

# Home Affairs Committee Inquiry: Written evidence submitted by the English Collective of Prostitutes 2016

## Summary

- The Inquiry should consider decriminalisation as introduced in New Zealand with verifiable success. There is no evidence to show that the 1999 Swedish law criminalising clients has reduced violence, yet stigma and discrimination against sex workers has increased.
- Criminalisation, whether of sex workers or clients, increases sex workers vulnerability to violence by: forcing sex workers to work in isolation; undermining sex workers' efforts to stay safe and deterring sex workers from reporting attacks for fear of arrest.
- Anti-trafficking laws must target abuse and violence, and not be used to justify raids, arrest and even deportation of immigrant sex workers.
- Police and CPS should prioritise safety by vigorously investigating and prosecuting rape and other violence. Resources should not be squandered on the policing of consenting sex.
- Viable economic alternatives to sex work should be provided for those who want to leave prostitution.
- Sex workers and sex workers' organisations must be central to the process of changing the law.

The English Collective of Prostitutes 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 we want to and to prevent anyone being driven into prostitution by poverty or violence.

We work with anti-rape and anti-poverty campaigners and organisations which oppose immigration and welfare policies that impoverish women to the point of destitution and make us more vulnerable to attack. We oppose anti-trafficking laws because they have been used primarily to deport immigrant sex workers, and to justify raids and prosecutions of sex workers working consensually.

We co-ordinate the Safety First Coalition which includes distinguished members like the Royal College of Nursing and Women Against Rape, and spearheaded the campaign against the 2009 Policing and Crime Act which under the cover of criminalising clients, increased the criminalisation of sex workers.

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This consultation is biased in favour of the increased criminalisation of prostitution in the form of the criminalisation of clients. The questions are loaded and indicate that the Committee is in favour of further criminalisation of prostitution and that therefore the Inquiry has a pre-determined outcome. How can there be any confidence that the Committee will fairly assess the evidence presented to it?

*1) 'Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it.'*

1. Why is there no question asking about the removal of the criminal sanction altogether? Gay sex was decriminalised in England in the 1960s: there is no justifiable reason for the continued criminalisation of consenting sex between adults where money is exchanged. Tim Barnett, former New Zealand MP who sponsored the 2003 Prostitution Reform Act which decriminalised prostitution said at the time: "The freedom of two people to have sexual contact with each other has historically been denied to people of different races and classes, and to people of the same gender. This freedom is still denied to people when payment is involved. Why should two adults who want to have consensual sexual contact with each other in private not be able to do so?"

2. The New Zealand Prostitution Reform Act (PRA) is a good basis for any serious change in prostitution law and policy. It removes sex work from the criminal law, allows people to work together collectively, and distinguishes between consenting sex and violence and exploitation. Crucially, it has been [shown](#) to improve sex workers' working conditions, while making it easier for those who want to get out, to do so. The Prostitution Law Review Committee (2008) found "*The majority (70%) felt sex workers were now more likely to report incidents of violence to the police. It appeared that this was particularly true for the street workers.*" More recent research from the [Christchurch School of Medicine review](#) found over 90% of sex workers believed the PRA gave them additional employment, legal, health and safety rights. Many found it easier to refuse clients and said police attitudes to sex workers had changed for the better.

3. An evidence-gathering symposium on decriminalisation in Parliament on 3 November attended by hundreds of people, where sex workers from 10 countries and a panel of academics presented a compelling case for the "burden of criminality" to be removed from everyone involved in prostitution on grounds of safety? The results will be published in the next month and we ask that the Committee consider them as part of this Inquiry.

4. Criminalising clients undermines sex workers' safety. One sex worker described recently in the press (see article [here](#)) how the Northern Ireland law criminalising clients has made it more dangerous for her to work. Since clients in Scotland were criminalised in October 2007, the number of assaults on sex workers has soared. Attacks reported to one project almost doubled from 66 in 2006 to 126 in 2007, including eight reported rapes and 55 violent assaults.<sup>i</sup> This Inquiry is further discredited because it doesn't ask what measures could be taken to improve sex workers safety.

5. Sex workers in Sweden dispute the claim that the 1999 law decriminalised the sale of sex and point to increased stigma and discrimination. "*We are still criminalised if we work together in premises, we risk eviction by landlords, condemnation by social workers and even losing custody of our kids because we are seen as 'bad girls' unwilling to change. This law should be abolished, not exported to other countries.*" Carina Edlund, Rose Alliance, 2014, UK Parliament.

6. Decriminalisation would improve safety as sex workers could report violence without fear of arrest. The National Police Chiefs Council recognises that "[raiding brothels breeds mistrust amid sex workers, police and external agencies.](#)" In 2014, after the murder of [Mariana Popa](#), two of Britain's most senior police chiefs said: "operations to tackle the trade are "counterproductive" and likely to put the lives of women at risk" and called for a change in the law to allow a group of women to work together.

7. We ask that the Inquiry consider the undue influence that religious fundamentalists are having on proposals to criminalise clients. The All-Party Parliamentary Group on Prostitution and the Global Sex Trade chose as its secretariat the Christian charity CARE which has a track record of spearheading homophobic campaigns. Lord Morrow who introduced the N Ireland Human Trafficking and Exploitation Act is has a long history of opposing LGBTQ rights.<sup>ii</sup>

## 2) 'What the implications are for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women.'

1. How does the CPS justify conflating prostitution with violence? For it to take this ideological position discredits it? When it comes to rape it uses the legal definition, why not for prostitution -- "offering and provision of sexual services for financial gain".

2. The primary issue in relation to rape and sexual violence is consent – a principle that the women's movement fought hard for. Sex workers, like other women, know the difference between consenting sex and rape. Labelling prostitution as violence hides what sex workers are doing to stay safe including risking arrest by working with other women or paying people to keep us safe, screening clients and passing information to other sex workers through informal networks.

3. This CPS policy results in increased arrests of sex workers. For example, the criteria for brothel-keeping prosecutions says nothing about coercion or safety but only about how long women have been working and how much money has been made. So no distinction is made between small collectives, where women work co-operatively, keep their own money and set their own hours and establishments run by coercive bosses.

4. Prosecutions for prostitution are pursued in the name of saving victims yet result in the prosecution and conviction of sex workers. Mass police raids in Soho central London in December 2013 were justified in the name of saving victims of rape and trafficking but no victims were found. Instead scores of sex workers were handcuffed and dragged from their flats, sometimes in front of waiting media. A [campaign](#) spearheaded by the ECP, with the support of the [local community](#) and [vicar](#), succeeded in getting the flats reopened so that women could continue to work together in relative safety.

5. [Lorraine Morris](#) was prosecuted after reporting an attack while her attackers were left free to attack again. Women in East London [reported](#) serious attacks to the police and were themselves prosecuted or threatened with prosecution while their attackers went free.

3) 'What impact the Modern Slavery Act 2015 has had to date on trafficking for purposes of prostitution, what further action is planned, and how effectively the impact is being measured.'

1. Why is there a question on trafficking in an Inquiry on prostitution?

2. The Modern Slavery Act 2015 has exacerbated the problems of previous anti-trafficking legislation - the definition of who is a victim of trafficking depends on an assessment of whether they were "exploited"; the person's consent is deemed irrelevant. So a woman in our group who came to the UK with a boyfriend but who later ended up in an exploitative situation is defined as a victim of trafficking even though she wouldn't consider herself to be so. Consent should be central to the prosecution of any sexual offence.

3. When setting its terms of reference, why did this Inquiry not take account of the fact that in November 2014, an MP proposed an amendment to the Modern Slavery Bill to criminalise clients but was forced to withdraw it after hundreds of individuals and organisations wrote to their MPs to protest? See [here](#). That campaign was co-ordinated outside Parliament by the Safety First Coalition (which includes the Hampshire Women's Institute, the Royal College of Nursing, Women Against Rape, church groups, trade unionists, academics, lawyers and anti-racist and anti-poverty campaigners). [John McDonnell MP](#) opposed the amendment and demanded that sex workers should be listened to.

4. The trafficking of men, women and children for labour exploitation is far more widespread than sex trafficking – "for every trafficking victim subjected to forced prostitution, nine people are forced to work" in other fields. See [here](#). Why then disproportionately target the sex industry?

5. Trafficking is forced or bonded labour, abduction, kidnapping, false imprisonment, rape, grievous bodily harm, extortion. As Deputy District Judge Nigel Richardson said in giving evidence to parliament: "existing laws already cover all these offences and could be used to prosecute the assailants of women and children, whatever work they are being forced into?"

6. False claims that over [80% of sex workers are trafficked](#) have been peddled by politicians looking to increase the criminalisation of prostitution. In fact, less than 6% of sex workers in the UK are trafficked ([Mai, 2011](#)). "Many migrants prefer working in the sex industry rather than the "unrewarding and sometimes exploitative conditions they meet in non-sexual jobs" ([Evening Standard, 2011](#)).

7. Racism against women from poorer countries is behind the labelling of immigrant sex workers as victims of trafficking. [Research](#) by the Poppy Project found "of approximately 8,000 women involved in off-street prostitution in the capital, 80% were foreign nationals." Based on this figure the researchers went on to say: "The Project believes that a large proportion of foreign national women are likely to have been trafficked." (Poppy Project memorandum to Home Affairs Committee, 2004). This research was condemned as having "serious methodological limitations: ([A Question of Consent? Sexual Slavery and Sex Work in the UK, 2009](#)).

8. Despite government claims about prioritising trafficking, most victims get little protection. In 2012 four women who were forced into domestic slavery in London won a payout from the Metropolitan police after a high court judge found their allegations had not been properly investigated. A parliamentary committee (2005) found they are frequently deprived of "protection, access to services and

*justice*” and *“treated as immigration offenders facing detention and removals.* We have seen no evidence to show that anything has changed since then.

4) *'Whether further measures are necessary, including legal reforms, to:'*

- *'Assist those involved in prostitution to exit from it'*

1. Prostitution is an income-generating activity. Parliamentarians who claim to want sex workers to exit and to abolish prostitution must say how else we are supposed to survive.

2. A sex worker in our network commented:

*“Nine out of 10 women turn to prostitution or lap dancing to get money to survive. I work with students, mothers and all kinds of other women. Recently 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. We are not ashamed of what we have to do to survive. But we are furious that those who claim to know what’s best for us are ready to see us starve as long as we keep our clothes on, or put us in prison when we take them off.”*

3. Another has this to say about other jobs available:

*“I tried leaving prostitution and worked in a chicken factory for a while. But I found it too upsetting. I’d rather earn my living working on a street corner.”*

4. Women are the hardest workers yet the poorest everywhere – why not address this “inequality”? Home Office figures show that “74% of off-street sex workers “cited the need to pay household expenses and support their children”. Are we less degraded when we have to skip meals or beg in order to feed our children; stay with a violent partner to keep a roof over our heads; or work 40 hours a week for under £5 an hour to pay our bills? Is it surprising that many women would rather make three times as much working part-time in a brothel and have time to look after their children? [Doncaster reports](#) a 60% increase in prostitution due to benefit sanctions. If this Committee wants to reduce prostitution it should call for: the abolition of benefit sanctions, the benefit cap, student fees, the reinstatement of Educational Maintenance Allowance, measures to tackle homelessness and pay inequity, resources for women fleeing domestic violence . . . among other measures.

5. Amnesty International’s path-breaking vote in August last year in support of full decriminalisation (not just sex workers but also clients, indoors and outdoors), called on governments to provide resources in the form of “state benefits, education and training and/or alternative employment” to help sex workers leave prostitution if they want? The Committee could follow its example.

- *'Increase the extent to which exploiters are held to account'*

1. Who are the exploiters? Brothel-keeping and controlling law claim to target those who exploit sex workers but in reality are used against women working together for safety. These laws criminalise consenting relationships between prostitute women and partners, family members, friends, working colleagues and others. Trafficking law also claims to target violent exploiters but as so many women in our network attest to, the law is more often used to [target immigrant women for deportation](#).

2. Women working on the street say they pay up to 80% of their income in fines this is the real exploitation! Proceeds of Crime (POCA) legislation is used to seize sex workers’ life savings and assets (eg: a house, car, jewellery). The burden of proof is reversed so the person has to prove the money did not come from criminal activity and debts under POCA are the only ones which can’t be cancelled by a prison term.

3. If politicians were really objecting to exploitation they would object to the working conditions in those jobs which are usually the alternative to sex work and that create the conditions for prostitution to flourish. We’ve not heard them complain about Amazon, or other corporations which cut wages and work their employees into the ground – far from it as we see in the news every day, they are rewarded for making fortunes at the expense of others.

- *'Discourage demand which drives commercial sexual exploitation'*

1. This is an example of a biased and presumptive question. Who is to say that prostitution is driven by men's desire for sex rather than women's need for money?
2. [Research](#) on the Swedish law which criminalised clients found: "no convincing empirical evidence that the law has resulted in a decline in sex work . . ." Under the constant threat of police interference, sex workers are forced to hurry the process of screening and negotiating with clients, which makes them take more risks. It also found that sex workers have often been prosecuted as 'pimps' when they band together for safety. Landlords have been pressured by police to evict sex worker tenants under threat of being prosecuted themselves. Police have also been known to report sex workers to hotels and - most devastatingly - sex work is frequently cited as a reason for refusing child custody. Rose Alliance, the sex worker organisation in Sweden, conducted their own research and found that [63% of sex workers](#) said that the sex purchase law had created more prejudices.
3. Domestic violence, including rape, is the most common form of violence against women, yet no-one would sensibly suggest that relationships between women and men should be banned.
4. Claims that violence, particularly trafficking, can be reduced by criminalising clients are disproven by a 2014 Vancouver study which found that "criminalisation and policing strategies that target clients... profoundly impacted the safety strategies sex workers employed."

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<sup>i</sup> The Scotsman, 18 April 2008

<sup>ii</sup> He is one of three Democratic Unionist Party (DUP) Lords. The DUP In 1977, Ian Paisley, Lord Morrow's close friend, launched the "Save Ulster From Sodomy" campaign to prevent the decriminalisation of homosexuality. In 2007, Lord Morrow tabled an amendment to scrap laws banning businesses from discriminating against gay people.