



ENGLISH COLLECTIVE OF PROSTITUTES

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Written submission to the Home Office Violence Against Women and Girls (VAWG) strategy 2021-2024: call for evidence.

English Collective of Prostitutes, February 2021.

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 have a national network with sex workers in most towns and cities around the UK and an international network including two sister organisations: Empower in Thailand and US PROStitutes Collective in the United States.

We work closely with [Women Against Rape](#). With [National Ugly Mugs](#) (NUM) we hosted a survey for sex workers to submit their views on the nature and extent of violence they face, causes of harm and recommendations for change. NUM's submission to this consultation incorporates the results of that survey.

We make this submission as an "expert by experience" organisation. We provide daily advice and support to women wanting to report rape and other violence and get protection, as well as on raids, arrests and prosecutions for prostitution offences, immigration, detention and deportation, housing, Universal Credit, and other benefits advice.

Criminalisation exacerbates the violence, exploitation and harm suffered by sex workers.

Sex workers face high levels of violence. But research that criminalisation exacerbates the violence, exploitation and harm suffered by sex workers. Where arrests of sex workers and clients were high, less women report violence.ⁱ

It is much safer to work indoors with others,ⁱⁱ but this is illegal – a conviction for brothel-keeping carries a maximum sentence of seven years in prison. Working on the street is much less safe but safer when in close proximity to others, but this increases the chance of arrest for soliciting and targeting by vigilantes.

The prostitution laws and police crackdowns prevent women from using even the most basic security measures to keep safe such as: working in pairs, working in better lit areas with CCTV where other people are on the street, taking down the registration numbers of cars, having a "buddy" system of someone to call to confirm you are safe and a procedure to inform the police in emergencies, installing CCTV and security gates at premises, employing security people, drivers etc..

Sex workers are deterred from reporting rape and other violence for fear of arrest and for those of us who are migrant, deportation. Trans, migrant and women of colour are particularly targeted by the laws and are less likely to report violence to the police due to discrimination.

Women in our network have reported violence and instead of their attacker being pursued, they have been arrested and sometimes convicted for prostitution related offences. See examples [here](#) and [here](#).

Ms B 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]".

Violent men are effectively being given impunity to attack again; no wonder that violence against sex workers is at epidemic proportions.

Police as the perpetrators of violence.

Sex workers have been shown to be one group of "vulnerable" women targeted by police rapists and abusers.ⁱⁱⁱ Sex workers speak of daily humiliation, bullying and threats:

"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." ECP woman, East London.

Migrant, trans and women of colour are also more likely to face [police racism, abuse, and illegality](#).

Poverty, homelessness and debt make women more vulnerable to violence.

The elimination of poverty must therefore be a priority for the Home Office VAWG strategy. Cuts that impacted mothers also disproportionately impacted sex workers as the majority of sex workers are mothers. In one government report,^{iv} 74% of sex workers cited the need to pay household expenses and support their children as their reason for entering sex work.

In practical terms, measures that should be taken to alleviate the poverty faced by sex workers of all genders and women in particular are:

- An end to the five-week wait on Universal Credit payments, which pushes people into debt and leaves them without money for necessities like heating and food.
- Scrapping austerity measures 86% of which have targeted women and which unfairly target single mothers, such as the two-child limit on Universal Credit.
- Abolish benefits sanctions -- research in Doncaster found that a 60% rise in on-street prostitution was directly related to benefit sanctions.^v
- Ensure that sex workers have priority for housing.
- Abolish the No Recourse to Public Funds policy which leaves migrant sex workers destitute and increases their vulnerability to exploitation and violence.
- Abolish the apartheid system of benefits which means that women asylum seekers are expected to live on £37.50 a week.

From our wide experience significant numbers of women go into prostitution to escape domestic violence because support systems, housing and income support are inadequate or non-existent. So effective action against domestic violence would help reduce the numbers of women in prostitution and the risks women have to take to survive independently.

A hostile immigration environment increases exploitation and violence.

The hostile immigration environment makes it almost impossible for women to cross international borders unaided. The No Recourse to Public Funds policy, racism in many jobs, the enforced destitution of asylum seekers and denial of the right to work mean that for many women, sex work is the only viable option to survive. Left with few choices, women are left vulnerable to exploitation and violence.

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.”

Prostitution is not inherently exploitative or violent – criminalisation puts sex workers at greater risk of violence.

In some [local VAWG strategies](#) violence against women and girls has been defined to include “Sexual exploitation, including commercially through prostitution and the sex industry”.

Police raids on brothels and the criminalisation of clients under kerb-crawling law are therefore promoted as action against violence against women. This law enforcement approach is increasingly being rejected by respected anti-trafficking organisations in favour of a public health approach.

“The Human Trafficking Foundation does however recommend a public health approach for complex cases of human trafficking as it is broadly recognised that whether dealing with ‘gang crime’ or other complex areas interlinked with poverty, health, violence etc. that a public health approach serves those affected best.” And “Whether looking at ‘county lines’ (child/vulnerable adult criminal exploitation) or brothels, an approach that focuses on health and moves away from a police enforcement approach, ensures women and men aren’t criminalised and that they feel able to approach the police when required.”^{vi}

Claims that prostitution is inherently exploitative and violent because, by definition, it involves “unwanted sex” is insulting and demeaning to sex workers. It denies that sex workers, like other people, can distinguish between the sex we consent to (for money or not) and that which violates our will and our bodies. Like other workers, sex workers’ consent is conditional: if we don’t get paid, it’s forced labour/rape.

Removing the illegal status of sex work and recognising sex workers as workers would enable people to more easily report abuse, exploitation and violence and demand labour protections.

Labelling prostitution as commercial sexual exploitation and a form of violence against women and girls is the justification for a strategy of attempting to abolish prostitution, not by ensuring that women have financial alternatives to enable them to live, but by police crackdowns and criminalising the act of buying sex. This is fundamentally flawed as prostitution is not fuelled by men’s desire for sex but by women’s need for money. It is a strategy that increases violence against women as criminalisation, whether of sex workers or clients, exacerbates the harms sex workers suffer.

Sex workers are not criminals.

The National Policing [Sex Work Strategy](#) which says that sex workers should be treated as victims not criminals and “*the focus of law enforcement activity should be to improve safety and to target those who exploit or cause harm...*” is helpful but doesn’t go far enough.

We think the guidelines could be strengthened by specifying that arrests and raids should only occur where police have reasonable grounds to suspect that sex workers are being subject to force and coercion. This would concretise what the guidelines are trying to achieve; that sex workers aren’t criminalised “simply for being sex workers” or engaging in practices that increase their own safety.

The government could also look into how they can implement an amnesty from arrest for victims of violence. California [passed policy and then a bill](#) (AB 2243) which prohibits:

“... the admissibility of evidence that a victim of, or a witness to, extortion, stalking, or a violent felony, each as defined, has engaged in an act of prostitution at or around the time he or she was the victim of or witness to the crime in order to prove the victim’s or witness’s criminal liability in a separate prosecution for the act of prostitution.”

Decriminalisation improves safety and health

We urge the Government to consider decriminalisation, as introduced in New Zealand in 2003 with [verifiable success](#) (but without the clause that discriminates against migrant sex workers). Decriminalising sex work would make it easier for victims of rape, domestic abuse and other violence 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](#). Police now take reports of violence more seriously and have moved from “the role of prosecutor to that of protector”.^{vii} 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. This could also be implemented here.

Decriminalisation of sex work is supported by prestigious women-led organisations like the Royal College of Nursing, Women Against Rape, and human rights groups such as Amnesty International, Human Rights Watch, ILGA World – the International Lesbian, Gay, Bisexual, Trans and Intersex Association, Global Alliance Against Traffic in Women, and global organisations including the World Health Organization and UNAIDS. Amnesty International in particular conducted extensive worldwide consultations and research over a two-year period, resulting in an impressive body of evidence which was the foundation of its [policy](#) on decriminalisation.

The “Nordic model” is dangerous and undermines safety.

We see that the Government’s VAWG [strategy](#) says that it will “*Review the implementation and impact of legislative changes in Northern Ireland which introduced the ‘Nordic’ approach to prostitution (which criminalises all purchasing of sex and decriminalises all selling).*”

The ECP strongly opposes the legal model of criminalising the act of paying for sex.

There is a substantial body of evidence that criminalising sex workers’ clients undermines safety. For example:

- In Northern Ireland the introduction of the model failed to reduce demand, failed to reduce trafficking, and has led to an increase in violent assaults and anti-social and threatening behaviour towards sex workers.
- Sweden criminalised clients in 1999. 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. as this can lead to police harassment, the loss of custody over children, or deportation.
- Sex workers in Sweden have not been decriminalised as claimed, as they can be prosecuted under procuring laws when they band together for safety. [Migrant sex workers have been deported](#) for ‘not supporting themselves in an honest manner’ even though their work is not illegal. Landlords have been pressured by police to evict sex worker tenants under threat of being prosecuted themselves. Harm reduction work like giving out rape alarms and condoms is opposed by the authorities on the grounds that it encourages prostitution and is futile because sex work is considered to be immutably dangerous.^{viii} Despite claims that the law has led to a decline in prostitution, there is no actual evidence of this.
- In Ireland, after a sex purchase law was introduced, evidence shows that reported violent crime against sex workers, from threats to assaults with weapons, [rose by 92%](#). Sex workers are now less likely to report dangerous clients to Gardaí. Migrant and trans women sex workers in particular have been [targets of violence](#).

- 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.

Ending criminalisation as an essential first step in providing support to sex workers.

Under the prostitution laws thousands of sex workers a year, the vast majority women, are arrested, raided, prosecuted and even imprisoned for working on the street or together with others in premises. It is impossible to accurately consider what “mainstream support” women need until this burden or criminalisation is removed.

Providing financial and other support to mothers would reduce prostitution.

The majority of sex workers are mothers. Any responsible government must surely be concerned that so many mothers are finding it impossible to survive and support their children except by selling sexual services? This should be a central concern for law and policy makers. One obvious reason is that benefits are too low to live on and the other jobs available to women, especially mothers with childcare costs, don't pay enough.

In the UK, the English Collective of Prostitutes, Support Not Separation, the Global Women's Strike and a number of other women's organisations, as well as the Green New Deal for Europe are campaigning for a [care income](#) to address social and environmental justice. They point to the fact that 80% of women are mothers and that overwhelmingly mothers are the primary carers and are impoverished as a result. An income that addresses mothers' poverty and recognises their vital contribution to society would go a long way to tackling the economic conditions that drive women, especially mothers, into prostitution.

Addressing stigma and discrimination

Stigma and fear of punitive treatment and prosecution are the primary barriers sex workers face in terms of access to support. A [2007 study](#) found that 62% of street sex workers and 90% of parlour workers had not disclosed their work to their GP.

Women also fear losing custody of their children when accessing VAWG services and with good reason. A woman in our network whose husband, on release from prison, came to track her down and threatened to kill her and kidnap her child, recently had this experience. We helped her get rehoused but in the course of meetings with social workers and the local authority, social workers started to question whether she was doing enough to protect her child. We were scandalised because the woman had been working night and day to organise to move in order that her family would be safe and had met obstructiveness, incompetence, neglect, disinterest and carelessness from the authorities. Now she was being blamed. Without our intervention she would have been at risk of losing her child.

Violence against sex workers has to be seen in the context of violence against women generally. Women Against Rape has commented that: “Rape and Domestic Violence have been practically decriminalised, less than 1.4% of rapes reach prosecution, even less reach conviction or prison sentences. . . Structural racism combines with sexism, class bias and other kinds of prejudice by the authorities to deny women justice – even more so if we also have immigration or mental health issues, or are homeless, or sex workers. Men get the message that they can get away with violence.

Recommendations to address violence against sex workers.

1. **Implement the recommendations of the 2016 Home Affairs Select Committee inquiry into prostitution** 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.” We see that the Home Office committed in its VAWG strategy to “carefully consider” these [recommendations](#) and we see no impediment to them being immediately implemented.

2. **Instruct police, the Crown Prosecution Service and courts to prioritise safety** by vigorously investigating and prosecuting violence.
3. **Ensure free, accessible, independent, non-discriminatory health services.**
4. **Provide economic and other support for those who want to leave prostitution.**
5. **Reverse austerity cuts including sanctions, Universal Credit, bedroom tax, etc.**
6. **Expunge historical convictions for prostitution offences.**
7. **Support for mothers and a care income.**
8. **Ensure that sex workers and sex workers’ organisations are centrally involved** in the process of changing the law.
9. **Recognise and measure the contribution sex workers make** to the survival of families, communities and the economy.

ⁱ A 2014 survey found that where arrests 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. Data provided by National Ugly Mugs (UKNSWP). (2012-2015).

ⁱⁱ 77% of violent incidents were experienced by street-based sex workers, 11% by inside solo sex workers and 6% by sex workers in brothels, parlours or saunas. Connelly, L. (2014) Violence against sex workers. Analysis of National Ugly Mugs.

ⁱⁱⁱ Research in 2017 found that “hundreds of police officers were being accused of sexually abusing victims and suspects in what a senior inspector called “the most serious corruption issue facing the service”..” Officers had targeted vulnerable women described in one case as “including prostitutes and heroin addicts”. The Guardian, 5 October 2017. <https://www.theguardian.com/uk-news/2017/oct/05/police-sexual-abuse-officers-watchdog>

^{iv} Home Office. (2004). Paying the Price: A Consultation Paper on Prostitution.

^v Doncaster reports a 60 per cent increase in prostitution with charities saying: “Women are being forced to sell sex for £5 because of benefit sanctions.” Sheffield reports a 166% increase, while charity workers in Hull report: “. . . women who are literally starving and they are out there to feed themselves. People are turning to prostitution to pay for gas and electricity because they are being left without money under current regulations.” https://www.ohchr.org/Documents/Issues/EPoverty/UnitedKingdom/2018/NGOS/English_CollectiveofProstitutes.pdf

^{vi} Human Trafficking Foundation. Written submission to the Scottish Government consultation Equally Safe: A consultation on challenging men's demand for prostitution, working to reduce the harms associated with prostitution and helping women to exit.

^{vii} Mayhew, P. & Mossman, E. (2007). ‘Key Informant Interviews’ Review of the Prostitution Reform Act 2003, Crime and Justice Research Centre, Victoria University of Wellington.

^{viii} Levy, J. (2015). Criminalising the Purchase of Sex: Lessons from Sweden.