

# PROCEED WITHOUT CAUTION

**THE IMPACT OF 'PROSTITUTE'S  
CAUTIONS' AND CONVICTIONS  
ON SEX WORKERS' LIVES**



**ENGLISH  
COLLECTIVE  
OF PROSTITUTES**



***Proceed Without Caution:  
The Impact of 'Prostitute's Cautions' and Convictions on Sex Workers' Lives***

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Special thanks to those that gave their time to be interviewed and to the women at the Crossroads Women's Centre who were available to help as needed.

The English Collective of Prostitutes (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, the ECP has been campaigning for the decriminalisation of prostitution, for sex workers' rights and safety and for the resources to enable people to get out of prostitution if they want to.

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Thousands of women in the UK have received a 'prostitute's caution' - a specific type of caution reserved for the punishment of sex workers - and/or have been convicted for prostitution offences; that is, for loitering or soliciting for working on the street and for brothel keeping or controlling prostitution for working together in premises with others.

Having a prostitute's caution and/or a criminal record for a prostitution offence brands sex workers as criminals, making us an easy target for the police and others in authority to discriminate and deny us our rights. In practice this means that sex workers lose custody of our children, are deported or prevented from travelling to other countries, and are denied compensation and insurance, among other injustices. Additionally, a criminal record can put sex workers at greater risk of exploitation, rape, and other violence because it is a barrier to getting another job and leaving sex work. The risks of a prostitute's caution, and the impacts of them are compounded for sex workers who are migrant, trans, women of colour, street workers and working class.

The ECP interviewed 12 women about the impact of prostitute's cautions and convictions on their lives. This is community-based research, which means that it was conducted by sex workers, many of whom have convictions themselves, who in turn interviewed their work mates and friends.

## **THE ENGLISH COLLECTIVE OF PROSTITUTES**

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The English Collective of Prostitutes (ECP) is a network of sex workers working both on the streets and indoors campaigning for decriminalisation and safety. We fight against being treated like criminals. We've helped sex workers win against charges of soliciting, brothel keeping and controlling – the last two most often being used against women working together for safety.

We highlight that most sex workers are mothers trying to do the best for their children, and we campaign against austerity cuts and for housing and other survival resources so that any of us can leave prostitution if and when we want. We have an international network including sister organisations in Thailand (Empower) and the United States (US PROStitutes Collective).

## **THE IMPORTANCE OF THIS REPORT**

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The ECP did this research because we have seen the carnage and pain that convictions and cautions can wreak on our lives and on other women that come to us for help. We are horrified that women, many of whom are mothers working to support families and are pillars of the community, are treated with contempt as if their lives are worth nothing once they get a prostitute's caution or a conviction. We see the humiliation, impoverishment, violence and exploitation heaped on women whose social power has been reduced by being branded a criminal. We are sick of the way that women with convictions are stigmatised and forced to apologise for our efforts to survive in a world where those in power aren't interested in our survival or the survival of our loved ones.

Of course, sex workers aren't the only ones who are criminalised for trying to survive. The numbers of women being convicted for shoplifting and other small value theft are increasing as poverty rises.<sup>1</sup> Most women in prison are there for non-violent crimes of poverty<sup>2</sup> and those of us who are women of colour face disproportionately higher levels of arrest and imprisonment.<sup>3</sup> Prison sentences have been abolished for loitering and soliciting but women are still going to prison for non-payment of fines and for brothel keeping/controlling prostitution – charges that are used against women working together for safety. Campaigns are growing in visibility and determination to end prison sentences particularly for pregnant women and mothers<sup>4</sup>. Criminalising women does not only affect women; it affects their children, their families, and wider society.

But anyone who speaks out against injustice comes up against new laws that criminalise protest and risks long prison sentences. Women who are central to movements for change are particularly impacted.<sup>5</sup>

The police are responsible for implementing prostitution laws. Sex workers speak of daily humiliation, bullying, threats, and violence at the hands of officers, and have been shown to be one group of 'vulnerable' women targeted by police rapists and abusers.<sup>6</sup> One study in East London found that 42% of street sex workers had experienced violence from the police.<sup>7</sup>

The growing sex worker led movement for decriminalisation, the anti-rape movement, and Black Lives Matter movements, alongside other movements for justice have succeeded in getting official confirmation of our experiences at the hands of the police. Report after report has exposed them as misogynistic, racist, homophobic and criminally corrupt.<sup>8</sup> As a result, sex workers who complain of police violence and abuse are now more likely to be believed.

We have seen over and over again that the public understands how criminalisation puts sex workers at greater risk of rape and other violence. As far back as 2006, after the tragic murders of five young women in Ipswich, there was an outpouring of sympathy and empathy from local residents who shared with the ECP their observations as to how heavy policing displaced women to more isolated areas and into greater danger. We formed the Safety First Coalition to campaign for decriminalisation and safety and got support from many quarters.<sup>9</sup>

By publishing this report, which spells out the wide-ranging, lifelong harm and injustice that prostitute's cautions and/or convictions inflict on women, we hope to galvanise greater support for the international sex worker led movement for the decriminalisation of sex work.

We also want to provide clarity in relation to those organisations and individuals who are pressing for women's cautions and convictions to be expunged, yet refuse to support current sex workers in our struggle for decriminalisation. We are not only victims. We are survivors and campaigners; part of a women's movement which refuses to accept rape, domestic violence, poverty, and exploitation.

## **THE CONTEXT OF THIS REPORT: PROSTITUTION LAWS**

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The prostitution laws are draconian. Sex workers are forced to choose between keeping themselves safe and possible arrest, or avoiding a criminal record and putting themselves in danger.

The three laws most used to arrest and criminalise sex workers are as follows:

### **Loitering or Soliciting**

It is an offence for a person to loiter or solicit in a street or public place persistently "for the purpose of offering their services as a prostitute".<sup>10</sup>

The repeal of the loitering and soliciting laws was proposed as far back as 1979 by Maureen Colquhoun MP, who worked with the ECP to put forward the Protection of Prostitutes Bill. Presenting the Bill to parliament she said:

*"It is a totally unjust system that a woman can be twice cautioned on the evidence of a single police officer. On a third occasion, still on the evidence of a single and often the same police officer, she can be charged with loitering with intent for the purposes of prostitution. If she pleads not guilty before the court, the same police officer reads out the evidence of his two cautions. Before any offence has been proved, a person innocent in the eyes of the law can be labelled as a common prostitute."*<sup>11</sup>

The label “common prostitute” was abolished by the Policing and Crime Act 2009 but this law at the same time changed the definition of “persistent” soliciting to “twice in a period of three months,” making it easier for police to arrest sex workers. The ECP spearheaded opposition to this at the time.<sup>12</sup>

The penalty for loitering or soliciting is a fine, and/or an “engagement and support order” (which are promoted as an “alternative to fining” people<sup>13</sup>, but function as another form of criminalisation<sup>14</sup>). In theory, for anyone to be convicted of loitering and soliciting, an observable offence must be established on two occasions:

*“ . . . two officers need to witness the activity and administer the non-statutory ‘prostitute’s caution”.*

Of course, in practice it doesn’t work that way. Women in the ECP’s network have been given a prostitute’s caution by police shouting out of the window of their car as they passed. This is more likely where the women are already known to the police as sex workers.

Prostitute’s cautions differ from police cautions in that the woman doesn’t have to admit guilt, there is no right of appeal, and it stays on your record for life (or until you are 100). We say more about the differences between these two cautions below.

ECP members have been convicted of loitering and soliciting on the basis of ‘police evidence’; evidence such as “she was standing on a street corner looking in the direction of several men”. One woman described the way the police implemented the loitering and soliciting laws:

*“The police wait outside my house to catch me when I leave. It doesn’t matter how I’m dressed, who I’m with, where I’m going, they say I’m loitering. When they stop me, they jeer at me, and make jokes at my expense, often sexually explicit jokes. When they arrest me, I’m strip searched, and they sometimes leave the door open so the male officers can see in. All this is to humiliate me.”*

When police instigate a ‘crackdown’ in any area, the number of loitering and soliciting convictions and prostitute’s cautions issued increase, in some cases massively. For example, a police operation in the West Midlands resulted in 800 prostitute’s cautions being given out over a two-year period that ended in 2014.<sup>15</sup> In the London Borough of Redbridge, 639 women were given prostitute’s cautions for soliciting between 2013 and 2015.<sup>16</sup> In 2019 in Stoke-on-Trent, the police “Operation Calling” resulted in 270 sex workers getting a prostitute’s caution or being charged with loitering and soliciting.<sup>17</sup> An operation to “tackle prostitution” in Ilford in 2013 resulted in “236 prostitutes” being cautioned.<sup>18</sup> Specialist funding for a team of police officers in Newham resulted in 94 prostitute’s cautions being issued in one year.<sup>19</sup> Further, evidence of police racism is demonstrated in figures that found between April 2015 and July 2016, 92% of women who were issued cautions for loitering/soliciting in Redbridge in 2015 were Romanian.<sup>20</sup> Statistics from the Metropolitan police show that between 2016 and 2021, out of 259 people arrested for loitering, just 1% were white British.<sup>21</sup>

It is women who are disproportionately arrested under loitering and soliciting laws. Figures for London between 2016-2021 show that 94% of people arrested for loitering and soliciting were female.<sup>22</sup> In Manchester of those who went to court charged with loitering or soliciting between 2012-2016, 100% were female.<sup>23</sup>

Women in the ECP's network have successfully worked to get a prostitute's caution expunged. We've also fought loitering and soliciting charges, and even won in some cases by showing that the procedure for issuing a prostitute's caution wasn't followed.<sup>24</sup>

## **Brothel keeping**

A brothel is a place where "more than one woman uses the premises for the purposes of prostitution, either simultaneously or one at a time."<sup>25</sup> In 2003, the maximum sentence for "keeping, managing, acting or assisting in the management of a brothel" was increased from six months in prison to seven years.<sup>26</sup>

Hundreds of women are arrested, raided, charged and convicted every year under these brothel keeping laws. This is a major obstacle to women's safety. Sex workers want to work together because it is safer, less boring, and cheaper if you can share costs. A 2016 study found that many sex workers share premises as a safety measure that allows people to screen clients, call for help if need be and prevent clients from finding out their personal addresses.<sup>27</sup>

The justification for the brothel keeping law is that sex workers are being coerced and trafficked yet a 2023 report found that most sex workers working in brothels aren't even working for managers.<sup>28</sup> Instead "the most common third party are other sex workers themselves – mainly in the role of colleagues." Also, sex workers "feel forced to choose between working alone and without support, or risking prosecution for themselves or any third parties they work with."

Research from Ireland shows that the vast majority of those convicted of brothel keeping (85%) are female.<sup>29</sup> This Ireland study also showed the discriminatory application of these laws, as all of the sex workers convicted were non-nationals.

The ECP has fought against charges of brothel keeping. In some cases, our campaigning and legal case work has forced the Crown Prosecution Service and the police to drop the charges - for example, in the case of two migrant women who went to court in 2019.<sup>30</sup>

Another woman was found not guilty by a jury which accepted her defence of "duress of circumstances" as she provided evidence of the high levels of attacks on sex workers, showing that she had to work with others in order to protect herself from violence.<sup>31 32</sup>

## **Controlling prostitution for gain**

A person commits an offence of "controlling prostitution for gain" if they "intentionally controls any of the activities of another person relating to that person's prostitution in any part of the world"; and "does so for or in the expectation of gain for himself or a third party"<sup>33</sup>.

"Controlling prostitution" is interpreted widely by the courts. In one case police claimed in court that women were controlled because they were "required to work certain days of the week, between certain times and charged a specified amount of money for each service". No 'controller' was named or identified. And the magistrate agreed saying that the "lure of gain and the hope of a better life" for women who were "desperate to earn some money" amounted to 'control' and 'incitement'.<sup>34</sup>



Convictions for loitering and soliciting, brothel keeping, and controlling are not classified as sexual offences but there is sometimes a belief among the public and employers that they are, leading to increased stigma and discrimination. They will always show up on an enhanced DBS check. A prostitute's caution stays on a woman's record until she is 100 years old.

## PROSTITUTE CAUTION'S V POLICE CAUTION

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A prostitute's caution differs from a police caution.

1. A police caution is issued on the basis that the person accepts guilt for the offence they are being cautioned about.
2. A prostitute's caution can be issued to anyone the police claim to have 'reasonable cause' to *believe* has committed an offence of loitering or soliciting. There doesn't need to be evidence of loitering or soliciting, just for the police to say they *believe* there is. Police discretion of this kind is an invitation to abuse of power.
3. There is no right of appeal against a prostitute's caution.
4. A police caution is spent after two and a half years, filtered out from someone's record after six years and doesn't need to be disclosed to employers.<sup>35</sup> A prostitute's caution will show up on a woman's enhanced DBS check until she is 100.

## DISCLOSURE AND BARRING SERVICE (DBS) CHECK

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Employers in the public, private and voluntary sectors can carry out a DBS check on potential and current employees to find out if they have:

- Unspent criminal convictions
- Cautions – that is, criminal cautions.
- An employment history causing them to be barred from a particular role

There are three types of DBS checks:

1. Basic (lists unspent convictions and conditional [criminal] cautions)
2. Standard (lists spent and unspent convictions, cautions, final warnings and reprimands)
3. Enhanced (lists information on spent and unspent convictions, cautions, final warnings and reprimands, plus any information held by local police that's considered relevant to the potential candidate's role).

'Prostitute's cautions' are not mentioned. Yet prostitute's cautions and convictions for loitering and soliciting, brothel keeping and controlling show up on an enhanced check *forever*.

When compiling a list of jobs which are likely to require a DBS check, we looked at jobs that are more commonly done by women,<sup>36</sup> as most sex workers are women. These jobs include:

- Carers, including home care workers, workers in care homes, and anyone caring for adults with disabilities or children
- Childminders
- Community centre workers
- Counsellors
- Medical professionals, including first responders, nurses, and even first aiders
- Social workers
- Teachers
- Vets, or any job relating to animal care

A campaign by business leaders to 'Ban the Box' is asking employers to remove the tick box on application forms which asks if someone has a criminal conviction.<sup>37</sup> This may help in some situations. However, the criminal conviction is still made known to the employer at a later stage in the recruitment process. In any case, the campaign frames the issue as giving people with criminal convictions "the opportunity to compete fairly for roles and move on from **their past mistakes** [our emphasis]".

What women did to receive a caution or conviction wasn't a mistake. To step outside of the law in order to ensure that your children are fed should be acknowledged as an act of bravery, not a moral or criminal flaw. Sex workers (and many other people) are being convicted under unjust laws. Convictions and cautions for sex work and other 'crimes' relating to poverty must be expunged, and no-one should be convicted in the future.

## IMPACT OF CRIMINALISATION

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Criminalisation undermines sex workers' safety. A recent report by the UN Working Group on Discrimination against Women and Girls confirms that "by giving police powers to directly or indirectly target sex workers, criminalisation models facilitate systemic violence and undermine the sex workers' health and safety". Migrant sex workers are particularly targeted.<sup>38</sup>

The threat of prosecution for loitering or soliciting for women working on the street, and of brothel keeping and controlling for women working in premises, prevents sex workers reporting rape and other violence. Street workers forced to run from the police are driven to work in more isolated and unfamiliar areas. Women working together in premises that are constantly being closed are pushed from one location to another, dismantling any safety measures they have managed to establish like installing safety gates, working close to colleagues in better lit areas, or building a pool of regular clients.

## IMPLEMENTATION OF THE PROSTITUTION LAWS

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There has been a drop in the number of convictions for loitering and soliciting and brothel keeping. But fewer prostitute's cautions and convictions doesn't mean that police enforcement has ended.

According to 2022 Ministry of Justice statistics, there were 107 people charged with brothel keeping (with four people sentenced). Figures show that 167 people were arrested for “Aiding, etc. Offence by Prostitute”. This could be a range of offences such as controlling, causing, and inciting prostitution. Again, this doesn’t indicate the extent of criminal charging because some people are charged with additional offences such as “conspiracy to control or incite prostitution for gain”.

Raids and arrests still continue but are now largely done under the guise of anti-trafficking and Modern Slavery operations, the excuse being that sex workers are victims that need to be saved. Yet, information obtained under freedom of information laws show “69% of police raids, reported as being linked to modern slavery and sex trafficking, are not resulting in any trafficking victims being referred to support services. Around a quarter of such raids discovered no trafficking victims.”<sup>39</sup> Many migrant sex workers go on to be threatened with deportation.<sup>40</sup> The fear of deportation has increased since the Brexit referendum.<sup>41</sup>

But claims about trafficking are useful to police looking to justify raids, and so they continue to make them, regardless of the facts. Mass raids in Soho, London in 2013 are one such example. Hundreds of officers in riot gear and with dogs rampaged through the area, breaking down doors, handcuffing women on the floor and taking at least one woman out in her underwear in front of waiting TV cameras. During the raids, Commander Alison Newcomb had the gall to comment to the Evening Standard that “these raids were needed to save victims of rape and trafficking”.<sup>42</sup> .

Brothel raids are falsely labelled as ‘welfare visits’ by police who claim that they treat sex workers as victims.<sup>43</sup> Recent research from Wales shows that the ‘safeguarding’ justification for raids and the ‘rehabilitation’ approach is a way to embed and expand criminalisation and allow for more intervention and monitoring by the state in sex workers’ lives.<sup>44</sup>

Examples of so-called welfare visits within the last couple of months of writing this report include: a migrant woman ‘visited’ three times in one month. The first time she was working with a friend. Police gave them a questionnaire to answer about whether they were trafficked and when they said no, they came back with immigration officers and deported her friend. The third time she called the ECP terrified because police had pushed their way into the premises and told her that what she was doing was illegal. We told the police to go and made a complaint, only to get a duplicitous response asking if we thought the officer had been “overzealous”. Another woman had three police and a council officer come to her door who refused to identify themselves and then threatened her with prison.

## **EXPUNGING CAUTIONS AND CONVICTIONS**

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A legal challenge in 2018 by the Centre for Women’s Justice won a High Court ruling that women don’t have to disclose their record to potential employers.<sup>45</sup>

In 2019 the UK Supreme court ruled that multiple convictions for any offences being automatically declared on Disclosure and Barring Service (DBS) checks was unlawful.<sup>46</sup>

Before the ruling, singular cautions (with specific exceptions for sexual, violent or vulnerable people offenses and prison sentences) were left out of these checks, but multiple cautions/offenses were always included.

Now, multiple or single cautions (with the above exceptions) issued to adults will no longer be disclosed in an enhanced criminal record check after six years; multiple or single adult convictions leading to a non-prison sentence will no longer be disclosed after 11 years. As most people with convictions for soliciting/loitering almost always have multiple convictions, this benefits sex workers.

This ruling is being appealed to the European Court to add additional protection that would prevent the recording and retention of loitering and soliciting records until the person is 100 years old, expunge records, and decriminalise street sex work. However, the campaign which initiated these legal actions specifically states that it does not support the decriminalisation of sex work.<sup>47</sup> This is divisive, and flies in the face of compelling evidence that criminalisation undermines sex workers' safety.<sup>48</sup>

## **METHODOLOGY**

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Interviews were conducted with 12 current and former sex workers. Participants were aged between 25 and 64. All had criminal records except one woman who has been 'under investigation' by police for over a year. Some had received multiple prostitute's cautions and convictions. Four of the interviewees are women of colour, of those, two are migrant. Seven interviewees are white women.

Women from the ECP, some of whom had convictions themselves, interviewed their workmates, friends and others in our network. We asked a specific set of questions (see Appendix) but also left space for women to speak about related issues.

## **RESEARCH FINDINGS**

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### **Leaving prostitution / finding other work**

Over two-thirds of the women interviewed said that a prostitute's caution and/or conviction had been the reason they found it hard to leave sex work and find another job.

Women described how having a record for prostitution meant they didn't apply for jobs for fear that the conviction would come up. They spoke about being prevented from applying for or accepting promotions or moving into other areas of work. Women felt they had been locked in low waged jobs and were wary of their workmates finding out about their criminal convictions and this affected their relationships with them. Overall, women felt that their possibilities were thwarted by the burden of a caution/conviction.

One spoke of turning to sex work as a teenage single mother trying to earn money quickly to pay the rent. Seven years later, she tried to find an office job. After declaring four convictions, "all of them related to prostitution", she was refused. Seventeen years later, she is still in the sex industry.

*“At the age of 25, seven years into the industry, I tried to leave. I had three kids to feed and tried to look for a job in an office, but they did a DBS check and my convictions came up. I already had four convictions by then, all of them related to prostitution, so I didn’t get the job. I had to carry on with prostitution.”*

She wasn’t alone, other women spoke of being trapped in prostitution by a criminal record.

*“Hooking is the only thing getting the record leaves you to do. Either you lie on applications and live with the fear that they’re going to find out, or you explain what you did. I don’t want to explain it to people; I’m too proud to say: ‘well, actually, I was a hooker—now please give me a job!’ The job I started as part time for a short time has become full time for life.”*

Another said that before she got a conviction, she was able to combine sex work and other work which she found rewarding and satisfied her interests, even though it was low paid:

*Working in education; working in old peoples’ homes. I can’t do those jobs anymore because I was working with vulnerable people. Now, I wouldn’t pass a DBS check to work in a school or care home. I just avoid all situations where I know I’d be asked those questions... once I got arrested, that was it. I just started the hooking full time; my other career just stopped.*

Estimates suggest that over 90% of sex workers identify or work as women. When trying to get other jobs outside of sex work, many women say that they want to apply for jobs that involve caring for children, young or older people.

One woman said that being blocked from “constructive” work was “humiliating”. She felt that, despite having “a lot to contribute” and life experience that could be helpful “to educate young people and adults”, having a conviction for sex work was a “barrier to our offering anything to society”.

Another woman described how she was kept out of jobs she would have been ideally suited for.

*“Yes, there are many jobs I would have loved to do! Jobs I’ve been offered and had to say no to. Caring for my daughter over the years I’ve learned things like supervising medications, doing injections, tube feeds and the rest. Social services asked if I’d considered doing emergency respite. It’s excellent money and would have suited my life and skills. It’s perfect for me and would have fitted around what I need to do with my own child. But I couldn’t even think about it as they would have done the checks and found out and I would have lost my own child. Especially as I have a disabled child. If convicted of a sexual offence while looking after someone with a learning difficulty, you’re considered to be putting that person in moral danger. So it’s a big no-no. You don’t apply for the jobs that suit you and the ones you’d like to do.”*

One woman described the deep disappointment and thwarted ambitions of having to refuse work “which I’m totally qualified for but can’t possibly do because I have been criminalised” saying “I’ll never know what life could have been.”

Even though there is no element of 'dishonesty', prostitute's cautions and convictions are seen as an indication of an 'immoral character' and in many cases are judged more harshly than convictions for other minor non-violent offences. This begs the question whether sexism is involved in this.

*"I did want to become a teacher and purposely didn't go down that road ... I was told that it only would have been fine if it was another kind of caution. I was told that had I been caught with weed, I could still go for it and probably still get jobs. I thought, 'if that's the limit, my chances are not great and it's probably not worth training.' It would be nice if you could change your life around and be left to it, unhindered. I could have been an amazing teacher."*

A number of women described how having a conviction trapped them in poverty by keeping them out of better paid jobs. They were forced to live on benefits or accept low waged work.

*"I got a job in a care home in Liverpool. They didn't have disclosure, you see. So once you applied they did disclosure and I just left. It's stopped me from applying for any job, really. I ended up living on benefits with my children. It caused me all kinds of problems and I had no money.*

*I've done a lot of care work in my family and not just family. But then I sent for this DBS thing and it just totally put me off. So I ended up getting a job in [a shop] and I've been working there ever since. Hard work. Don't get as much money as I used to but I enjoy it."*

One woman complained that nowadays "everything requires a criminal record check". She asked with anger:

*"Where's the rehabilitation for me, why don't you put me back in prison if you're saying I've got not got any use out here in society?"*

We did a small poll of various women in our network and everyone confirmed that they had had to have a DBS check for every job outside of sex work that they had applied for. Only one interviewee found a shop that did not require a DBS check and got a job and was able to leave prostitution.

Interviewees described the "limitations" imposed on them by a criminal record. In some cases, the only option appeared to be for women to work for themselves, but in others it was exactly that option that they were prevented from pursuing.

One woman who trained as a counsellor after her caution and found her tutors "accepting" described how she felt "very unconfident going into an interview and it has a lot to do with the caution." Instead, she is setting up a private practice so that she doesn't 'have to go through that experience of having "no hope"'.

*"I've done so many trainings because I realised there were so many jobs that I could not do. So now I am doing a training in sports massage therapy for ITEC level 3 to be a professional sports therapist. For this I didn't need a DBS check. But if I wanted to open a sports therapy shop, my own business, I wouldn't be able to do so because I have a criminal record."*

One woman spoke about how her conviction stopped her diversifying in her line of work and the impact it would have on her if her workmates found out she had a criminal record for prostitution.

*“I work in the warehouse but there’s been times where they’ve... asked me to drive and I always say no. Because you’ll want to look at my record and I’m not doing that for the whole of Sainsburys’ 1000 employees to be talking about me.”*

## **Education and training**

Having a criminal record is a bar to accessing education and training. Three women specifically mentioned this in the interviews.

*“Study was impossible for me... What would be the point of racking up student debt and studying only to find I was still not able to get any job, let alone a well-paid one?”*

*“I’ve tried to apply to universities because I wanted to go into healthcare. But it’s the first question they ask you about. The nature of the conviction is so embarrassing that I didn’t even proceed. I didn’t want to talk about it, and it was over ten years ago.”*

*“I applied for the course in adult nursing in a university and I had an interview as well. But after all this happened and I was under investigation I couldn’t do that because before applying to the course I had to do a DBS check. So I changed to do the dental nursing thinking that I would not have to do a DBS check. But I found out after one month volunteering at the dental practice that yes, I needed to do a DBS check as well.”*

## **Access to justice**

Women described how having a prostitute’s caution or conviction on your record deterred them from reporting rape, domestic violence and other crimes and how it meant that they received worse treatment from the police, courts, and even lawyers.

### ***Reporting rape and other violence***

Most women who had experienced rape and other violence (including domestic violence) did not report it to the police. When they did women found the police hostile and disbelieving.

*“I was raped when working, not long after getting a caution. I was treated really badly because they knew I was working. The doctor who examined me was really cold and unkind, and after I was dropped in the middle of the city in a paper suit at four in morning, which is really risky. Dumping me in nothing but paper! I put that down to the fact that I was working and the stigma from the caution. I did report the rape but I left it in the end.”*

Domestic violence victims received particularly harsh treatment from the police and also from the courts.

*“Police assumed I got beat up by my ex purely because I was on the streets. They said, ‘have you ever thought about just not going on the streets, and then he wouldn’t hurt you?’”*

*“With the prostitution case, when the first case ended in a hung jury they went back for another trial. My previous record might have affected that decision.”*

## ***Reporting other crimes***

Over two-thirds of women interviewed stated they would be less likely to report any crimes committed against them.

*“If I was the victim of another crime, whatever it was, I wouldn’t ever feel able to report to the police because of [my conviction] in 2013 and how I was treated around that.”*

*“No, I wouldn’t report now to be honest. The police aren’t interested in helping people. A former officer once told me the GMP [Greater Manchester Police] are biggest gang in the country.”*

In other cases, it was specifically the caution or conviction that prevented women reporting crimes against them.

One woman described how during a raid of the flat where she was working the police found out about her convictions from decades ago and how they changed from respectful to “vile”. However, she notes that the migrant woman she was working with was “treated badly” from the start.

*“My record has definitely affected the way authorities have treated me. I am a receptionist now in a flat in [London] and we were raided by around sixteen police officers. I gave them a false name and a false address because I haven’t been doing prostitution for over ten years and I have three daughters and six grandchildren. I don’t want to put any of them in jeopardy. And even though I paid my children’s way through life using it, they mostly don’t know. The police spoke very nicely to me at first. But one of the officers, an older man, recognised me and I was fingerprinted. My whole record came up, breaches of ASBOS, loitering, unpaid fines, even my conviction from 29 years go. After that, the police were vile. They stayed for another three hours and treated us badly. The girl working there, a migrant woman, they had treated badly from the beginning.”*

A number of women described being doubted and disbelieved by police because of a conviction. One said the police made her “feel like the pot calling the kettle black” when she reported a crime.

One participant said she feels confident to report crimes now that she has left the sex industry, but “back in the day it definitely affected my ability to report crimes towards myself or other people due to fear”.

Some women had described abusive police targeting them.

*“One time I was in the pub and the coppers came up and said we saw you on the beat. They knew I had a conviction so they had that over me. They said you tell us everything you know and we’ll give you a free pass on the beat. And when I told them I didn’t know anything they said don’t you fucking set foot out of your house because we know where you live. I couldn’t go out for ages because I was scared.”*

One woman who is a woman of colour said the police knew her “from a young age”.



*“The coppers treated me terrible. They were arresting me over and over. They treated me like I was rubbish. You were no-one to them.”*

She didn't mention racism from the police here but spoke about it later in relation to her family and community.

Fear of arrest was specifically mentioned as one of the reasons women wouldn't report violence.

*“Working now as a receptionist, I am likely to get attacked or robbed, but I wouldn't report. I'd be going back to square one. I'm old now. I don't want to go back to prison. I'd be getting arrested 100%.”*

*“The doctors called the police because they knew it had been violent but the case never even made it to court. I didn't even report it. I couldn't put him behind bars I didn't want to go down for brothel keeping, because I was working with other girls indoors at the time in Soho.”*

*“Back in the day they'd arrest me because I was working in a brothel or loitering, but now if I report and say I'm the receptionist I'd go down for controlling. The girl I am working with is an EU citizen and has the right to live and work here, and she does so of her own free will but the police will accuse me of pimping her, which I have seen happen.”*

Another woman who was tied up during a violent robbery was sickened to be questioned by police who asked “Are you sure it wasn't just a client who didn't pay you?”

*“It was offensive. I said for one, I wouldn't take clients to the house because that's where my daughter is! And even if I had been paid, that would and should still be a crime. They never even investigated it. They knew what I had done before they even entered the house and that was the first thing that was said to me.”*

It isn't just the police that discriminate against women with convictions. One interviewee said she had been refused representation by more than one lawyer in the past; another described working with “a solicitor who was positive at first, but once he found out I'd been a sex worker and received a conviction he was not even on my side.”

## **Compensation as a victim of crime**

Anyone who is a victim of violence has the right to make an application for financial compensation to the Criminal Injuries Compensation Board. But if someone has a criminal record the Board can bar them from getting compensation or reduce the amount.

One woman gave a harrowing account of suffering sexual abuse in a care home as a child, and having her compensation award reduced because years later as an adult she was convicted of loitering and soliciting.

*“I ended up in care home through no fault of my own because my mum committed suicide. There was abuse that went on in the care home. I was there between four and nine years old. It was the head of the care home. There was touching and him getting his bloody thing out and putting me on his knee when it was dark in the living room at night-time.”*

*So eventually I claimed compensation. I was given £12,000 compensation and it was reduced to 50% to £6000 because I had a criminal record. And the record was obviously the prostitution. This was 25 years ago and £12,000 was a lot of money and they took it from me.”*

None of the other women interviewed said they had felt able to get compensation after a crime was committed against them. They knew that convictions and cautions relating to sex work, no matter how old, could be brought up in any compensation hearing.

*“My record stopped me getting compensation after a very brutal attack that almost killed me. I ended up in hospital after fleeing into the street naked with my lip split into three and my eyebrow torn apart... I wanted to apply for compensation but I found out that I would be barred from getting any money because of my criminal record.”*

Together with Women Against Rape, the ECP has campaigned against this discrimination. Two sex workers who courageously brought a private prosecution against a serial attacker who raped them at knife point were initially refused compensation. Then, after protest, they had their award reduced by 25% due to their “unlawful conduct” – even though the way in which they were working did not break the law.<sup>49</sup> The courage and strength of character needed to face the man that nearly murdered them in order to ensure he wasn’t free to attack others wasn’t even considered.

Our sister organisation, the US PROStitutes Collective, spearheaded a successful campaign to overturn a discriminatory rule that prevented sex workers who are physically or sexually assaulted from receiving money from a special victim compensation fund. Since the policy was changed sex workers are now eligible for state assistance to pay for medical and related expenses they may incur as a result of an assault.

## **Family and friends**

Two thirds of the women interviewed described that having cautions or convictions on their record had caused problems in their relationships with friends and family.

Those of us who did the interviews found this aspect of the research particularly heart-breaking and enraging. In one woman’s case she said that her nieces and nephews know her only as this “shadowy person”. They will never know her as we do – a clever, resilient, resourceful woman. Instead, she is demeaned and treated like an embarrassment and at gatherings forced to “stand on the sidelines”.

Others described being completely estranged from most of their family.

*“I’ve got siblings that won’t see me. When I was first arrested, they called my parents. I had already been kicked out of home, but since then there has been absolutely no family connection. My friends don’t know. They might know some things, but I don’t talk to them.”*

One woman of colour said that racism compounded the way she was treated.

*"I don't see a lot of my family and I think it's because they know about my past. I'm estranged from my daughter. Her dad and her partner's mum and dad – they knew about that work and everything. I faced some racism from my husband's family. They said he should stick to his own kind and you should stick to yours. He was a white man. So, I think it's because of all of that my daughter thinks I'm a bad person."*

Most women had to lie to family members about what they did for a living and found the burden of this and the fear of being found out very hard.

*"Well, I think you have to lie a lot because my kids don't know a lot about me. I never told them. You have to hide that part of your life. I think it's kind of sad that you have to do that. Because if my kids saw that I'd be devastated. I'm more scared of that, especially now they're all grown up. Yeah, they wouldn't even know what I was doing when I was a kid. They think I'm normal."*

*"You feel like you're hiding a part of who you are. You're not showing all of you to everybody. With the stigma attached, you're scared of telling people because you don't know how they'll react. You feel like you're living in deception."*

All the women interviewed went to great lengths to protect their children and other family members from finding out about their job. Women described how police know this and often, threaten them, vindictively, with telling their family. In some cases, police deliberately informed parents purely, it seemed, to cause women harm and bring chaos into their lives.

One example, not from this research, was during the mass raids in Soho in 2013. Women gave statements to the ECP to counter police lies about the raids<sup>50</sup> and said:

*"I was handcuffed and pushed to the ground. The policeman shouted at me that if I didn't tell him who owned the flat, he would inform my mother back in Romania of what I do. They only stopped when the maid intervened and told the police that I am an adult and that they have no right to tell my parents anything. But I am living in fear that they will tell my family."*

*"The police went to my home and searched it. My daughter was there, and they told my daughter that I work in Soho and what I do. This was vindictive."*

There is a long tradition of this particular form of police terrorism. In 1982, the ECP with Women Against Rape and Black Women for Wages for Housework, occupied the Holy Cross Church in King's Cross for 12 days to protest police illegality and racism. One of the incidents that triggered the occupation was that a woman wanted to plead not guilty after being picked up when she wasn't working. The police went to her mother's house and told her that her daughter was working "as a prostitute in King's Cross". The next day social workers threatened to take her child into care. She pleaded guilty as a result.<sup>51</sup>

## **Child custody**

Losing your child causes lifelong grief and trauma. A number of the women interviewed spoke about being threatened with losing custody of their children.

*“Police came to my house looking for my brother and arrested me on child welfare. I’d been having a hard time and was grieving and the house wasn’t as good as sometimes because I was a bit of a hoarder. They searched the house, found a PVC dress and did a photo of it with condoms to make it look like they were just lying around. Police called child welfare and they dredged up 100 convictions for soliciting that I had got before my daughter was even born. They tried to do me for child neglect. LAW [Legal Action for Women] wrote to protest and I straightened the house up and eventually it was okay.”*

Two women specifically spoke about how having a record for prostitution reduced your power to fight the authorities or malicious ex-partners making you more “compliant” or “vulnerable”.

*“I got into an abusive relationship. I went to the family court and I did get treated badly. I know it was because of my past that I ended up backing down and allowing my son’s dad contact... so it affected my case, my confidence, and the consequences.”*

*“Cautions like mine don’t just affect the adults who receive the caution, they affect their children. It made me a lot more compliant about allowing my son to be in contact with my ex-partner who was a dangerous man, because I was so petrified of my children being taken away. I had one solicitor who was positive at first, but once he found out I’d been a sex worker and received a conviction he was not even on my side.*

*When I went to the family court because of my abusive partner, my record was brought up. I had purposely avoided telling my partner about my past because of how he would react. I didn’t tell him about my caution. But during the court case, when it was aired out, he found out and used that against me. He ended up getting taken to court again and eventually charged with harassment because he was being so violent and abusive throughout the court case, and one of the things he attacked me with was my past situation. So, the record put me in quite a vulnerable legal situation and also a vulnerable position with him, where I initially hadn’t wanted him to know in order to protect myself. Who knows what he’ll do with that information. Maybe he will tell my son. It doesn’t feel safe...”*

Even when women have amicable arrangements with former partners, the fear of how their record for prostitution could be used is always a worry.

*“My son’s father knows a little bit of what is happening to me. I think of how this can be used against me by him to take custody of my son. At the moment I am not able to take care of my son because I am out of work as well and I am not able to send him the money I was supposed to send for his education and expenses as well. So I have a fear he might take my son.”*

One woman had to fight for months for help to move house to escape her violent former husband who had threatened to kill her after he got out of prison. Social workers tried to fob her off and when she persisted, they accused her of being a bad mother. This was before information about her convictions for loitering and soliciting came up so her fear of how she would be treated then was intense.

*“The first social worker... was very nice speaking but after she wasn’t good because she called me and she told me to move [on my own] without my family. After Laura [ECP] called her, she lied. But then in the meeting on the phone she said maybe I wasn’t protecting my daughter until Tracey [SnS] spoke and said that was wrong.”*

Of course, if women want to foster or adopt, a criminal record for prostitution is an insurmountable obstacle. Yet a conviction for domestic violence doesn't seem to be a barrier for men to get custody of their children.

*“At one point I was thinking of fostering a child, because I was in the foster system. And my foster mother was absolutely fantastic. I had a good experience there. So I thought I'd foster a kid. But my daughter she is a social worker, and she said no you won't get it because look at your history. I mean, I wouldn't even pass a DBS.”*

Increasing numbers of mothers are coming to the ECP for help and support having been labelled bad mothers and threatened by social services with having their children taken. Mothers doing sex work are accused of loving money and men more than their children, promiscuity, dressing inappropriately; their children are scrutinised and labelled “sexualised”.

With Support not Separation (SnS), a coalition we are part of that is based at the Crossroads Women's Centre and campaigns to end the unwarranted separation of children from their mothers, we are supporting mothers who are fighting against sexist, racist, discriminatory social services and family courts - and some mothers are winning! We are also campaigning with SnS to change the priorities of the family welfare system so that they shift away from separating children from their mothers or other primary carers towards mothers, including those who are sex workers, getting financial and other support.

One woman described what a difference it made to not have to live with the fear of losing custody:

*“Now I can hold my head high and not worry about people finding out about my work.”*

## **Housing**

Access to housing is a basic right, but women described how cautions and convictions were an obstacle to being able to rent, get a mortgage, and stand up to abusive landlords who use any knowledge of their tenant being involved in sex work, especially if she has a conviction, to discriminate and extort more money from her. Local authorities often have a policy of not housing people with criminal convictions and women can be forcibly evicted if they get a conviction after they have been housed. The law makes it illegal to sublet to anyone involved in prostitution or to rent to someone who is habitually doing sex work.

*“I was lucky in that I already had a council house before I started working in prostitution and am still there. But if I moved to a different place, one of the questions on the forms is: “do you have a record?” If you declare it, they can withhold housing options, or put you in specially allocated areas, which would be places you didn't want to live in. If you don't declare, they can evict you because you've lied. It affects a lot of people.”*

One woman said that it was enough for her to be a single woman from Romania for landlords to suspect she was a sex worker and treat her badly.

*“All the landlords, they see me as a girl and alone and from Romania and always asked me for an extra deposit. They come they check all the time.”*

One woman felt that once she had convictions for prostitution that she became known in her local community and this made it harder to find housing.

*“When I was trying to rent I would be walking round the streets and it’s like everyone knows you and about you.”*

In the last few years, housing has become one of the main reasons that sex workers come to the ECP for help. Together we have fought to stop evictions, deal with exploitative and predatory landlords and defeat morality clauses among other issues. Women say they come to us because they fear that they will be discriminated against by other housing organisations once their record for prostitution is known.

A criminal record or caution had a wide-ranging impact on women’s lives in ways that we didn’t know or expect when we first started doing this research. For example, women couldn’t get house insurance.

*“My record has affected my ability to get house insurance. I was a bit taken aback when they asked. I lied and said I didn’t have a record to get the building and contents cover, but if I ever had to claim anything the record might come out.”*

*“You’re not entitled to household insurance, you just can’t access it if you have anyone on the premises with a criminal record.”*

*“I’ve never tried to get house insurance. I know my record would come up.”*

*“I wouldn’t even bother applying. [A conviction] limits us. It’s just so wrong.”*

## **Immigration**

Cautions and/or convictions for prostitution offences can be a block to entering the UK. The Home Office has the power to decide it is “undesirable to admit the person to the UK, based on their character, conduct, or associations because they pose a threat to UK society.”<sup>52</sup>

Convictions can also lead to deportation. In one brutal police operation, a Romanian woman was arrested multiple times over a very short period and as a result she got six convictions for loitering and soliciting. She was given a letter saying she was a “persistent offender” whose presence in the UK was deemed “undesirable”.<sup>53</sup> This seemed like a deliberate policy to criminalise and deport migrant sex workers.

*“I have British citizenship but I do feel the threat of deportation. I feel I’m not part of it because I am Asian? Because I am Chinese. And that is what they can do to us.”*

*“I know so many women who are working with me who are sent to Romania without reason. One friend, she was here and then deported and when she come back after the break she wants to apply for the settled status and they don’t give to her and now she have to go back to Greece.”*

Insecure immigration status can make it harder to refuse a police caution. Two women were charged with brothel keeping and whilst waiting to go into court the lawyer tried to persuade them both to accept a police caution. One woman had secure immigration status and refused. The other who was applying for settled status as an EU citizen decided to take the caution because she was told that a conviction would be an automatic bar to her getting settled status. Fortunately, our campaigning meant the charges were dropped and we were able to intervene before the woman accepted the caution.

## **Travel**

Cautions and convictions can also prevent sex workers from travelling. The US immigration rules in particular are notoriously draconian and discriminatory. A conviction almost inevitably leads to a woman being banned from entering the country, and we have seen that even the suspicion that a woman is a sex worker can result in her getting turned away at the border.

*“I wanted to go to America for years, to take my family, take my dad. There’s no way I can go now. It’s not going to happen.”*

*“One of my relatives, she is waiting to see me in America. I couldn’t go as they need a background check for the visa. There are so many things I can’t do.”*

*“There are places I avoid, like the States, as you have to declare the record and go for an interview, where it’s up to their discretion. I’m not paying for a visa for them to refuse it. I’ve got a nephew in Australia and I don’t think I would be able to go. My daughter wants to go to the States. I would not go. I can’t take her. I don’t want her knowing why not.”*

## CONCLUSION

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This report shows how the ‘prostitute’s caution’, along with any other conviction for a prostitution offence, can have a devastating impact on women, not only while we are working in the sex industry but for our whole lives and in every area of our life.

Participants in this research described how cautions and convictions prevented them from getting another job, trapping them in prostitution sometimes for life. Women spoke about being kept out of better paid jobs and made poorer as a result.

Most of the women interviewed were mothers fearful of having their children taken by the state. They were extremely distressed about being less able to protect their children and to fight for their rights because their criminal record undermined their power in the face of lawyers, police, and courts, and was used as leverage by hostile and/or violent ex-partners.

They were also scared that their children and other family members would find out about their work and the devastating consequences this could have on family relationships. Police knew this and used it to terrorise mothers they came into contact with. Women also felt diminished in the eyes of their family and friends, and distressed that in order to protect themselves and their children they had to lie to loved ones about what they did for a living.

A criminal record meant that women were more likely to be discriminated against when they reported rape and other violence, and denied justice. Most were deterred from going to the police either because they knew they would receive bad treatment or because of fear of arrest, and for migrant women of deportation.

The far-reaching impact of cautions and convictions included being barred from travelling to some countries and denied compensation and insurance.

Women are criminalised under the prostitution laws in a systemic way. The laws are draconian and give massive discretionary powers to the police – a recipe for abuse and worse. The authorities have held on to their power to impose criminal records on sex workers against a growing movement for decriminalisation. They know the impact of criminalisation on women’s lives and how it diminishes our economic and social power. Every layer of authority takes advantage of this sector of women made more vulnerable by criminalisation.

We have to conclude that this is a deliberate policy against women – one designed to keep women in poverty by penalising those of us who use sex work to escape from it. It is a way of controlling and profiting off women and keeping us ‘in our place.’ Exploitative employers are no doubt happy to have an army of women who have little or no power to refuse exploitation and abuse in the workplace. They are the bosses with friends in government who make and uphold the laws. The so-called feminist campaigns that press for increased criminalisation of sex work are playing into their hands.



Criminalisation is yet another policy to reduce women's ability to refuse rape and other violence. Women described how they were forced to be more "compliant". Is it fanciful to think that rapists in parliament and in the police urge for policies that put women more at their disposal? The well-known fact, that sex workers are one of the groups of 'vulnerable' women targeted by police rapists, bears this out.<sup>54</sup>

The criminalisation imposed on sex workers by the prostitution laws is part of the criminalisation of survival affecting many sectors of people – working class, of colour, immigrant, young, protesters, including climate activists, among others. It is therefore imperative that we come together across these divides to organise and defeat this.

The most effective remedy to the harm caused to sex workers by criminalisation is the full decriminalisation of sex work and ending women's poverty so that we have the economic and social power to refuse prostitution and any other job we consider particularly exploitative. Women, and everyone, must be able to refuse poverty, exploitation and violence both from the state and from individual men.

This is why we demand:

- **Expunge criminal records which institutionalise women in prostitution.** The 2016 parliamentary Home Affairs Committee conducted an inquiry and recommended that sex workers working on the street and together in premises be decriminalised and criminal records expunged<sup>55</sup>.
- **Decriminalise sex work.** New Zealand decriminalised in 2003 with verifiable success.<sup>56</sup> Over 90% of sex workers said they had additional employment, legal, health and safety rights, and 64.8% found it easier to refuse clients and 70% said they were more likely to report incidents of violence to the police.<sup>57</sup> Pressure from politicians meant that migrant sex workers were excluded from these protections.
- **Oppose the further criminalisation of sex work by laws that criminalise sex workers' clients** (so called 'Nordic model').
- **Provide resources to enable sex workers to leave prostitution if we choose.** Specifically, priority for social housing, debt relief, health services, improved domestic violence services and abolition of benefit sanctions. A law to establish a pilot programme to provide a 'basic monthly income' to assist women to leave prostitution has been introduced in Hawaii<sup>58</sup>. A pilot project to provide a 'Guaranteed Care Income' to single mothers at risk of criminalisation in San Francisco started in 2024, run by the ECP's sister organisation, US PROStitutes Collective. Why not here?
- **Stop the state and violent fathers from taking custody of our children.** No child should be taken from their mother/primary carer because the family is poor, homeless or unable to afford food, clothing or childcare, or because the mother is a sex worker.

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 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<sup>59</sup>.

This report highlights what academics, politicians and professionals of every ilk have so far ignored – the glaring injustice imposed by the prostitution laws on thousands of women, mostly mothers (and therefore our children), who should instead be entitled to protection and support. We hope that it will inspire and strengthen some in high places to become more active against women's poverty and criminalisation.

The English Collective of Prostitutes, 2024.

## **APPENDIX**

What's your name and how old are you?

Where were you when you got your first conviction?

Do you remember when?

What was it for?

Have you had more than one?

Did you ever tried to get your caution removed?

What kind of impact has that had on your working life?

Has your record affected your access to housing?

Has it restricted your access to housing insurance?

Has your record had an impact on your trajectory or goals to do with university, college, courses or higher education?

Has it affected the process of getting a visa to travel?

Did it affect you if you were the victim of another crime, for example in how you were treated by the authorities and whether you were able to get criminal injuries compensation?

Has it affected court processes, such as how you were treated in court?

Has your record been used to discredit you as a giver of evidence?

Has it affected your ability or desire to report crimes? If you were the victim of another crime now, would you report?

What other effects has the record had on your relationships with other people?

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