

The English Collective of Prostitutes response to APPG on Prostitution inquiry into ‘pop-up’ brothels

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Summary

- 1 **“Pop-up brothels” are not a new tactic by criminals to exploit women, as implied by this Inquiry.** They are the direct result of police raids and closure orders which force sex workers to keep moving premises.
- 2 **Closures undermine sex workers safety** as it prevents sex workers implementing security procedures such as: installing CCTV, building up a regular client base, familiarising yourself with the local area.
- 3 **Rape and other violence against sex workers is best addressed by effective investigations and prosecutions of the crimes sex workers report.** The ECP is contacted by scores of sex workers a year who suffer rape, robbery and other violent attacks and when they report, face police hostility and indifference and/or are threatened with prosecution themselves.
- 4 **Underpinning this Inquiry is the false assumption that sex work is uniquely exploitative compared to other jobs.** Yet there is no evidence to substantiate this. Our soon to be published research shows that levels of exploitation in other jobs traditionally done by women are often higher than in sex work. Exploitation should be defined and tackled in the same way as it is in other industries by strengthening trade union rights and empowering workers and prosecuting abusive employers.
- 5 **If the rise in prostitution is to be stemmed, austerity and its disproportionate impact on women, must be addressed.** Policies such as benefit sanctions which have increased destitution and pushed people of all genders (but particularly women and particularly mothers) into sex work must be abolished. To criminalise an industry without giving the workers viable financial alternatives is to exacerbate the dangers some politicians claim they want to prevent.
- 6 **The Home Affairs Select Committee recommended decriminalisation of sex workers on the street and in premises,** in particular the right to work with others for safety. Implementation of these recommendations should be the priority for parliamentarians and the government.

Q: The scale and nature of the practice:

1. “Pop-up brothels” are just one of the diverse ways sex workers work: outside, inside, self-employed, on our own or collectively with others, engaged in an employer-employee relationship, part-time or full-time. They are not a new phenomenon; they've just been rebranded in a way that is fuelling a moral panic.
2. “Pop-up brothels”, that is short term lets, have increased partly in tandem with a general increase in prostitution because of rising poverty. But increased raids and closures have also caused more “pop-up” brothels as women working in established premises are forced to move from place to place by the threat of prosecution.
3. Sex workers face increased hostile policing: “We face saturation policing but no protection” is how one woman put it. Letters stating: “any female at this address now, who is found at this

same address in the future, is VERY LIKELY to be arrested [for brothel-keeping]" have been distributed widely by police to flats all around the country.

4. The ECP gathers information regularly from our UK wide network about arrests and raids.ⁱ We found that during May to Sept 2017ⁱⁱ there were closure orders against premises in six areas; over a hundred cautions and civil orders issued; police crackdowns on street workers in seven areas; 12 people arrested for prostitution or related offences; nine people facing deportation after arrests. This is just the tip of the iceberg, but even so, these figures show that significant police time and resources are going into the policing of prostitution, that is consenting sexⁱⁱⁱ between adults.
5. Most brothels are small self-help ventures not big exploitative establishments. By law two sex workers sharing premises to work constitute a brothel. Many women prefer to work in small self-run brothels because they offer greater safety, companionship and lower running expenses. Many sex workers want to tour and rent different places as it expands their client base.
6. Closure Orders can be brought on the basis of a police officer's suspicion that a serious crime has been committed. This includes "controlling prostitution for gain" which does not require force and coercion to be proved for a conviction. So working relations between workers and a boss are characterised as "controlling" and this is used to close premises. In addition, police discretion can result in sexism, racism and other discrimination as trans women, women of colour and/or women with insecure immigration status are targeted for arrest.^{iv}

Links with organised crime:

1. A valid research question would be 'are there any links between organised crime groups and pop-up brothels'. Presuming links with organised crime (trafficking) characterises sex workers as 'victims' in need of 'saving' and disparages and dismisses our struggle as workers for occupational safety and rights.
2. Spreading false information about sex workers premises being linked to organised crime justifies increased policing, enforcement and closures which harm sex workers.
3. In 2012, 250 police officers in riot gear and with dogs, descended on Soho, London breaking down doors to women's flats, handcuffing women on the floor and taking one woman out in her underwear.^v This brutality was presented to the public by Commander Alison Newcomb who said the raids were "not about the prosecution of prostitutes" but to "close brothels where we have evidence of very serious crimes happening, including rape and human trafficking". No evidence of rape or trafficking was subsequently presented in court in any of the Closure Order cases. Newcomb later admitted that "no specific number of women were suspected of being trafficked."
4. The Soho raids cost at least £20,000. We don't know how much dedicated anti-trafficking funding the police nationally get (can the APPG tell us?), beyond figures obtained through FOI requests that show the Metropolitan Police got £2.4 million in 2013.^{vi} But we suspect that anti-trafficking funding is fuelling raids against migrant sex workers who get labelled as victims of trafficking regardless of what we say about our own situation.
5. We are at a worrying stage now where every police presence in a brothel has become a hostile act. The priority should be to remove the obstacles to sex workers reporting all violence, including organised crime groups and traffickers.
6. The focus on raiding and arresting sex workers contradicts National Police Chiefs' Council (NPCC) Policing Sex Work Guidance,^{vii} which stress that the safety of people engaged in sex work must be paramount. It specifies that "brothel closures and 'raids' create a mistrust of all external agencies including outreach services. It is difficult to rebuild trust and ultimately reduces the amount of intelligence submitted to the police and puts sex workers at greater risk." Senior police officers, at the time of the tragic murder of Marianna Popa in 2012, voiced

concerns that “operations to tackle the trade are ‘counterproductive’ and likely to put the lives of women at risk”.^{viii}

7. Other senior officers went further, recommending: “an alternative approach . . . using New Zealand as an example of decriminalisation of brothels where sex workers . . . can now access health services with ease, whilst maintaining more personal security. . . .”^{ix}
8. The influential Home Affairs Committee which in 2016 recommended that sex workers on the street and in premises be decriminalised (see below) reported that only 25% of sex workers report violence to the police and police who gave evidence to the Inquiry acknowledged that “simple enforcement does not produce sustainable outcomes and can actually increase the vulnerability of sex workers to violent attack”.

Q: Associated harms and exploitation:

1. Criminalisation exacerbates the harms sex workers suffer. The prostitution laws prevent sex workers working together collectively with others and deters sex workers from reporting violence for fear of arrest and for those of us who are migrant, fear of deportation.
2. Working from premises is 10 times safer than working on the street. And working with other women (other sex workers and/or a maid) is safer still.^x
3. Attacks on sex workers doubled in Scotland after kerb-crawling laws were introduced.^{xi} 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.^{xii}
4. Our experience shows that when sex workers report violence they often face prosecution themselves while little is done to catch their attackers. One woman in our group was recently robbed at knifepoint in a flat in Enfield where she was working with others.^{xiii} When she reported it, the police didn’t treat her as a victim, seemed half-hearted in their investigation and instead returned to the premises to deliver a letter threatening her with prosecution for brothel keeping. Despite complaints and concern from Keir Starmer, the local MP that this “could make it more difficult to stay in touch with victims of violent crimes and therefore hinder a future prosecution”, Enfield police have done nothing to remedy the situation and the gang has not been caught.
5. As a result of unjust laws and the police prioritising prosecution, violent men effectively enjoy impunity to attack again. Women Against Rape highlights the appalling 6.7% conviction rate for reported rape generally and the shortage of officers committed to investigating sexual violence. Yet on average 25 police officers can be involved in raiding a single brothel where women are working collectively.
6. The APPG, when considering harm in brothels, should also consider police abuse of sex workers. Criminalisation gives police enormous power over sex workers because of the threat of arrest and exposure. In the UK there is evidence of “hundreds of police officers . . . being accused of sexually abusing victims and suspects.”^{xiv} Officers had targeted “vulnerable” women described in one case as “including prostitutes and heroin addicts”.
7. Sex workers speak of daily humiliation, bullying and threats from the police. One woman in our group who defeated an attempt to impose an ASBO on her reported: “The police wait outside my house to catch me when I leave . . . they jeer at me, and make sexually explicit jokes. I’m strip-searched and they sometimes leave the door open so the male officers can see in.”^{xv}
8. If the APPG calls for more laws and more enforcement it will be giving more powers to police against vulnerable criminalised women. Who will hold the police to account for that or address any harms that result?
9. In addition, the police profit from convictions for prostitution, getting half of all assets and cash seized under Proceeds of Crime law.^{xvi} This is fuelling raids, closures and prosecutions and must be looked at as an issue which is corrupting police priorities.

10. There is no evidence that “pop-up brothels” cause greater nuisance to the surrounding community (or Airbnb renters) than a stag do. If nuisance is caused it should be dealt with in the same way as nuisance related to other occupants. A Brent resident recently wrote to the ECP saying that a brothel had opened at the top of her road. Her neighbours complained that men were sitting on the wall outside smoking and chatting into the early hours. The resident went to speak to the women inside and asked them to ensure men came in and out quietly and the situation was resolved amicably.
11. There is no evidence that sex workers suffer higher rates of exploitation than other workers. As one woman in our group put it:

“I can earn £240 for four hours. Worse case, I walk out with £60 and that’s still more than I would earn in a day job at £6 an hour. Last week 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. If politicians are offended by the work we do, then give us the financial means to get out of the industry.”
12. The McDonalds strikers spelt out the horrendous conditions now rampant in many industries: zero hour contracts, starvation wages, abusive, bullying and exploitative bosses, living in homeless hostels because they couldn’t afford to rent. No wonder sex work is considered by thousands of people as an escape from exploitation.
13. APPG members who claim that prostitution is inherently abusive are denying that sex workers, like other people, can distinguish between consenting sex and abuse. As with other work, sex workers consent is conditional: if we don’t get paid, it’s forced labour.

Q: Effective responses and prevention strategies:

- 1 Decriminalisation of sex work in the UK is the most effective response and prevention strategy. The APPG should follow the influential Home Affairs Committee which last year recommended a change in the law “so that soliciting is no longer an offence and so that brothel-keeping provisions allow sex workers to share premises”.^{xvii}
- 2 Decriminalisation has been introduced in New Zealand with verifiable success.^{xviii} Over 90% of sex workers said they had legal, health and safety rights (including 64.8% who said they found it easier to refuse clients – a key marker of exploitation). 70% said they were more likely to report incidents of violence to the police.^{xix} More than half of those surveyed (57.3%) who had been working prior to decriminalisation thought that police attitudes had changed for the better since the law had changed^{xx} and reported that police have “moved from the role of prosecutor to that of protector”.^{xxi}

Other measures that should be taken include:

3. **Expunge historical convictions for prostitution offences** such as loitering and soliciting from sex workers’ records.
4. **Instruct police, the Crown Prosecution Service and courts to prioritise safety** by vigorously investigating and prosecuting rape, sexual assault, domestic and other violence.
5. **Ensure that sex workers and sex workers’ organisations are centrally involved** in the process of setting policy and changing the law.
6. **Provide economic and other support for those who want to leave prostitution.** For example: refuges and other targeted help for women escaping domestic violence; immediate cash payments to cover the transitional period until sex workers 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, especially if they have children; financial help to cover childcare costs and to clear debts; immediate and appropriate drug rehabilitation services for those who want them.

7. Repeal the policy of benefit cuts and sanctions and reinstate Income Support for single mothers and young people, to ensure that people aren't pushed into sex work by hunger and homelessness. A survey in Doncaster in 2014 showed a 60% increase in street prostitution. Charity workers in the area were quoted as saying that "women are being forced to sell their bodies for sex for just £5 because of benefit sanctions" and that they had seen women who were "literally starving".

We would also like to comment that the APPG has still not released the statistical analysis of the 413 responses to its first inquiry to show how many submissions supported the APPG recommendation to criminalise sex workers' clients/Nordic model and how many opposed it? Without answering the outstanding questions surrounding the first Inquiry, how can this second Inquiry have any credibility?

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 people to get out of prostitution if they want to. We are submitting this evidence because your decisions directly affect our lives. We hope our views will carry weight with the APPG.

ⁱ English Collective of Prostitutes. Bulletins: Raids, arrests and prosecutions 2016-2017. <http://prostitutescollective.net/bulletins/>

ⁱⁱ English Collective of Prostitutes. Bulletin May-September 2017. <http://prostitutescollective.net/2017/10/bulletin-5-may-september-2017/>

ⁱⁱⁱ Reports of trafficking arrests and any other cases that indicate force or violence may have been involved are excluded.

^{iv} There is no UK based evidence that we know of about the racist implementation of the prostitution laws 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. U.S Department of Justice, FBI, Criminal Justice Information Services Division. Crime in the U.S, 2013. <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-43>

^v The Guardian, 11 December 2013. Soho police raids show why sex workers live in fear of being 'rescued'. <https://www.theguardian.com/commentisfree/2013/dec/11/soho-police-raids-sex-workers-fear-trafficking>

^{vi} Open Democracy, 17 December 2014. Where does the UK government's anti-trafficking money go? <https://www.opendemocracy.net/beyondslavery/kiril-sharapov/where-does-uk-government%e2%80%99s-antitrafficking-money-go>

^{vii} The National Police Chiefs' Council (NPCC). (2015). National Policing Sex Work Guidance.

<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/prostitution/>

^{viii} The Guardian, 19 January 2014. Mariana Popa was killed working as a prostitute. Are the police to blame? <https://www.theguardian.com/society/2014/jan/19/woman-killed-prostitute-police-blame>

^{ix} The Telegraph, 2 November 2011. Simon Byrne: legalising brothels could help sex workers and cut crime. <http://www.telegraph.co.uk/news/uknews/crime/8865151/Simon-Byrne-legalising-brothels-could-help-sex-workers-and-cut-crime.html>

^x A 2014 study found 77% of violent incidents were experienced by street based sex workers, 11% by independent sex workers, 6% by sex workers in brothels, parlours or saunas

^{xi} The Scotsman, 16 April 2008. [Attacks on Prostitutes Soar After Vice 'Driven Underground' by Law.](#)

^{xii} Data provided by National Ugly Mugs (UKNSWP). (2012-2015)

^{xiii} The Guardian, 3 August 2017. Police accused of threatening sex workers rather than pursuing brothel thieves <https://www.theguardian.com/society/2017/aug/03/police-sex-workers-brothel-thieves-london-keir-starmer#img-1>

^{xiv} The Guardian, 5 October 2017. Police must do more to stop sexual abuse by officers, says watchdog. <https://www.theguardian.com/uk-news/2017/oct/05/police-sexual-abuse-officers-watchdog>

^{xv} English Collective of Prostitutes. (2013). Not guilty of breaching an Anti-Social Behaviour Order. <http://prostitutescollective.net/2013/07/we-won-not-guilty-of-breaching-an-anti-social-behaviour-order/>

^{xvi} Broadly. 6 April 2016. Why Sex Workers are Losing Their Homes and Life Savings in Police Raids

^{xvii} Home Affairs Committee [report](#) on Prostitution (Third Report of Session 2016-17). <https://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2015/prostitution-report-published-16-17/>

^{xviii} <http://prostitutescollective.net/2008/06/new-zealand-marks-five-years-of-successful-decriminalisation-of-prostitution/>

^{xix} Abel, G., Fitzgerald, L. & Brunton, C. (2007). [The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers.](#)

^{xx} Abel, G., Fitzgerald, L., Brunton, C. (2007). The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. Report to the Prostitution Law Review Committee. <http://www.otago.ac.nz/christchurch/otago018607.pdf>

^{xxi} Mayhew, P. & Mossman, E. (2007). 'Key Informant Interviews' Review of the Prostitution Reform Act 2003.