



# ENGLISH COLLECTIVE OF PROSTITUTES

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## **Inquiry into trafficking for sexual exploitation, August 2019**

### **1. Name and organisation (if relevant)**

English Collective of Prostitutes (ECP)

The ECP is a self-help organisation of sex workers, working both on the street and in premises, with a national network throughout the UK. 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 they want to.

### **2. What impact do current laws relating to prostitution and modern slavery have on the scale and nature of trafficking for sexual exploitation into and around England and Wales?**

The prostitution laws which make it illegal for women to work together put sex workers in greater danger of attack and make it harder to escape exploitation, abuse and all kinds of violence including trafficking. Some of the women in the English Collective of Prostitutes' have been trafficked into sexual exploitation – that is were brought to the UK, held against their will and threatened or coerced to provide sexual services for somebody else's profit. In every case the women didn't escape from that situation by others, they escaped through their own ingenuity, courage and organising skills -- the prostitution laws hindered those efforts.

Example: a woman who was brought to the UK from Ukraine was promised work in a restaurant but when she arrived, she was taken to a flat in London, beaten and forced to have sex with men. She escaped by recruiting help from the receptionist in the flat where they worked, who hid some money. She faked illness and ran away when the men left her alone with the receptionist. She was told by another woman about the women's centre where the ECP is based. She refused to go to the police because she didn't want to be sent back. We tried for days to find emergency housing and eventually found her a place to stay with one of our supporters. She got a job as a stripper so she could rent her own place. The truth is that the receptionist risked arrest for helping this woman. If she had gone to the police about a woman that she saw being abused she could have been prosecuted for brothel-keeping or controlling prostitution.

We have many similar examples from women in our network. Another woman helped her workmate escape. She was followed home and had a gun put to her head. She couldn't report this because she was working with other women and their workplace is therefore classed as a brothel.

Sexual exploitation is defined in the Modern Slavery Act as something done to someone in the commission of an offence under Part 1 of the Sexual Offences Act 2003. This Section includes the offence of brothel-keeping and controlling – two offences which do not require force or coercion to be proven and which are most often used against women working together consensually. So, either brothel-keeping and controlling legislation should be amended to ensure that force and coercion is needed to prove the offence, or they should be removed from the list of offences which count as sexual exploitation under the Modern Slavery Act.

Anti-trafficking laws are rarely used to protect victims and prosecute offenders. In our experience they are primarily used to target immigrant sex workers for raids and deportations. This hasn't changed since the Modern Slavery Act.

Example: In December 2013, 250 police officers, with the stated aim of saving victims of “[rape and human trafficking](#)” broke down doors, handcuffed women and dragged at least one woman out in her underwear to the waiting media. No victims were found, but immigrant women were taken against their will to a so-called “place of safety” and then, when they insisted they were working independently, dumped onto the street in the middle of the night.

We work with the [All African Women’s Group](#) and some of their members have reported being trafficked. If they are lucky, they went into the National Referral Mechanism for a year. Most got threatened with deportation at this early stage. Women are frequently not told by specialist anti-trafficking organisations like Hestia that they can apply for asylum in order to stay safely long term in the UK. As a result, victims of trafficking face deportation when their year in the NRM is up. Three women were helped to resist their removal notice and win asylum by [Black Women’s Rape Action Project](#) (BWRAP) and [Women Against Rape](#) (WAR).

We are currently working with a woman who was trafficked to the UK as a very young person and forced first of all into domestic labour and then prostitution. Outrageously, when she applied for asylum she was disbelieved and refused.

Evidence for Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Prevention Risk Orders (STROs) can be as little as involvement in managing premises where sex workers are working or where a closure order has been granted on the basis of a *suspicion* that an offence of exploitation has been committed. Neither offence require proof of force or coercion so these civil orders can be used against women involved consensually in sex work. This inquiry should investigate and publicise how many STOP and SPRO have been applied for and granted and ensure that the figures are disaggregated by gender.

### **3. How could the Government improve the laws to reduce trafficking for sexual exploitation?**

Decriminalisation of sex work would enable women to come forward to report rape and other violence including trafficking. It would remove the laws that criminalise our workplaces and any association between women and enable sex workers who witness co-workers who are being threatened, abused and forced to work, to come forward to the authorities.

Decriminalising sex work has been introduced in New Zealand with [verifiable success](#) -- over 90% of sex workers said they had additional employment, legal, health and safety rights. The percentage of sex workers who felt able to refuse clients – a key marker of exploitation — went up from 47% (a year before decriminalisation) to 68% after decriminalisation. 70% said they were more likely to report incidents of violence to the police. Police now take reports of violence more seriously.<sup>i</sup>

In the UK decriminalisation could be introduced by implementing the Home Affairs Select Committee [recommendation](#) that: “. . . the Home Office change existing legislation so that soliciting is no longer an offence and so that brothel-keeping provisions allow sex workers to share premises” and that legislation should be drafted to provide for the “*deletion of previous convictions and cautions for prostitution from the record of sex workers.*” Over 11,500 people have signed our [Government petition](#) calling for the implementation of these recommendations.

Police priorities have to change. Traffickers escape prosecution not because of a lack of applicable laws, but as with domestic violence and rape, because protecting women is not the priority. The most recent figures show that only [1.5 per cent of almost 59,000 reported rapes are now resulting in a prosecution](#). BWRAP and WAR commented recently that: “Rape and domestic violence terrorise women daily, yet perpetrators can count on [almost complete impunity](#).” Any attempt to reduce trafficking has to address the appalling treatment of victims of violence generally.

The May 2019 report of the first stage of this Inquiry said it intends to work with the All-Party Parliamentary Group on Prostitution and the Global Sex Trade on the issue of a “sex-buyer law”.<sup>ii</sup> The APPG is deeply biased. Why don’t you work with us instead? We can guarantee that we know more about prostitution and the impact of the laws.

Criminalisation of sex workers' clients makes it more difficult and [dangerous for sex workers](#). The Inquiry should be deeply concerned about this. Frank Field MP knows well from the evidence to the Work and Pensions Committee the intolerable poverty suffered by many women, particularly mothers, as a result of austerity cuts and Universal Credit and how that has increased prostitution. To further criminalise one of the few ways that some of us have found to feed ourselves and our families is callous and inexcusable.

After Ireland's sex purchase law was introduced, reported incidences of [violent crime against sex workers rose by almost 50%](#). Sex Workers Alliance Ireland commented: "The Nordic Model has been in effect in Northern Ireland since 2015 and [it has not reduced the amount of trafficking in Northern Ireland](#). In fact, [trafficked victims are prosecuted there](#)."

In France, a two-year evaluation of the law found 42% of sex workers were more exposed to violence.<sup>iii</sup> In Norway, forced evictions, prosecutions and increased stigma against sex workers are prevalent with migrant workers particularly targeted.<sup>iv</sup>

An effective anti-trafficking strategy has to look at the reasons that women decide to cross international borders. Trafficking is enabled by poverty and women's determination to escape it. And it is enabled by the hostile immigration environment which makes it impossible for women to migrate unaided. Once in the UK, sex work can be the best or only option to prevent destitution.

We work closely with Empower, a sex workers collective in Thailand. They comment: "*Supporting a family means earning money. It is often only possible to earn enough if we go to work in a richer area or country, like Thailand. We don't want to break laws but would rather take the risk to migrate, than accept the poverty our families are supposed to live in.*"<sup>v</sup>

The UK government policy of waging wars which shatter and impoverish countries forcing people to flee is a policy of enabling and promoting trafficking and must be addressed.

Ensuring that women have access to money and resources so that they can feed themselves and their families would make them less vulnerable to those ready to exploit them. This includes a living wage for all, including mothers and other carers.

Addressing exploitation, abuse and trafficking in the sex industry should be tackled in the same way as it is in other industries as demonstrated by our [research](#).

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<sup>i</sup> Ministry of Justice. (2008). Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003

<sup>ii</sup> Independent Review of the Modern Slavery Act, May 2019. Para 39, p20. [https://www.business-humanrights.org/sites/default/files/documents/Independent\\_review\\_of\\_the\\_Modern\\_Slavery\\_Act\\_-\\_final\\_report.pdf](https://www.business-humanrights.org/sites/default/files/documents/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf).

<sup>iii</sup> Medecins du Monde. (2018). What do sex workers think about the French Prostitution Act? [http://www.sexworkeurope.org/sites/default/files/userfiles/files/EN\\_synthesis\\_SW\\_final\\_2.pdf](http://www.sexworkeurope.org/sites/default/files/userfiles/files/EN_synthesis_SW_final_2.pdf)

<sup>iv</sup> Amnesty International. (2016). The Human Cost of 'Crushing' the Market: Criminalization of Sex Work in Norway. <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>

<sup>v</sup> Submission to the CEDAW Committee re: General Recommendation on Trafficking in Women & Girls in the context of Global Migration, 2019.