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English Collective of Prostitutes submission to CEDAW on the General Recommendation on Trafficking in Women and Girls

Brief introduction and background

The English Collective of Prostitutes (ECP) is a self-help organisation of sex workers, migrants and non-migrant, 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 the decisions that come from CEDAW directly affect our lives.

Context in the UK

A deliberate hostile environment¹ for migrants (the injustice of which has been exposed by the Windrush scandal), has made it almost impossible for people to emigrate legally to the UK. It also makes it almost impossible for people to survive legally in the UK by imposing destitution and denying people access to housing, health care, a bank account and benefits.

Poverty in the UK has increased massively since 2010, including among migrant women, as a result of a deliberate policy of austerity welfare cuts, [86% of which have targeted women](#). As poverty in the UK rises, more women, particularly single mothers, are turning to sex work to survive and feed their families. In some cities [massive rises](#) in prostitution are being directly attributed to government policies such as benefit sanctions (Doncaster 40%, Sheffield 166%).

Our report '[Decriminalisation of Prostitution: the Evidence](#)' also documented how "Cuts to single mothers' benefits are already having an impact and there are more cuts to come with single mums [expected to lose at least £240 a year](#) in benefits this year. . . . Many migrant mums are supporting families back home on their wages as sex workers. One sex worker in the ECP [commented](#): "All this talk of Balkan gangs running the Soho girls is rubbish. We are freelances, working for ourselves. Apart from what I need to live on, I send all my money back home."

Arrests, criminalisation and crackdowns against sex workers continue to increase. This is documented in our regular [bulletins](#). Migrant, trans and women of colour are particularly targeted for criminalisation.

False claims for example that “80% of women working in the sex industry in the UK are still common despite having been thoroughly discredited, including by [this forensic examination](#) and other research which found that less than 6% of sex workers are trafficked.² It also [found](#) that “many migrants prefer working in the sex industry rather than the “unrewarding and sometimes exploitative conditions they meet in non-sexual jobs”. Some politicians, police, media outlets and voluntary organisations which profit from anti-trafficking funding appear to deliberately persist with this misinformation which confuses and misleads the public.

Brexit has precipitated a crackdown against immigrants, increased deportations of migrant sex workers and forced women underground as they try to gather the necessary documentation and other proof it is anticipated that they will need to exercise their right to stay in the UK. EU migrants in the ECP have spearheaded challenges to these policies, have exposed police abuse and [won against deportations](#). Ramping up deportations exacerbates trafficking as it makes it harder for sex workers to come forward to report any violence, including rape and trafficking.

Endemic low pay and exploitative conditions are rife in the jobs promoted as an alternative to prostitution. Our recently published research – [What’s a Nice Girl Like You Doing in a Job Like This?](#) – compared pay and conditions in sex work with other jobs commonly done by women. Sex workers earned more per hour than even nurses and midwives. Discrimination, sexual harassment, and workplace injury were common across all the jobs in the study. Whilst sex workers are deprived of employment rights because their job is criminalised, in practice many other women workers were too, particularly those on zero hours contracts. Mothers whose wages fell once they had children reported receiving little consideration for their caring responsibilities from employers - saying the cost of childcare was prohibitively high. This may account for why, of the over 72,800 sex workers in the UK,³ most are mothers.

One sex worker in the ECP commented:

“I was fed up of being a cleaner, bar maid and shop assistant, often all on the same day. Prostitution is certainly not the worst job I have ever had. I have worked on the fish market and as a cleaner where I was working for people who didn’t care if we were cold or tired or how we were spoken to.”

Our research also pinpointed the [racism](#), low pay, abuse⁴ and higher rates of [unemployment](#) suffered by migrants and people of colour, which prevents women finding and keeping non-sex working jobs.

The UK context is one where precarious workers, with help from the best of the trade union movement, are increasingly protesting and demanding labour rights. They have won many victories including higher pay. A [new campaign](#) by the Bakers, Food and Allied Workers Union in conjunction with Women Against Rape aims to expose high levels of sexual harassment. The more those workers win the more power sex workers have to fight exploitation and abuse in sex work.

The extent of trafficking in the UK is exaggerated, in our view deliberately, to justify crackdowns on sex workers.

Claims that 80% of women in prostitution are trafficked have been [thoroughly discredited](#).

But some parliamentarians persist in peddling false information. For example, the chair of the All Party Group on Prostitution, claimed recently that *“the single driver of trafficking into this country is commercial sexual exploitation.”* Another MP said that trafficking of women into the sex industry is happening on an “industrial scale”. Yet, a 2011 ESRC 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”.

This misinformation is also reflected in our experience organising for sex worker rights and safety. At the time when the police were [repeating claims](#) that *“every single foreign woman in the ‘walk-up’ flats in Soho had been smuggled into the country and forced to work as a prostitute”* we were holding meetings in the basement of a café, of over 60 women who worked in the area, to organise against raids and deportations. Women spoke out in Parliament, met the local vicar, and gave interviews to the press about how *“being foreign doesn’t mean we are forced”*.

Anti-trafficking is conflated with sex work.

The UK charge of trafficking for prostitution,⁵ unlike trafficking for any other industry,⁶ does not require force or coercion. This enables every woman with a foreign accent to be falsely labelled a victim of trafficking. Sections 57, 58, 59 of the Sexual Offences Act 2003 specify that:

“A person commits an offence if he intentionally arranges or facilitates the arrival in [or within or out of] the United Kingdom of another person.”

This is contrary to the UN definition of trafficking (Palermo Protocol 2003) which requires force and coercion to be proved. The Council of Europe Convention on Trafficking defines trafficking as *“much more than mere organised movement of persons for profit. The critical additional factors that distinguish trafficking from migrant smuggling are use of one of the means listed (force, deception, abuse of a situation of vulnerability and so on).”*

Anti-trafficking legislation is primarily being used to target immigrant sex workers for raids and deportations.

The most graphic illustration of this in recent times was [mass raids against sex workers in Soho](#), central London in December 2013, when 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.

One of the women in our group who worked in the area wrote:

“I haven’t heard of one arrest for rape or trafficking. Instead some of my friends were held for 23 hours and bullied into accepting cautions for criminal offences. Other women I know were taken to a “place of safety” despite them saying that they weren’t being forced to work.”

She spoke about her own situation:

"I came to the UK from Romania. I came with my boyfriend and knew I was going to work in the sex industry. I was not trafficked. But when I got here I got into trouble. My boyfriend turned violent. When I tried to get the police to help they wouldn't do anything. I escaped by my own efforts. I kept working in the sex industry, but for myself, keeping my own money and setting my own times. I did this partly because racism against immigrants means I couldn't get another job. I don't want to stay in this job forever. I am terrified that if I get caught up in a police raid, it will come out what I do for a living."

The ECP ran a successful [campaign](#), won support from the local community and got the flats reopened.

In another incident, a Brazilian mother in our network was convicted of trafficking and imprisoned for three years for running a flat where other immigrant women worked. Yet the judge agreed that *"none of these women was, in fact, coerced by you into acting as a prostitute . . . you treated them in a kindly and hospitable way"*. All her possessions, built up over many years of hard work, were confiscated and she faced losing custody of her seven-year-old child. Her British citizenship was withdrawn despite her having lived in the UK for 25 years and she narrowly escaped being deported.

Brexit has precipitated a crackdown against immigrants and made it harder for sex workers to escape traffickers

It has increased deportations of migrant sex workers and forced women underground as they try to gather the necessary documentation and other proof it is anticipated that they will need to exercise their right to stay in the UK. Fear of deportation makes it harder for sex workers to report violence including trafficking.

At a last estimate two-thirds of women coming to the ECP for help are migrant sex workers fighting police abuse and threats of deportation.

In 2016/7 under Operation Nexus police rounded up Romanian women in particular and ordered them to leave the UK because they claimed that sex work doesn't count as legitimate employment.

The ECP [challenged](#) this, arguing that the EU courts have ruled that self-employed sex work is legitimate in terms of the right to stay in the country. We won many cases. One woman in our network [commented to the press](#).

"Romanian women find that they're getting 'raided' over and over by the police. The women are asked who they live with, what they charge, how much money they make. Police fingerprint the women every time they talk to them, to keep track of each one.^{[1][1]} Then, the police suddenly come and detain the women, along with the UK Border agency – they bring the van with them. Right then and there, they serve the women with a deportation order. A photo is taken of each woman and it's attached to each deportation letter. Some are taken under arrest and held for two or three days, and their passports are taken. They are told that in order to get their passports back they need to have a one-way ticket back home."

Women report to the ECP that they have curtailed their screening for fear of being picked up by police. They just jump into the cars as quickly as possible, avoid talking in groups and pick up

clients in isolated places. Without recourse to the police, sex workers are having to take their safety into their own hands. One woman reported violence to the police, and was told, 'Are you telling us you're a prostitute? Because, if so, we're going to arrest you.'

As Brexit looms, more women are having to work illegally. "One woman in the ECP described what this would mean:

"Being illegal and undocumented, means that violent men would become more and more violent, and there would be more and more dangerous people out there trying to harm women like me."

Victims of trafficking are not being helped.

In 2011, child victims, forced to work as servants, got compensation because the police systematically refused to investigate the horrific abuse they suffered.⁷

In 2009, 77 child victims of trafficking [went missing](#) from a local authority care home over a period of two years. Only four children were found and there have been no prosecutions. A surveillance operation at the home was cancelled, and despite it being known that children were disappearing more young people kept on being sent there. The immigration authorities working hand-in-hand with the police kept sending children there.

Most victims of trafficking escape through their own efforts and with the help of organisations like ours or other sex workers.

Two sisters who came to us for help described that they had left rural Moldova, where the family had "no running water, or gas for heating". They were promised work in a restaurant. They told us how "after a week the men said we must earn our keep by sleeping with other men. They beat us and said we would never see each other again if we tried to leave." They escaped by recruiting help from the receptionist in the flat where they worked, who squirrelled away some money. They both faked illness on the same day and ran. They refused to go to the police because they didn't want to be sent back. They came to us instead and we found them emergency housing for a few days. Eventually one sister got a job as a stripper so they could afford a market rent.

We have many other examples like that: the woman who cultivated a relationship with a bigger gangster than the one holding her, who supported her to get her passport back.

In 2005, it was only a determined campaign by the ECP with Black Women's Rape Action Project that [won the release](#) of a 17-year-old victim of trafficking from an adult prison after she was charged with travelling on false documents.

The 2005 Joint Committee on Human Rights report on Human Trafficking confirmed that "victims may often find themselves treated as immigration offenders and face enforcement actions such as detention and removals."⁸ Government policy specifically [refuses to guarantee](#) that those rescued from forced prostitution will not face deportation.

Raids and arrests in the name of anti-trafficking isolate sex workers and make it harder for women to come forward to report exploitation, rape and other violence.

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. Women Against Rape points to the appalling 6% and 5% conviction rates for reported rape and domestic violence. More often than not when sex workers report violence, the police refuse to act and may even threaten to prosecute them instead for prostitution offences.

A 2014 survey found that where arrests of sex workers and clients were high, only five per cent 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.⁹

Critically, 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 [robbed at knifepoint](#) in a flat in East London where she was working with others. 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 saying, "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]".

Trafficking is being used to push proposals to criminalise clients.

Anti-trafficking initiatives have led to proposals to criminalise men who buy sex, along the lines of the 1999 Swedish Sexköpslagen. Yet evidence there shows that since the law change, sex workers face increased stigma, are more at risk of violence, and are less able to call on the protection of the police and the authorities.¹⁰

After Ireland's sex purchase law was introduced, reported incidences of violent crime against sex workers [rose by almost 50%](#). In France, [a two-year evaluation](#) of the law found 42% of sex workers were more exposed to violence and 38% have found it increasingly hard to insist on condom use. In Norway, sex workers have faced evictions, prosecutions and increased stigma – with migrant workers particularly targeted.

Recommendations for change.

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 cross international borders unaided. Once in the UK, sex work can be the best or only option to prevent destitution.

1. **An effective anti-trafficking strategy has to look at the reasons that women decide to cross international borders.** We recommend that CEDAW study the submission from Empower, Thailand, specifically "Why Women Migrate" and "Common reasons we migrate ...". For example:

“In our countries of South East Asia traditionally the oldest single woman in the family has a responsibility to provide for younger siblings, our parents and sometimes grandparents too. This responsibility can be a burden, but it is also our pride, and something we want to do. We would like more support from the State to care for our family, but we do not want to be stopped from caring. 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.”

2. **The UK government policy of waging wars which shatter and impoverish countries forces people to flee.** This is a policy of enabling and promoting trafficking and must be addressed if the government claims to care about addressing trafficking, where people are forced against their will and abused.
3. **Ending the hostile immigration environment is an imperative if trafficking is to be addressed.** Empower, Thailand list *“Increased opportunities for independent migration”* as one of the factors that decreased trafficking.
4. **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.

“Recognising Sex work is a resistance to the standard of grinding poverty imposed on us. Women weigh up the illegality, stigma and discrimination of sex work against the higher pay and greater flexibility. At a time of brutal cuts and rising poverty when over four million children are living in poverty, our so-called choices increasingly come down to a decision between prostitution and destitution.”

5. **Existing laws such as abduction, kidnapping, false imprisonment, rape, grievous bodily harm and extortion** cover the offences commonly committed in the course of trafficking and could be used to prosecute the assailants of women and children, whatever work they are being forced into.
6. **Addressing exploitation, abuse and trafficking in the sex industry should be tackled in the same way as it is in other industries.** Our [research](#) reports that exploitation including trafficking is [more widespread](#) in industries like construction, agriculture, food packing, fishing, shellfish gathering, warehouse and distribution, garment manufacturing, taxi driving, retail, domestic work, social care, recycling, nail bars and car washes, yet no-one would sensibly suggest these industries be banned. Sex workers like other workers need labour rights and alternative sources of income if they are to refuse exploitation and abuse by bosses.
7. **Removing the illegal status of sex work and recognising sex workers as workers would enable people to more easily report abuse and exploitation including trafficking** and demand their labour protections. Established remedies would then be available to sex workers: where there is force and coercion offenders could be prosecuted under the criminal law, where there is severe exploitation for example in the form of withholding of wages, bosses could be prosecuted under gang masters legislation, where there is exploitation such as employers paying less than the Minimum Wage prosecutions could be brought under low pay laws and/or workers could go to employment tribunals for redress.

8. **Decriminalising sex work, as has been introduced in New Zealand with [verifiable success](#) and should be introduced in the UK.** It would make it easier for victims of trafficking to come forward without fear of arrest, and for the police to pursue rapists and traffickers rather than sex workers and clients.

The New Zealand Prostitution Reform Act (2003) removed prostitution from the criminal law, allowed people to work together collectively and organise to assert their rights to better working conditions.

Since decriminalisation, 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.¹¹ Police now take reports of violence more seriously¹² and have moved from “the role of prosecutor to that of protector”.¹³ Removing the fear of arrest has meant that sex workers, particularly street based workers, feel more able to work during the day and in well lit, safer locations.

In New Zealand, the State discriminates in favour of sex workers who want to leave sex work and need to claim benefits – it applies different rules to them than others who quit their jobs voluntarily. Other workers who leave their job are not paid job-seekers allowance for a number of weeks. Sex workers do not have this stand down period when going on a benefit. This is so that the State cannot be accused of compelling people to stay in sex work.¹⁴

9. **Implementation of the UK Home Affairs Select Committee [recommendation](#) to decriminalise sex workers on the street and working together in premises is an immediate imperative.**

The Home Affairs Committee recommended¹⁵ 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.*”

¹ The UK Home Office hostile environment policy is a set of administrative and legislative measures designed to make staying in the United Kingdom as difficult as possible

² Mai, N. (2011). Migrant Workers in the UK Sex Industry: ESRC Full Research Report.

³ 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.

⁴ A survey of migrant workers on building sites in London found 36% reported not being paid for work done, a third reported verbal or physical abuse, half had no contract, and more than half had been made to work under dangerous conditions.

⁵ Sexual Offences Act, 2003

⁶ Asylum & Immigration Act 2004

⁷ O.O.O. and Others v Commissioner of Police for the Metropolis, 2011

⁸ Twenty-sixth Report of Session, 2005-6, Vol. 1

⁹ Data provided by National Ugly Mugs (UKNSWP). (2012-2015).

¹⁰ Levy, J. (2015). Criminalising the Purchase of Sex: Lessons from Sweden.

¹¹ Ministry of Justice. (2008). Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003.

¹² *Ibid*

¹³ Mayhew, P. & Mossman, E. (2007). 'Key Informant Interviews' Review of the Prostitution Reform Act 2003, Crime and Justice Research Centre, Victoria University of Wellington.

¹⁴ Ministry of Justice. (2008). Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003.

¹⁵ Third Report from The Home Affairs Select Committee Session. -17 HC 26: Prostitution. (2016). House of Commons.