

## Sex Workers' Access to Justice

### *English Collective of Prostitutes*<sup>1</sup>

In November 2020, the English Collective of Prostitutes organised a ground-breaking event, *Sex Workers: Access to Justice*,<sup>2</sup> which brought together sex workers, violence against women organisers, academics, and human rights groups to examine the extent of violence faced by sex workers, what exacerbates the risks of violence, and the obstacles experienced by sex workers when reporting violence to the police and accessing justice. This report records that information and the policy recommendations and campaigning strategies that emerged which would improve sex workers' safety.

### ***The Problem: Obstacles to Sex Workers Getting Access to Justice***

The event started with sex workers graphically describing the problems they face trying to get justice and the extent of discrimination, abuse, and neglect from the police and authorities when they suffered violence.

Maria Jazukeviciene<sup>3</sup> is a migrant sex worker and member of the ECP. Over a period of two years, she worked on the streets in North London and provided information and support for over 50 women that she worked alongside. She provided day-to-day support to women, distributed the ECP's rights sheets which outlines sex workers' rights in relation to the police and the prostitution laws, and accompanied victims to the police station and to the local MP's constituency office to get assistance. She described how victims of crime are threatened with arrest and deportation when they come forward to report violence and how this is a major deterrent to accessing justice:

The police don't give you a chance to feel like you are safe... One lady, she went to the police to report this and the police said, 'Why did you come here? You've come to tell us you're a prostitute? You want to be arrested?' They didn't care that her life was in danger.

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<sup>1</sup> English Collective of Prostitutes. Email: [ecp@prostitutescollective.net](mailto:ecp@prostitutescollective.net).

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<sup>2</sup> English Collective of Prostitutes, Access to Justice Webinar. Available at: <https://prostitutescollective.net/accesstojustice/> (last accessed 16<sup>th</sup> May 2022).

<sup>3</sup> Names changed for anonymity.

The police say they are worried about trafficking but when they come up to you on the street, they don't ask women if we are ok or if we needed anything. Never. They were only telling women to go home or they would be arrested, and sometimes they actually did arrest you.

Women have been arrested so many times and have been told to stay inside the house from 7 o'clock in the evening... After Brexit the police are coming into the streets even more.

I know women who were told by men they had to pay them if they wanted to stay there on the street yet the police did nothing about these threats.

One woman was working to pay for someone to care for her grandmother. She was interviewed by nine immigration officers in the back of a van, they took her photo and printed out the documents and then gave her the deportation ticket. It was only us in the ECP that stopped her deportation.

**Maria Jazukeviciene, Migrant Sex Worker and ECP Member**

Ms Jazukeviciene's experience was echoed by Camilla Santos, also a migrant sex worker, who spoke of her experience of being threatened with deportation:

I was caught by the police when I was in the flat of a friend when she was working. Police asked what I was doing in the country. I was detained in Yarl's Wood. They gave me lots of papers that I couldn't read clearly because of the language. For others it would be worse. I can speak English. But the guy just said, 'You have to sign the papers.' In the papers was written, 'I agree with the deportation. How could I have agreed with that if I couldn't read?

**Camilla Santos, Migrant Sex Worker and ECP Member**

Natalia Martinez, also from the ECP, spoke about how criminalisation influences how sex workers' clients behave:

The clients, they know you will not report violence so they target you also. And I am scared always of being taken by the police, of being treated badly, of being sent home before I make the money I need to survive.

**Natalia Martinez, Migrant Sex Worker and ECP Member**

These first-hand accounts graphically described the obstacles to justice faced by sex workers. Fear of arrest, and fear of deportation for migrant sex workers, deter people from reporting violence. Instead of prioritising sex workers' protection, police focus on prosecution for prostitution offences and even conduct raids with immigration officials who target women for removal from the UK.<sup>4</sup>

This gives perpetrators against sex workers a de facto green light to attack with impunity knowing that there is little chance that they will be brought to justice. The criminalisation of sex work protects violent men and forces sex workers to choose between possible arrest and keeping themselves safe or avoiding a criminal record and putting themselves in danger.<sup>5</sup>

Laura Watson, from the English Collective of Prostitutes, also brought her experience to the event. Ms Watson has worked with hundreds of women for nearly a decade helping women escape exploitative and violent situations, report attackers to the authorities, and get justice in court. She gave examples of the discrimination women face, which in some cases resulted in victims of violence being prosecuted themselves or being threatened with arrest and deportation:

A sex worker in our group was robbed at knife point and then faced arrest for brothel keeping - for working together with others. She faced deportation after contacting the police. The Victim's Code is often not followed and many victims do not get help. Despite police guidelines that women should be treated as victims, this is not happening in practice.

**Laura Watson, English Collective of Prostitutes**

Ms Watson complained that police, prosecutors, and those working in statutory care state that they are recognising victimhood, yet in practice sex workers are often treated as criminals (as demonstrated earlier in Ms Jazukeviciene's testimony).

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<sup>4</sup> English Collective of Prostitutes, (2020). *Sex Workers are Getting Screwed by Brexit*. Available at: <https://prostitutescollective.net/sex-workers-are-getting-screwed-by-brexit/> (Last accessed 16<sup>th</sup> May 2022).

<sup>5</sup> Bowen R, Hodsdon R, Swindells K, Blake C. 'Why Report? Sex Workers who Use NUM Opt out of Sharing Victimisation with Police. *Sex Res Social Policy*' (2021) 18(4) *Sex Research and Social Policy* 885-896.

Nicola Mann from Women Against Rape (WAR)<sup>6</sup> spoke both to the specific situation of sex workers who are victims of violence and the lack of protection and justice for women generally. She outlined the dire situation in the UK that means that: "...only 1.4% of reported rape now results in a prosecution, so the conviction rate for rape is even less."<sup>7</sup>

WAR, which was founded over 40 years ago, campaigns for justice, protection, asylum, and compensation for all victims of rape and domestic violence. Nicola Mann described how many sex workers come to WAR because of their close working relationship with ECP and because, unlike some services, WAR is independent of the police and Home Office and, therefore, victims trust that their information won't be passed on to the authorities.<sup>8</sup> Ms Mann recounted some examples of what sex worker victims have been told by the police:

'This is just an occupational hazard of your job.', 'We don't investigate matters if you've intentionally put yourself at risk.' 'It wasn't an attack; it was just rough sex.' And 'we can't process your complaint because your job description won't fit into any of the categories on our database.'

**Nicola Mann, Women Against Rape**

Ms Mann added that:

For those of us who are women of colour, live in poverty, have disabilities, or mental health problems -- that are often caused by trauma, sex workers, immigrants or asylum seekers -- we have to fight racism and other discrimination on top of the sexism and the neglect from the police and the authorities when it comes to reporting rape.

**Nicola Mann, Women Against Rape**

Academic research which centred "experts by experience", that is sex workers themselves, was presented by Dr Laura Connelly from the University of Salford. Dr Connelly gave a preview of her research: *EU Migrant Sex Work in the UK Post-Referendum*, which was

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<sup>6</sup> Women Against Rape, Available at: <https://womenagainstrape.net/> (Last accessed 16<sup>th</sup> May 2022).

<sup>7</sup> Dearden, L. 'Rape 'decriminalised' as only 1.4% of reported attaches prosecuted in England and Wales', *The Independent*, 12 October 2019. Available at: <https://www.independent.co.uk/news/uk/crime/rape-prosecutions-uk-disclosure-mobile-phones-cps-a9160556.html> (Last accessed 16<sup>th</sup> May 2022).

<sup>8</sup> In 2019 St Mungo was forced to apologise for handing over homeless people's details to the Home Office. <https://www.theguardian.com/uk-news/2019/nov/05/charity-st-mungos-says-sorry-for-giving-rough-sleepers-details-to-home-office>

published in 2021<sup>9</sup> and which interviewed 41 sex workers about their experience since the Brexit referendum. She introduced her research by saying:

Over recent decades, UK Governments have implemented increasingly repressive immigration controls... increased use of criminal penalties for so-called immigration 'offences', and an increasingly hostile environment for people who have migrated to the UK. The UK is particularly hostile towards migrant sex workers, with the quasi-criminalised and stigmatised nature of the sex work exacerbating and compounding the negative effects of 'migrant' status. Of course, the effects of this may be felt greatest by racially minoritised, transgender or non-binary migrant sex workers.

**Dr Laura Connelly, University of Salford**

Dr Connelly summarised some of her findings by reporting that “the hostile immigration climate that enables authorities to terrorise and deport migrant sex workers is belied and enabled by the Brexit referendum.” She went on to report:

Migrant sex workers also spoke about their increased fear of arrest and deportation post-Referendum. One spoke about being forced to invent a different self-employed job on their application for Leave to Remain for fear that sex work wouldn't be considered by the Home Office as legitimate labour. Fear of arrest and deportation have real impacts in terms of mental health as well as sex worker safety. This, in turn, creates an environment where violent clients can act with impunity. As one sex worker explained: “punters are more confident to report us to the police and Home Office. Their threats sound like 'I'm going to get you deported, if you don't give me my money back.'” There was a strong belief then, that the police could not be relied upon in the event that a sex worker was attacked. As another sex worker put it, “I would be even less willing to go to the police now, if I experience any violence. Too many migrant sex workers have been threatened with deportation.” And as another respondent explained, this means that sex workers are forced to compromise their safety by working alone, because arrest could result in deportation.

**Dr Laura Connelly, University of Salford.**

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<sup>9</sup> Connelly, L and English Collective of Prostitutes, 'EU Migrant Sex Work in the UK Post-Referendum' (2021) ECP/University of Salford. Available at: <https://prostitutescollective.net/wp-content/uploads/2021/05/Full-Report-EU-migrant-sex-work-in-the-UK-post-Referendum.pdf> (Last accessed 16th May 2022).

Further research was brought to the event by Luca Stevenson from the International Committee of the Rights of Sex Workers in Europe (now European Sex Workers Rights Alliance, or ESWA). He showed how the situation in the UK was replicated throughout Europe. The ESWA report, *Undeserving Victims? A Community Report on Migrant Sex Worker Victims of Crime in Europe*,<sup>10</sup> published in October 2020, engaged with 12 organisations across 10 countries. Research found high levels of hate crime and gender-based violence against sex workers with physical and psychological violence along with “labour exploitation, forced labour or trafficking a human being.” Sadly, more than a third of the respondents did not report violence to the police due to fear of arrest or deportation.

One interviewee from France said:

I didn't speak French well enough. I was afraid to call the police because I didn't have papers. It was a very difficult situation with a lot of aggression in the middle of winter. People told me not to call the police because they could arrest me, so when I was attacked my only chance was to run away.

**Interviewee, France**

“*Undeserving Victims*” provides a helpful analysis of the enabling and disabling factors for sex workers to report crimes against them to the police. The factors enabling sex workers to report crimes to the police include: the knowledge that the police or others will not reveal their status as a sex worker; the involvement of a sex worker collective or the trust of an NGO; sometimes the trust of a good police officer, where the police officer is committed to protecting sex workers. The disabling factors include: fear of the consequences of reporting, in particular fines and prosecution and for migrant workers detention and deportation; fear of being evicted, which is a common experience.

An insight into the policing of sex workers was also provided in the ESWA report. Whilst 36% of sex workers who responded said that their experience with the police was bad – describing degrading treatment, sexual, physical and psychological violence, insults, threats, confiscation of earnings and assets - 30% stated it was “good”. Further investigation revealed that the good experience merely meant that the police performed the basic functions of their

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<sup>10</sup> International Committee of the Rights of Sex Workers in Europe, ‘Undeserving Victims? A Community Report on Migrant Sex Worker Victims of Crime in Europe’ (28 October 2020). Available at: [https://www.eswalliance.org/undeserving\\_victims\\_a\\_community\\_report\\_on\\_migrant\\_sex\\_worker\\_victims\\_of\\_crime\\_in\\_europe](https://www.eswalliance.org/undeserving_victims_a_community_report_on_migrant_sex_worker_victims_of_crime_in_europe) (Last accessed 16th May 2022).

job; that is to say, they took the report of violence and investigated it. This is the first responsibility of law enforcement, but it is striking that sex workers described this as over and above their expectations.

Concluding that violence against sex workers continues to be an under-explored issue, Stevenson also noted that the fact that sex workers experience widespread violence was used by those who were ideologically opposed to prostitution to try to justify further criminalisation, for example in pushing for Nordic Model style laws<sup>11</sup> which criminalise sex workers' clients. Stevenson described how attempts in Europe to abolish prostitution by increased criminalisation of sex work negatively impacts on sex workers' trust in authorities. Criminalisation also works to ensure that sex workers are excluded from policy making – policy is weaker, less relevant, and thus less effective in addressing violence as a result. It is also more likely to cause harm to those who have been silenced.

An international perspective was also provided by Rachel West from US PROStitutes Collective,<sup>12</sup> a sister organisation of the ECP. She spoke about the organisation's beginnings in 1982 when a group of Black women in New York came together to fight for decriminalisation, resources such as housing and welfare, and justice, and how this group grew into US PROStitutes Collective. Ms West confirmed the experience of other sex workers, explaining how fear of arrest and deportation deters women from reporting violence. She spoke about how campaigning had won important changes in law and policy, which are described below.

### ***The Problem: Obstacles to Support from Women's Services***

A further problem that was discussed was the role that organisations often play in reinforcing the state's power against sex workers. Laura Watson, from ECP, described that, with the exception of two organisations - Women Against Rape and National Ugly Mugs - the discrimination and neglect of the authorities was too often mirrored within the services that women go to for help escaping violence. Her frustration was clear:

I've just spent months helping a woman victim of violence who was pushed from agency to agency, assessment after assessment, with no consistent work from any organization. She would never have been able to navigate this

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<sup>11</sup> Nordic model prostitution legislation criminalises sex workers' clients. Selling sexual services is decriminalised but other related activities, such as working together with others, remain criminalised. For more information, see: English Collective of Prostitutes, *No Nordic Model: Criminalising Clients Undermines Sex Workers' Safety*. Available at: <https://prostitutescollective.net/wp-content/uploads/2020/04/No-Nordic-Model.pdf> (Last accessed 16th May 2022).

<sup>12</sup> US PROStitutes Collective. Available at: <https://uspros.net/> (Last accessed 16th May 2022).

herself. ...people wouldn't answer the phone, wouldn't get back to us, looked for reasons why she wasn't entitled, treated her like she should be grateful for nothing.

It really seemed like the organisations were there primarily to manage our expectations and to be a gatekeeper between us and the resources we need, or just refer us to someone else so that they didn't have to deal with it. It's like all the services have been privatised and there's no accountability whatsoever.

**Laura Watson, English Collective of Prostitutes**

***The Problem: Escalating Poverty Which Puts Women at Risk of Violence.***

Many of the speakers addressed the context in which this event was taking place. That is, not only is there escalating violence against sex workers and a lack of justice for sex workers, but there is also a context of rising poverty. They spoke of how the prostitution laws and government policies compound the poverty, criminality and stigma sex workers face and pointed to the need to “address these root causes of prostitution”. As Maria said:

...women aren't working for fun they're working for the money and because the other alternatives don't pay enough to earn a living.

**Maria Jazukeviciene, Migrant Sex Worker and ECP Member**

Ms Watson said that, from her experience, many sex workers are mothers, who go into prostitution to ensure that their children are fed at a time of rising hunger and homelessness. She described her horror at hearing that some sex working mothers who reported violence faced prejudice from social workers and were threatened with having their children taken from them on the pretext that their job put the child at risk. The worst outcome and a major deterrent for victims of violence is, according to Ms Watson, when:

...social services get involved, they're focused on blaming the mothers themselves for the violence against them and then threaten to take the children away.

**Laura Watson, English Collective of Prostitutes**



***The Problem: The Conflation of Sex Work with Trafficking.***

One major theme that emerged from a number of presentations was that sex work is consistently conflated with trafficking. This not only has a detrimental effect on sex workers' ability to protect themselves from violence and exploitation, but also on policy and practice.

ESWA's research interviewed sex workers in countries such as France where sex workers' clients have been criminalised under the pretext that it was needed to address trafficking. However, ESWA's research found:

...in the first six months of the year, 10 sex workers were murdered under the Swedish model [which criminalised clients]. All sex workers in France and in countries with the Swedish model continue to say that violence has increased, they don't have any trust in the police and reporting crimes, and what we see is that authorities, different organisations including religious organisations and feminist organisations, continuing to push for the Swedish model in the idea that it would protect sex workers. We know this is simply not the truth.

**European Sex Workers' Rights Alliance**

Natalia Martinez from the ECP addressed common misconceptions whereby migrant sex workers get labelled as trafficked victims, regardless of what they say about their situation, and how women's resistance to exploitation is made invisible:

There is no woman I know to be forced to come to work in the UK or who will call themselves a trafficking victim -- we know what we come to do. But the conditions some of us are to end up working in, these are bad. Some of the organizations, they say they are there to help us as trans women sex workers, they look at our situations always as exploitation. I feel they would prefer us to live in poverty, to go back to our families. Perhaps this is more acceptable exploitation to live in.

**Natalia Martinez, Migrant Sex Worker and ECP Member**

Once identified as a victim of trafficking, women in the UK get referred to the National Referral Mechanism,<sup>13</sup> the government process by which victims of trafficking or modern slavery are supposed to be identified and receive support. However, Laura Watson reported that victims are then “not helped to claim asylum, which is the primary way people are able to win the right to stay in the UK so that when your time runs out you're faced with being deported.” She concluded:

Trafficking is being separated from other violence, but it can't be treated as a separate issue: if women can't escape rape, exploitation and abuse then they can't escape trafficking -- their remedies are the same. There's a lot of false information about pop-up brothels and the mis-characterisation of sex workers as victims. In reality, anti-trafficking laws are being used to justify raids, arrests and crackdowns against sex workers, even when there isn't any evidence of trafficking.

**Laura Watson, English Collective of Prostitutes**

Amnesty International's 2016 research which included a comprehensive study in Norway<sup>14</sup> and which led to policy change, was presented by Chiara Capraro, the Amnesty International UK's Women's Human Rights Programme Manager. She expanded upon their findings:

Under the aim of 'disrupting the market', there was this assumption that policing low level offences such as purchasing sex work will succeed in preventing the higher-level organized crime through, what we can call preventative policing. This means that on the ground sex workers were penalized. For example, there is even a legal obligation on hotels and other parts of the hospitality industry to detect and prohibit sex work and there is an obligation on landlords to identify and evict the people who are renting from them, if you found out that sex work is happening. That meant that migrant women were particularly targeted for racial stereotyping.

**Chiara Capraro, Amnesty International UK**

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<sup>13</sup> Gov.uk, *National Referral Mechanism Guidance*. Available at: <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales> (Last accessed 16th May 2022).

<sup>14</sup> Amnesty International, *Amnesty International Policy in State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers* (26 May 2016). Pol 30/4062/2016. Available at: <https://www.amnesty.org/en/documents/pol30/4062/2016/en/> (Last accessed 16th May 2022).

**The Solution: Practical Measures to Improve Safety**

The value of this event was not only that sex workers and others outline in detail the problems faced by victims trying to access justice but that each speaker tried to also address practical steps that can be taken to improve sex workers' safety.

Niki Adams from the ECP, in introducing and summarising the event, spoke about the ECP's precedent-setting legal cases. These included the first successful private prosecution for rape in England and Wales in 1995,<sup>15</sup> brought by two sex workers, with the support of the ECP and Women Against Rape. The rapist was found guilty and sentenced to 14 years in prison on the basis of the same evidence that the Crown Prosecution Service (CPS) had when it refused to prosecute. The CPS's dismissal of the two victims as 'unreliable witnesses' highlighted sexism and prejudice against sex workers.

Ms Adams also referenced the ECP's self-published *Know Your Rights*<sup>16</sup> information sheets that explain the prostitution laws and how sex workers can defend themselves against criminal charges and deportation and address violence.

Women Against Rape's recently updated guide, *Justice is Your Right*,<sup>17</sup> was described by Nicola Mann. It gives survivors a step-by-step guide of what to do immediately after experiencing sexual assault and provides information, for example, about how to report to the police, medical examinations, your rights as a witness, what you can refuse to say when asked about your sexual history and what to expect if your case goes to court. Ms Mann described it as encapsulating:

The collective experience of many women and what has happened to each of us when we've reported rape or violence... It tells you about the criminal justice process and what the police and other authorities should do when you report rape. Most importantly, what makes it different is it tells you what you can do when things go wrong, because they often do.

**Nicola Mann, Women Against Rape**

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<sup>15</sup> Mills, H. 'Rapist Jailed After Prostitutes Bring Private Prosecution', *The Independent*, 19 September 1995. Available at: <https://www.independent.co.uk/news/rapist-jailed-after-prostitutes-bring-private-prosecution-1601977.html> (Last accessed 16th May 2022).

<sup>16</sup> English Collective of Prostitutes, *Know Your Rights: A Guide for Sex Workers*. Available at: <https://prostitutescollective.net/rights/> (Last accessed 16th May 2022).

<sup>17</sup> Women Against Rape, *Justice is Your Right: A Self Help Guide for Survivors of Rape and Sexual Assault and their Supporters*. Available at: <https://womenagainstrape.net/self-help-guides-for-survivors/> (Last accessed 16th May 2022).

Ms Mann offered some practical advice to victims of violence saying:

Always take someone with you when you're meeting with officials, always put things in writing so you have a record, try not to speak to people on the phone because they can lie about what's been said -- these little things here can make all the difference in your case.

**Nicola Mann, Women Against Rape**

Rachel West from US PROStitutes Collective was specifically invited to speak about strategies and lessons from its California campaign to win compensation and an amnesty from arrest for sex worker victims of violence. West outlined the history of the campaign, from 2013 when a sex worker-led campaign overturned regulations denying sex workers the right to compensation for rape:

Building on that victory, several sex worker groups met and decided to press for city policies in San Francisco that would guarantee immunity from arrest and prosecution for sex workers reporting violence. We got support from city agencies, as well as LGBTQ, immigrant rights and other groups. All of us started meeting with the police and the district attorney's office (which is like the UK Crown Prosecution Service) to test the waters in a push to find language for amnesty policies.

It took 10 months of meetings to get commitment for a policy from the District Attorney's (DA) office that they would not prosecute people involved in sex work when they are victims of or witnesses to crimes relating to violence. The policy is called the Prioritizing Safety for Sex Workers policy. We pressed for and got language that immigration status would not be used against victims or witnesses, and that the DA's office would not report the person making a report to ICE, (Immigration and Customs Enforcement).

**Rachel West, US PROStitutes Collective**

Winning policy change from the police "took much longer":

Besides the boorish behaviour by the police, and having to stop the meetings in protest at times, the sticking point was our insistence on specific language to do with violence committed by law enforcement against sex workers. The

police did not want this, and resisted and it went back and forth. We did not back down. We'd get agreement, then they would backtrack and rescind it. It often seemed stuck.

Then, in 2017, a scandal involving about 30 cops participating in the abuse of a young sex worker of colour exploded in the media. This had an impact and made it clearer for all to see how police interactions with sex workers are often downright illegal and [they] take advantage of women's vulnerability. Finally, the chief of police conceded to holding the police accountable in their policy. The policy says "any officer misconduct against sex workers, including retaliation, coercion, or coercive intimate acts, is subject to disciplinary and/or criminal action.

It was a big win to get amnesty from arrest and prosecution for sex workers in San Francisco. We then pushed for this policy to be California-wide, which was a challenge, because the California legislature had not shown itself to be at all friendly to sex workers. Having the SF policies broke ground for us, and in 2019 Senate Bill 233, *Improving Sex Workers' Health and Safety*, was introduced. In addition to prohibiting the arrest of sex workers engaged in sex work when they come forward as a witness or a victim of violence, the bill also proposed prohibiting the police from using condoms as cause to arrest someone for sex work.

#### **Rachel West, US PROStitutes Collective**

Ms West spoke about the importance of making visible the women of colour led struggles against violence. She noted US PROS' support for the Black Coalition Fighting Back Serial Murders<sup>18</sup> which has campaigned for decades for justice for the over 200 Black women, many of whom were sex workers, who have disappeared or been murdered in Los Angeles. She also spoke of the importance of connecting with campaigns against poverty and how working with the Poor Peoples campaign,<sup>19</sup> which is fighting "systemic racism, poverty, environmental destruction and militarism", was key to having our voices heard and being able to "hold the Biden administration to account."

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<sup>18</sup> US PROStitutes Collective, 'Over 200 Missing and Murdered Black Women in South Los Angeles and "Missing White Women Syndrome": Press Release', 23 September 2021. Available at: <https://uspros.net/2021/10/09/over-200-missing-and-murdered-black-women-in-south-los-angeles-and-missing-white-women-syndrome-press-release/> (Last accessed 16<sup>th</sup> May 2022).

<sup>19</sup> Poor People's Campaign. Available at: <https://www.poorpeoplescampaign.org/> (Last accessed 16<sup>th</sup> May 2022).

**The Solution: Decriminalisation to Improve Safety**

The overarching theme running through the event was that ending the criminalisation of sex work is imperative for improving safety and removing obstacles for sex workers to access justice. This was seen as a practical rather than ideological step grounded in sex workers' experience and demands for change. Ms Jazukeviciene expressed it best saying:

The law should be changed. They need to make prostitution legal to make all women safe. If it was legal then customers would know that if they hit the woman or they take money, then they will go to prison. If it were decriminalised and we had a law, then women would be safer.

In some places men are arrested for kerb-crawling but I want this law to be taken out because it is not for the woman. Women don't want customers to be arrested because they are afraid they will not come and women will not make money.

**Maria Jazukeviciene, Migrant Sex Worker and ECP Member**

Dr Connelly reported one respondent in her research who gave practical reasons for advocating for decriminalisation:

Decrim is the model that assures safety, allows us to work together, be visible and go to the authorities without fear, which is particularly important for marginalised groups.

**Respondent**

Amnesty International's 2016 policy supporting decriminalisation was appreciated by other speakers and audience members as important encouragement and support to sex workers fighting for their own safety. Chiara Capraro from Amnesty International UK noted that whilst the policy called for "full decriminalisation of sex work", it also looks at:

...the structural causes ...the poverty, the lack of opportunities that lead people to migrate and how those are all potentially drivers of sex work, and also of the underlying gender inequalities of society which means that women are disproportionately represented among sex workers.

**Chiara Capraro, Amnesty International UK**

She raised how criminalisation, along with stigma and discrimination from the establishment meant that “sex workers are excluded from the decision-making processes that affect their lives” and gave the example of campaigns for a firewall - the separation of data sharing from immigration enforcement - which is being widely discussed as essential to helping immigrant women access justice, but said that, sadly:

Sex workers are always kind of left out of these discussions and not seen as “real” victims of different forms of gender-based violence that should be able to access safety as other victims.” So I think this is one of the main issues: the real life exclusion of sex workers from decision-making spaces that affect their lives.

**Chiara Capraro, Amnesty International UK**

She called on people who work in policy spaces and are allies to sex workers to “find creative ways to all stay accountable” and specifically mentioned the need to help:

...dismantle the links and mixing up of trafficking and sex work because it has no place in the human rights architecture. This is something that has been made quite clear by different UN bodies including Special Rapporteurs so it's something that as advocates we need to really continue pushing for.

**Chiara Capraro, Amnesty International UK**

### ***Support from Within Parliament***

The importance of listening to sex workers experience was reiterated by the two women Members of Parliament present - Lyn Brown (Labour) and Liz Saville Roberts (Plaid Cymru). Their comments were encouraging, insightful and deeply respectful of sex workers experience.

Lyn Brown, Member of Parliament for West Ham commented:

I am very grateful for the testimonies we have already heard this evening; I think it's really important for politicians like myself to have accounts from women who are in the sex trade and to also hear about the appalling abuses, the horrific abuses, that women are experiencing; those who have no protection from the law but also those who have been subject to trafficking in their lives or to exploitation. And I think it's really important that we hear real

stories from women, and they can help us to understand the realities of what is in life, or in their life.

**Lyn Brown, MP for West Ham**

Ms Brown demonstrated her understanding of the issues by outlining why she supported decriminalisation as the legal model, stating that whilst some people are "...worried about lifting the criminalisation of prostitution because they believe it will place women in a more vulnerable position" she thought this was based on:

a lack of understanding that banning various forms of sex work doesn't make the sex trade go away, it doesn't reduce the exploitation that is clearly there and clearly goes on... I don't think there's an understanding that pushing sex work underground can be counterproductive and make it less safe for women than more.

**Lyn Brown, MP for West Ham**

Panellists and audience seemed appreciative hearing a Labour woman MP commit to starting a conversation in Parliament to look at: "what decriminalisation means, how we can achieve it, what we can do in order to bring it about." She finished with the generous offer to "walk with you, over the next few years, in order to try and get real change."

### ***Conclusions and Recommendations for Action***

In bringing together sex workers, Members of Parliament, anti-rape and international human rights organisations, academics and campaigners, in a single webinar, the ECP was able to present different perspectives on the issue of sex workers' access to justice, identify common themes, and propose practical solutions. The value of this event was also seen in the fact that participants were able to articulate their accountability to each other and to the movement to end violence, improve safety, and demand resources so that sex workers had more choices about when and how they work.

There was an appeal for support for some of the practical strategies that were improving sex workers' safety and helping survivors of violence navigate an often hostile and discriminatory criminal justice system. The Recommendations for Action included:

- Sex workers working collectively to fight their own and each other's individual legal cases after arrest and/or after experiencing violence.



- Sex worker-led campaigns for compensation and an “amnesty from arrest” for victims of violence and for decriminalisation of sex work to enable people to working with others for greater safety.
- A migrant sex worker-led initiative which exposed police illegality and racism and stopped deportations
- Working with international partners and academics to document the harmful impact of the prostitution laws and winning policy change for decriminalisation within human rights and women’s organisations.
- Publishing comprehensive “know your rights” information for sex workers and survivors of violence.

Participants were invited to join ECP and others working on these issues and demand policy and law change, specifically to:

- Change Violence Against Women and Girls (VAWG) policies so that prostitution is not listed as a form of violence because this characterises sex workers as victims rather than protagonists in their own struggles and lives and implies that sex workers do not know the difference between consenting sex and rape.
- Ensure that trafficking/modern slavery laws, policies and initiatives focus on the criminal acts of force and coercion, threats and actual violence, false imprisonment, and are not used as a justification for raids, arrests and deportations of migrant sex workers, in particular.
- Strengthen the UK National Police Chief Council guidance<sup>20</sup> so that raids on sex workers’ premises should only happen when there is concrete proof that women are being subjected to force and/or coercion.
- Support the Campaign for Care Income Now!<sup>21</sup> which would provide money for the work women are already doing and enable sex workers to better refuse all exploitative jobs, including in the sex industry.
- Publicise EU Directives<sup>22</sup> which specify what victims need in terms of support, so for example: legal aid, non-prosecution, non-application of penalties, access for compensation etc.

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<sup>20</sup> National Police Chiefs’ Council, National Policing Sex Work and Prostitution Guidance (London: NPCC, 2019).

<sup>21</sup> Care Income Now! Available at: <https://globalwomenstrike.net/careincomenow/> (Last accessed 16<sup>th</sup> May 2022).

<sup>22</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> (Last accessed 16<sup>th</sup> May 2022).

- Demand implementation of the UK parliament's Home Affairs Committee recommendation<sup>23</sup> in 2016 to decriminalise sex workers on the street and working together in premises, and expunge criminal records.

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<sup>23</sup> Home Affairs Committee (2016) *Prostitution Inquiry: Third Report of Session 2016–17*. Available at: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2015/prostitution/> (Last accessed 16<sup>th</sup> May 2022).