1 in 5 low income mothers are skipping meals to feed their children.<sup>4</sup> More than 70% of UK sex workers have previously worked in healthcare, education or the voluntary sector.<sup>5</sup>

**Prostitution is increasing because of austerity.** A 60% increase in street prostitution recorded in Doncaster is primarily attributed to destitution caused by benefit sanctions.<sup>6</sup> 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.<sup>7</sup> 86% of austerity cuts have targeted women.<sup>8</sup>

## THE LAWS

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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](#).<sup>9</sup>

The most commonly used laws are:

- Street Offences Act 1959, Section 1: Loitering or soliciting for purposes of prostitution,<sup>10</sup> which criminalises the act of offering sex for money on the street.
- Sexual Offences Act 1956, Section 33: Keeping a brothel,<sup>11</sup> 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 gain<sup>12</sup> and Sexual Offences Act, Section 52: Causing or inciting prostitution for gain.<sup>13</sup> 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)<sup>14</sup> and Brothel Closure Orders (used to close premises)<sup>15</sup> 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,<sup>16</sup> 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 force<sup>17</sup> is a strict liability offence which means a 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 (POCA) 2002<sup>18</sup> 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 (18% respectively)<sup>19</sup> of any money and assets seized.<sup>20</sup> Prosecutions for brothel-keeping and other prostitution charges have risen since POCA indicating that police profiteering is fuelling raids and arrests.<sup>21</sup>
- Sexual Offences Act 2003, Section 57 to 59: Trafficking into the UK for sexual exploitation.<sup>22</sup> 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

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Under the prostitution laws thousands of sex workers a year, the vast majority women (cis and trans), are arrested, raided, prosecuted and even imprisoned. A 2008 study found that approximately 50% of street-based sex workers had been through the criminal justice system.<sup>23</sup> When women are imprisoned, the impact is far-reaching — the lives of children are devastated for a start.<sup>24</sup> 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.<sup>25</sup>

The English Collective of Prostitutes (ECP) regularly compiles and publishes information on prosecutions around the UK.<sup>26</sup> 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 make up 42% of all prostitution arrests.<sup>27</sup>

## TRAFFICKING AND DRUGS

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**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 prefer working in the sex industry rather than the “unrewarding and sometimes exploitative conditions they meet in non-sexual jobs”.<sup>28</sup> But even in situations where someone is facing violence and exploitation it is rare for them to see themselves as a

“victim”. More often they are planning and organising to escape and/or fighting to improve their working conditions and claim their rights. For more information on trafficking see [Trafficking Briefing](#).<sup>29</sup> Claims that over 95% of women in street prostitution are problematic drug users comes from a 2004 study of 71 women, contacted through an outreach project in Bristol, who were particularly vulnerable (2/3 were homeless).<sup>30</sup> Sex workers who don't use drugs have little contact with such projects and are unlikely to be surveyed. There is no evidence that drug use among sex workers is higher than other jobs.<sup>31</sup>

## VIOLENCE

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**Sex workers face a lot of violence.** A global systemic review of violence against sex workers reported that 45-75% of sex workers experienced workplace violence over a lifetime.<sup>32</sup> It is much safer to work indoors<sup>33</sup> with others but this is illegal.

**But criminalisation increases violence.** Attacks on sex workers doubled in Scotland after kerb-crawling laws were introduced which criminalised clients.<sup>34</sup> 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.<sup>35</sup>

## LEGAL MODELS

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### Decriminalisation – New Zealand

Decriminalisation increases sex workers' safety and well-being. New Zealand decriminalised sex work in 2003 with verifiable success. Over 90% of sex workers said they had additional employment, legal, health and safety rights.<sup>36</sup> One important measure of this is that prior to decriminalisation 47% of brothel workers had refused to see a client in the previous 12 months, after decriminalisation 68% of brothel workers had done this.<sup>37</sup> 70% said they were more likely to report incidents of violence to the police.<sup>38</sup>

### Criminalising clients (Sex Purchase Law) – Sweden

Sweden criminalised the purchase of sexual acts in 1999, while decriminalising the sale of sexual services. Evidence shows that since its enactment, the law has not improved—indeed, it has worsened—the lives of sex workers.<sup>39</sup> Despite claims that the law has led to a decline in prostitution, there is no actual evidence of this.<sup>40</sup> 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.<sup>41</sup>

### 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.<sup>42</sup> In a 2015 study, nearly nine out of 10 (86%) of trans sex workers who interacted with the police reported being harassed, attacked, sexually assaulted, or mistreated in some other way by police.<sup>43</sup>

## DECRIMINALISATION v LEGALISATION

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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.<sup>44</sup>

## CHILDREN AND YOUNG PEOPLE

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**The average age of entry into prostitution is 19 for outdoor workers and 23 for indoor workers.**<sup>45</sup> The claim that 75% of sex workers became involved in prostitution as children is false. It comes from small surveys (e.g. 30)<sup>46</sup> of street-based women and is not representative of the sex industry as a whole. In one often cited study, the participants were chosen because they were all under 18 when they entered prostitution.<sup>47</sup>

## HEALTH

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Generally, sex workers take good care of their health. Research has found high levels of condom use among sex workers<sup>48</sup> and that clients got more health education from sex workers than they did from health professionals. Criminalisation and the stigma associated with prostitution prevents sex workers getting appropriate health care. A 2007 study found that 62% of street sex workers and 90% of parlour workers had not disclosed their work to their GP.<sup>49</sup> Decriminalisation could reduce new HIV transmissions by up to 46% globally over a decade.<sup>50</sup> Using possession of condoms as evidence of prostitution makes it harder for sex workers to practice safer sex.<sup>51</sup> Since police raids in Edinburgh in 2013 condom use among sex workers had fallen and the prevalence of STIs had increased.<sup>52</sup>

## SUPPORT FROM OTHER ORGANISATIONS

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**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

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[Decriminalisation of Prostitution: the Evidence](#)<sup>53</sup>

[Fact and Fiction – Debunking Common Myths on Prostitution](#)<sup>54</sup>

**The English Collective of Prostitutes is a self-help organisation of sex workers, working both on the street and in premises. 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.**

# References

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  - <sup>17</sup> Sexual Offences Act 2003, Section 53A: Paying for sexual services of a prostitute subjected to force. Available [here](#).
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  - <sup>20</sup> Between 2002 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.” Broadly. 6 April 2016. Available [here](#).
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  - <sup>34</sup> The Scotsman, 16 April 2008. Available [here](#).
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  - <sup>37</sup> “There has been a remarkable shift in the balance of power between workers and brothel operators in the last 10 years. Sex workers are more able to refuse a client without management interference. Research carried out prior to decriminalization reported that 47 per cent of brothel workers had refused to see a client in the previous 12 months, yet research done after decriminalization has reported that 68 per cent of brothel workers had done this (Abel, 2010). Sex workers are utilizing their rights and have more freedom to govern their own sex work.” Abel, G. (2014). A Decade of Decriminalization: Sex Work 'Down Under' but not Underground. Available [here](#).
  - <sup>38</sup> Ministry of Justice. (2008). Report of the Prostitution Law Review Committee on the Prostitution Reform Act 2003. Available [here](#).
  - <sup>39</sup> Global Commission on HIV and the Law. (2012), Risks, Rights & Health. Available [here](#).
  - <sup>40</sup> Research by The Nordic Institute for Women’s Studies and Gender Research that found a decrease in men saying they buy sexual services from 14% (1996) to 8% (2008), is unreliable because buying sex was not criminal in 1996 so there were fewer reasons for men to lie. The Swedish National Board of Health and Welfare found it was “difficult to discern any clear trend” up or down (2007). Evidence of an increase in Thai massage parlours in Stockholm is ignored (RPS Rapport, 2012). Plus: Levy, J. (2015). Criminalising the Purchase of Sex: Lessons from Sweden. Available [here](#).
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