

**Written evidence to the Home Affairs Select Committee enquiry into Human Trafficking from the International Union of Sex Workers  
19 December 2008**

**A brief introduction of the organisation making this submission.**

1. The International Union of Sex Workers is the only UK organisation of individuals themselves working in the sex industry. We campaign for human, civil and labour rights, and the full protection of the law for everyone who works in the sex industry and for the inclusion of sex workers in decisions which will affect our rights and safety. The IUSW offers a unique source of expertise and experience from people who see reality of the industry day to day: we are the experts on our own lives.
2. Sex workers are part of the solution, not part of the problem. Real solutions to problems associated with the sex industry cannot be found while we go unheeded. The only way to create policies that effectively address the very real abuses which take place within the sex industry is to base them in reality, rather than on the ideology, assumption and stereotypes which often hold sway. There is no more valid group of stakeholders in this debate than sex workers themselves.
3. We call upon the Select Committee to prioritise the rights and safety of victims of trafficking, migrant sex workers and British citizens working in the sex industry. This is particularly important at a time when the Home Office is considering changes to the law which, however well intentioned, will further endanger us all.

**Executive summary.**

4. Debates around the sex industry are generally informed more by ideology and personal emotional reactions rather than factual evidence and the diverse experiences of sex workers themselves. Emotive opinions are not a sound basis for policy, particularly when contradicted by a substantial body of academic evidence and accounts from organisations of those concerned in the industry themselves.
5. The criminalisation of the sex industry, in addition to jeopardising the safety and other fundamental human rights of UK citizens who sell sex, actively protects traffickers by creating a hidden environment in which they can more easily exploit their victims. It facilitates violence against sex workers in general and migrant sex workers and trafficked persons in particular. It ensures that the vast majority of people who are in a position to report anxieties about coercion and trafficking for sexual exploitation face enormous disincentives to do so.
6. Ignorance about the reality of the sex industry and the way the industry is distorted by criminalisation results in entirely erroneous estimates of the number of victims of trafficking and the ineffectiveness of current measures to locate them.
7. There is no evidence that demand for commercial sex is the primary cause of trafficking: trafficking occurs within the sex industry for the same reasons it occurs in other industries.
8. Trafficking is fuelled by poverty and global economic inequalities, restrictive migration policies and the resultant illegal migration, combined with the relatively higher remuneration offered by the sex industry (when compared with other productive sectors available to migrants in the UK).

9. Measures which improve the situation of migrant workers in other industries will improve the situation of migrant workers in the sex industry. Trafficked persons are not found in sectors where workers are organised and where labour standards regarding working hours, health and safety, wages and employment contracts are well established, and routinely monitored and enforced.
10. UK policy should take as its first priority the safety and human rights of migrant sex workers and victims of trafficking. Present law relating to the sex industry is complicated, ineffective and in breach of the UN Declaration of Human Rights (particularly Articles 7, 20, 21 and 23). By preventing us from working together and decreasing the protection available from the police, it actively endangers people working in the sex industry and prevents the development of good practice.

### **Solutions begin with inclusion.**

11. Article 21 of the UN Declaration of Human Rights states “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” Resolution 1579 of the Parliamentary Assembly of the Council of Europe recognises voluntary adult prostitution, and requires that member states formulate policy that avoids double standards that force sex workers underground and make them more vulnerable – instead they should seek to empower them. The resolution explicitly recommends that member states “respect the right of prostitutes ... to have a say in any policies ... concerning them”.
12. Politicians and others have lamented our social exclusion as one more harmful consequence of sex work. However, little can be done to remedy this until it is acknowledged that sex workers themselves, historically marginalised and excluded from the debates around prostitution, have the right to participate in civil society. By refusing to accept that sex workers have a contribution to make to these discussions, and ignoring our voices when we speak, our exclusion is perpetuated and endorsed by government.

### **Factual information.**

#### **The ideological context of debates on trafficking and the sex industry.**

13. The majority of the evidence related specifically to the sex industry already taken by the Committee is from the perspective that all prostitution is violence against women. This is the view of the Poppy Project and of Harriet Harman. This ideological position, *their entirely subjective opinion*, necessarily impacts their estimation of the scale of abuses within the sex industry and distorts their proposals for appropriate responses to those abuses as they consider everyone who offers us a place in which to work to promote violence against us and every client a rapist.
14. This is *not* the view of people who themselves work in the sex industry, who can tell the difference between safe, fair and honest working environments and those who coerce, exploit and abuse us, between those who pay us money for sexual services clearly negotiated and those who take advantage of our criminalisation and social exclusion to rape, rob or assault us.
15. We see how the social and legal framework in which the sex industry is placed perpetuates our exclusion and increases our vulnerability to violence and other abuses. Exclusion and vulnerability are perpetuated by those who refuse to listen to our complaints of actual violence and real abuses because they consider all our work to be violent and abusive.

16. In addition, this is not the view of projects affiliated to the UK Network of Sex Work Projects. The 70 members of this umbrella body all recognise sex workers' rights to self determination, including the decision to stay in or leave sex work. Compared to the Poppy Project's 925 referrals over the past 5 years, many of the UKNSWP's 17 member projects in London see more than a thousand clients every year, and draw very different conclusions about sex work and the most effective ways to tackle harms associated with the sex industry; for more information see submissions to the Home Office's review of demand for sexual services.
17. As a society, in discussions of prostitution, we must not allow emotion to overrule our judgement. Policy must be based on evidence rather than ideology, and, as with any other policy discussion, include those affected by its development. Those most affected are workers in the sex industry, not the staff of government funded NGOs or the deputy prime minister.
18. The solution to problems in other industries are the same solutions that will address issues in the sex industry – giving workers human, civil and labour rights, the full protection of the law, and distinguishing between safe, honest and fair work places and those where abuse, exploitation and coercion takes place. Current British law around sex work does none of these things.

### **Causes of trafficking.**

19. As Klara Skrivankova of Anti-Slavery International said in evidence to the Committee "there is no conclusive evidence based on research that would suggest that the existence of the sex industry would be the main reason why trafficking exists because trafficking exists in other industries as well. So it is really looking at the protection and the rights aspect of the issue that unveils what are the underlying problems that are connected to poverty, lack of opportunity and people being forced into survival strategies that they would not choose if they had opportunities."
20. The origins of trafficking for sexual exploitation are the same as those of trafficking in any other industry – poverty and lack of opportunity in countries of origin – and the determination of many to build what they see as a better life for themselves in countries such as the UK. This is evidenced by the number of cases where someone has been deported, they successfully (and illegally) re-enter the UK, doubling the profits of the gang which brought them here. (As Mr Winnick remarks, referring to written evidence from the Poppy Project, "deportation of victims invariably leads to re-trafficking and you have plenty of evidence along those lines. So, once they are deported or they leave the United Kingdom, they simply become victims of these gangsters again.")
21. The reasons victims of trafficking are found in the sex industry is largely due to its criminalisation and marginalisation, giving traffickers opportunities less easily found within legal labour markets.
22. In addition, the rates of pay within the sex industry are conspicuously higher than in hotel and catering, agricultural labour etc..
23. There is *no evidence that demand for sexual services fuels trafficking in women*. Harriet Harman did not attempt to give the Committee evidence to this effect, nor was it requested. If a false premise is accepted as the basis for an argument, all conclusions drawn will likewise be false.
24. The IUSW is aware of a number of pieces of academic research which undermine the "demand" argument but have not yet been published.

25. We say again, if realistic evidence relating to the sex industry were included in the formation of policy, it is much more likely effective policies will be created. In London, prices for sexual services have been static for the past 8-12 years, a significant drop in real terms. Generally, even the longest established premises, whether their selling point has been a central location, a friendly ambience or competitive pricing, are quiet compared to five years ago – and have experienced a significant decrease in the number of clients they were receiving ten years ago. This would indicate this it is not a demand lead market, so criminalising demand, though doing much to endanger all sex workers (and, of course, most affecting the most vulnerable) will do nothing to decrease trafficking.
26. There are, however, many cases of trafficking victims being brought to the attention of the authorities by clients; clients who are currently demonised by those who consider all sex work violence against women and who the government wishes to criminalise.

### **The scale of trafficking within the sex industry.**

27. It is undoubtedly the case that women are trafficked into the sex industry. However, the proportion of sex workers of whom this is true is relatively small, both compared to the sex industry as a whole, and to other industries. For example, it is widely accepted that 80,000 women sell sex, both UK nationals and migrants. However, it is estimated that there are 420,000 to 600,000 *migrant* workers in the agricultural sector. Pentameter 1 and 2, nationwide intelligence lead police operations, raided 1337 premises and located 255 people considered to have been trafficked under UK law (5 of which were unconnected with the sex industry) over a period of more than a year. In mid November 2008 a single raid on a single farm in Lincolnshire found 60 Eastern European victims of trafficking, and suspected the exploitation of hundreds more.
28. The police estimate that Pentameter 1 raided 10% of sex work establishments in the UK, and found 88 victims. If this is correct, and proportionate, then the sex industry as a whole would harbour *less than 900 trafficked women*.
29. It is impossible to gain accurate estimations when they are often made on gross ignorance of how the sex industry works. For example, a large anti-trafficking campaigning organisation alleges they can tell an area has a considerable population of trafficked sex workers as brothels and working flats will have different women present on different days – this is seen as evidence of organised movement of women by the gangs that own them.
30. It is, in fact, evidence of knowledge of the complex laws governing sex work in Britain, which often leave us in a legal grey area. Two women working in the same flat at the same time are automatically criminalised (with obvious implications for our safety) and are more likely to be raided as a brothel. Therefore working on different days (increasing our isolation and the opportunities for sex workers to observe and report anxieties about trafficking) is industry standard practice. But if this is considered “evidence” of trafficking, estimates of victims will indeed be sky high.
31. Limits on sex workers working together breaches Article 20 of the UN Declaration of Human Rights, “Everyone has the right to freedom of ... association”.
32. It seems Harriet Harman shares this ignorance of the customary operation of an industry about which she has strong feelings, but little information; she has quoted newspaper advertisements that describe this working arrangement when exhorting members of the Women’s Institute to complain about such advertisements. This will do nothing to target trafficking but much to perpetuate sex workers’ social exclusion.

33. Another feature of advertisements referred to by Ms Harman as an indicator of trafficking are terms such as “New girls” “Fresh in town”. The sex industry is characterised by frequent movement between informal workplaces. Sex workers will experiment with different workplaces till they find somewhere that suits them. As sex workers are not salaried but earn for each client they see, there is no cost to brothel keepers in offering work to someone new and seeing if they are suitable – some advertisements aimed at clients always include “New staff welcome”. Many clients are keen to meet a new girl in a familiar brothel, and maids and receptionists may make a particular effort to promote a new face so there is an advantage to changing locations. These commonplace practices in the industry are the explanation for this text appearing in advertising – if a location does contain trafficked women, they will not want to advertise the fact.
34. In addition, it is advisable to bear in mind that advertisements are promotional material, so should be regarded in the same way as any other sales pitch. There is at least one highly successful escort in London who has advertised as “new in town” for the past ten years.
35. Similarly the Poppy Project’s “Big Brothel” report of September this year, though it found no quantifiable evidence of trafficking, raised great alarms. This report was compiled by a succession of hoax calls to sex workers and was considered sufficiently unethical for 28 academics to put their names to a refutation of both the report’s data and analysis. Anecdotal signs of trafficking were considered to include “Kissing available for £20 *depending on what you look like.*” [our italics] which could conceivably be a decision made by the brothel receptionist. However, to interpret statements such as
- “£30 extra for anal if caller is *smallish down there*” [our italics]
  - “Anal price negotiable *depending on size*” [our italics]
- as indicators of trafficking betrays a fundamental ignorance of how sex is negotiated in a commercial environment. The only person who would see the client’s erect penis, and therefore be able to assess and agree to this transaction, is the sex worker herself – it is unheard of for the maid to examine a man intending to pay for sex in order to tell the woman providing the service that the organ in question is of acceptable dimensions. Yet, of course, if these are misinterpreted as evidence of trafficking the figures for trafficked women will be very high. In fact these statements demonstrate the exact opposite – *agency, choice and decision-making power by the woman selling sex.*
36. There are migrant workers, illegal migrants and victims of trafficking across the UK sex industry, as is also the case in the hotel and catering industry, agriculture, and domestic service.
37. There is great risk that national policy be made on the basis of information factually incorrect even for London – indeed, sometimes from Westminster borough alone – and then projected across the UK where it will bear even less relationship to the reality of the sex industry, and be even less effective as a solution to the problems of human trafficking.
38. Certainly London, and central London in particular, has high levels of sex workers from outside the UK. Many of them are from countries regarded as sources for trafficking (for example, Moldova, where a third of the population has migrated). However, although there is much difference between a victim of trafficking and a migrant working in the UK sex industry, even when entry to the UK was achieved by resorting to being smuggled by criminal networks, often these categories are elided – all of which make it more difficult to identify and support the real victims that do exist.

39. If we accept that 70-85% of sex workers in London are non-UK nationals - in common with other service industries in the capital, most of which pay minimum wage - it is important to recognise that this picture is not duplicated elsewhere. Liverpool, a port city with a long history of immigration, still has only 6-8% migrants in its sex industry, according to the health project that has been operating there for 9 years. 15% of indoor sex workers in Edinburgh are from outside the UK – a complete reversal of the estimated picture in London. In Newcastle, most non-British workers are failed asylum seekers, and a minimal proportion (1-2%) of escorts are from outside the UK.
40. Despite the clear personal distaste of one of your witnesses for such establishments, there is no evidence of human trafficking in strip tease establishments or lap-dancing clubs.

### **How British law on the sex industry facilitates trafficking.**

41. It would be useful if the Committee were aware that prostitution in itself is *not* illegal (for example, Mr Davies speaks of prostitution being illegal in his questions to Klara Skrivankova, though it seems possible he is referring to laws against brothel keeping, not against selling sexual services). Clearly the law is confusing, and the complex legal framework surrounding sex workers endangers us and facilitates abuses.
42. None of the laws specific to the sex industry refer to coercion, exploitation, abuse or violence. They criminalise all street sex work and a wide range of working options in the indoor industry and ensure sex workers do not have the full protection of the law. This breaches Articles 7 and 21 of the UN Declaration of Human Rights: “All... are entitled... to equal protection of the law”, “Everyone has the right of equal access to public service in his country”.
43. Violence against sex workers is promoted by this situation – for example, there are many cases of robbery gangs targeting brothels in the expectation crimes will not be reported, some of which are prosecuted after diligent investigation by the police and recognition of the bravery required of sex workers to come forward in a court of law. There are also cases of sex workers reporting crimes against them to the police, and being told they are themselves at risk of arrest for brothel keeping, soliciting etc.
44. This situation is particularly acute for migrant sex workers. Although entirely unfunded, the IUSW has supported a number of people through a range of court cases that shared the characteristic that the sex worker was regarded as an easy target, unlikely to report and unlikely to be believed if reporting, by police, judge, and jury in turn. Those who abuse migrants frequently threaten them with deportation or false allegations to the authorities, whatever their rights to remain. At its most extreme, gangs who have robbed and raped in brothels have called UK Borders Agency as they depart to ensure their victims and potential accusers are likely to try leave before the arrival of the authorities.
45. However, these legally created vulnerabilities are common to all sex workers, though fall with greater impact on migrants. How does UK law specifically assist traffickers and make it more difficult for their victims to find safety?
46. The UK victim-centred approach focuses solely on utilising victims of trafficking within the criminal justice system to gather intelligence and provide evidence against traffickers rather than prioritising a human rights approach which puts the person first.
47. Although it is legal to sell sexual services, many activities around the sale of sex are criminalised (for example, providing a work space to another, arranging appointments, driving someone to see clients and waiting outside to ensure their safety: all these are criminal acts). For a non-UK national, probably not a native English speaker, the law can be incomprehensible – certainly there is no easy way to discover what the law is

and how it may affect your legal status within the UK. The widespread criminalisation and marginalisation of the sex industry offers a ready made opportunity for those who wish to exploit and abuse, for example, telling their victims they will be imprisoned for selling sex, that they will be raped by the police, that they will be deported etc.. A decriminalised sex industry, free to operate in an open and transparent way, would remove this opportunity to manipulate and misinform.

48. Mr Davies suggests an advantage of our criminalisation is the vulnerability of all brothels to police raids, and that such raids would be impossible without evidence were brothels not an illegal working environment, or would require increased compliance with red tape if they were legal.
49. State officials other than police have powers to inspect for the purposes of monitoring health and safety and other legal obligations such as tax regulation. All such state officials have a duty of care to protect vulnerable individuals.
50. Police paperwork notwithstanding, it is a surely a reasonable expectation of any citizen that evidence of a crime be required before the police are entitled to raid a home or workplace (and for many sex workers, these two locations are the same) – why should it be different for sex workers?
51. There is an inherent conflict between the police roles of protection and enforcement in an industry where, as Mr Davies says “the police can put the door through at any time”.
52. This criminalisation does much to deprive sex workers of the full protection of the law. Mr Russell, referring to advertisements by sex workers, says, “I am pretty sure that it is not the role of the police to give a blessing to prostitution”: sex workers would be very pleased to receive the protection of the police if not their blessing.
53. Though the vulnerability of UK nationals is not the purview of this enquiry, this situation creates even greater vulnerability among migrant sex workers and victims of trafficking.
54. There are three groups of people most likely to see victims of trafficking – sex workers, clients and those who run brothels, working flats and escort agencies. Existing and proposed law distorts the sex industry to *build in* structural reasons to prevent all of these groups to report anxieties about trafficking.
55. As two women working together fulfils the legal definition of a brothel, many working flats decrease their likelihood of being raided by arranging for individual women work on different days of the week, with a (usually full-time) “maid” or receptionist. The maid is criminalised under legislation relating to controlling for gain (which applies equally in law to fair and honest workplaces as exploitative and dangerous ones), but the woman selling sexual services is not. However, due to the “rota system” adopted as a result of brothel keeping legislation, sex workers are unlikely to see other women working in the same flat, losing another opportunity to identify and report anxieties about trafficking.
56. Sex workers who work collectively in “brothels” are discouraged from reporting concerns by fear of losing their livelihood as a result and the potential for arrest and prosecution: such prosecutions *may* fail or may succeed - and have succeeded.
57. Anyone who runs a brothel, working flat or escort agency is criminalised under legislation against controlling for gain, brothel keeping etc.. It is directly against their interests to come to the attention of the authorities.
58. Despite this, there have been cases where police have been alerted to suspicions of trafficking by members of this criminalised group. Regrettably, there have also been cases where those suspicions have been proven correct, where women have been rescued, traffickers arrested – and the police have then returned to the source of their information, to arrest, prosecute, imprison and confiscate their assets. *This acts as a considerable disincentive to report, a fact which traffickers are aware.*

59. The government is now considering the indiscriminate criminalisation of clients of sex workers “controlled for gain”, described by Harriet Harman as “if the woman is there for somebody else's gain or she has been trafficked in and is being held captive”.
60. In previous evidence to the Committee, Misha Glenny averred “The reason why there are so many brothels in this country is that there are so many men prepared to visit those brothels,” though he supplied no data to support this statement. There is no definitive evidence that British men are more likely to pay for sex than men of other nationalities. One survey showed an increase from 2% (1990) to 4.2% (2000) of men reporting paying for sex in the last 5 years. In another, more local, study 10% reported having paid for sex. Research in Switzerland showed 11.5% of men aged 17-30 and 21.5% of men aged 31-45. An international comparison of payment for sex within the last year showed median values in Western Europe of 2.9% and a mean of 3.6%.
61. Anna Johansson of the Poppy Project makes the unsubstantiated assertion “...someone who has been a victim of crime in the UK who would not necessarily be here if it was not for the demand that is present in the UK that is fuelling the sex industry and the trafficking.” Her colleague Denise Marshall goes on to give the example that a woman may travel through Spain and Germany to London and “she would not come to London or to the rest of the UK if there was not demand”.
62. Figures for percentages of men buying sex are higher in Germany (4.8%) and Spain (11%) so if the demand-lead argument were correct, traffickers would concentrate on those countries.
63. However, both Spain and Germany have legalised prostitution, which creates a less hospitable environment for unlawful acts than the UK's largely criminalised sex industry.
64. Despite Harriet Harman's interpretation, the legal definition of “controlling for gain” makes no reference to coercion, deception, exploitation, violence, rape, abuse or trafficking. Home Office proposals would not target clients of the vulnerable, but criminalise all clients of anyone who works in premises run by a third party or for an agency: the very kinds of working situations that offer most support and safety to vulnerable workers and probably the most common working arrangement in the indoor industry.
65. There have been successful prosecutions for controlling for gain even when it has been accepted *in court* that the plaintiff offered sex workers a fair, safe and honest working environment. If the definition of “controlling for gain” were applied to other industries, it would criminalise the work of authors, actors, models, barristers in chambers, many hairdressers, mini cab drivers, and every single permanent or temporary employment agency.
66. Not only do these proposals entirely fail to target trafficking, the case Ms Harman used to illustrate her point to the Committee in fact shows the enormous potential benefit from involving clients in the fight against trafficking, rather than criminalising them. One of the women from the Oriental Gems agency was able to give evidence, leading to successful convictions, as a result of a client paying £20,000 of her debt and freeing her from slavery. Under proposed legislation, this man would be confessing to a crime by bringing such a woman to the attention of the police. As it is proposed that the crime be judged under terms of strict liability, his action to save this woman would be no defence. This would create a significant disincentive for clients to report anxieties about trafficking or help women they think are trapped.
67. Mr Davies suggested that by the same logic we should criminalise anyone who gives money to a migrant child begging in the street – in fact such a measure would be far more closely targeted than current government proposals allegedly intended to assist trafficked women.

68. In research by CWASU (Child & Woman Abuse Studies Unit, London Metropolitan University), less than 5% of clients interviewed said that they would be deterred by legal sanction (though 20% said they'd stop paying for sex if they had a girlfriend). Clients most likely to report abuses are the most law-abiding and these are, by definition, those most likely to be dissuaded from buying sexual services by legal sanction.
69. Clients and others involved in sex work are the most effective source of information on abuse within the sex industry and there is evidence clients are keen to report this if informed of means to do so. Even the Poppy Project, which campaigns for criminalisation of our clients on the basis of their belief that all sex work is violence, receives 2% of its referrals from clients of sex workers, and a further 6% from unspecified "members of the public".
70. In Turkey the government set up a well-publicised hotline for reporting trafficking, across all industries: hotel & catering, agriculture, domestic service etc.. In the six months to January 2006, three quarters of tip offs came from sex workers' clients, and those calls resulted in the destruction of 10 trafficking networks and freedom of 100 women from coercion – a greater number in a shorter time than the intelligence lead Pentameter 1 operation – and probably at lesser cost.
71. We are already seeing a reluctance by owners and managers of premises to hire migrant sex workers. Sometimes this is a decision of conscience, due to fear of inadvertently offering work to someone who is coerced into selling sex. Sometimes the choice is pragmatic – the fewer migrants on the premises, the less likely those premises will receive unwelcome police attention. In either case, the result is to decrease the choice of workplaces available to migrant sex workers, thus further isolating victims of trafficking from those who might report anxieties. Migrants working in the sex industry by choice *or* coercion will be pushed into worse and worse working conditions, where the organisers making the profit and exploiting individuals' vulnerability are at greater distance from the business and, in consequence, more likely to get away with abuses.
72. Mr Streeter suggested that there should be a "massive campaign", and that this should take the form of confidential interviews of sex workers by the police, who would then be removed to a place of safety if they said they had been trafficked. Such a massive campaign has, in fact, taken place: the Pentameter 1 and 2 police operations. The number of trafficking victims located (255 total; 250 connected to the sex industry) has been described; the police have not revealed how many migrant sex workers were deported either as illegal migrants or because they were working on terms which rescinded their visas (although the government do not recognise sex work as work, it is considered as such by the UK Borders Agency and has resulted in deportation for breaking the terms of a visa).
73. Neither have other consequences of Pentameter been drawn to the Committee's attention. The most obvious is the heightened fear of deportation that is the constant companion of migrants working in the sex industry, whether they are in the UK legally or otherwise. It is less common these days that women are deported still in their working clothes (i.e., their underwear) but they are, of course, penniless as deported sex workers are not allowed to retain the money they have worked so hard to earn.
74. Pentameter has also resulted in the alienation of working flats, brothels and individual women from all "state authorities", including health projects and other support services which may have worked over the past twenty years to develop relationships now impeded by distrust and apprehension. There are suspicions of all agencies with any association with the authorities, particularly by migrants from countries where links between different arms of government are stronger, or corruption means that there is no confidentiality in medical treatment and health services may report "useful information" to the police.

75. Despite Mr Streeter's hopes, for those who identify as victims of trafficking under these circumstances, there is no "safe place" to which they can be removed, except under terms highly conditional and strictly time limited. Access to assistance is dependent on the victim's willingness to co-operate and his/her "usefulness" in the criminal proceedings. For example in 2003 the UK Home Office established criteria for trafficked persons to be referred to specialist services such as the Poppy Project, including that they have been working as a prostitute for the last 30 days (in the UK); that they have come forward to the authorities, and that they are willing to co-operate with the authorities. After two years of research, Anti-Slavery International found that the models of protection offered by the state to trafficked persons prioritise law enforcement requirements over the rights of victims. In the vast majority of cases, the trafficked person, if recognised, is seen primarily as a witness, and as a tool of law enforcement. If this continues to be the case, trafficked persons' right to justice will continue to be denied, and prosecutions of traffickers will fail because their victims are neither willing nor able to testify.
76. In addition to the structural priorities built-in to the limited support for victims of trafficking, precedence is also given to the security of our borders in the case of criminal prosecutions of those who do violence to illegal migrants. There have been cases where, to the frustration of the police, the main witness in a rape trial has been deported before giving evidence. Even if UK Borders Agency are persuaded to delay deportation, coming to the attention of the authorities because you have reported a crime against you is of no relevance in determining your right to remain.
77. Rape, robbery and crimes of violence against migrant women are effectively treated as of less importance than the victim's breach of immigration rules.
78. Criminals are often aware of this, and select victims from amongst the most vulnerable accordingly. Migrant women reporting attacks to health and support agencies describe perpetrators' comments to this effect in the course of assaults upon them.
79. For example, in meetings a health project has brokered between migrant sex workers who have been gang raped and police known to and trusted by the project, as soon as the police officer has revealed they have an obligation to inform UK Borders Agency of the possible presence of an illegal migrant, the complaint is invariably dropped, even if the woman were previously keen to report and give evidence against her attackers.
80. The most profound effect of criminalisation on the sex industry is echoed in Alan Campbell's quote to the committee "They are in the darkness, in the shadows." The obscurity offered by an industry in which the vast majority of participants are criminalised, regardless of whether they exploit or abuse others, and in which even UK national sex workers are denied the full protection of the law, offers an ideal environment for criminals to prosper in their abuse and exploitation. Ms Harman stated to the Committee "I do not think anybody challenges what I have said, which is that the sex trade is changing in nature and becoming part of serious organised crime." *The IUSW challenges this statement* – but if the government wishes it to become true, existing law and current proposals are creating close to ideal conditions for it. Prohibition of alcohol in America gave violent criminals increased opportunity to make themselves part of American society. Criminalisation of sex work here offers similar opportunities, with disastrous consequences for both UK born and migrant sex workers.

81. This can be seen already in the discrimination experienced by sex workers by local newspapers refusing to accept advertisements, a subject mentioned several times by Committee members and described as “obnoxious advertisements” “feeding the frenzy of the sex trade ‘ “not only aiding and abetting prostitution but they are aiding and abetting people trafficking””.
82. Such statements seem to indicate moral objections on the part of Committee members towards sex workers and the purchase of sexual services in and of themselves. These moral judgements of the sexual behaviour of *consenting* adults have no place in policy making, particularly in policy making intended to address coercion, exploitation, violence and abuse.
83. As already stated, the selling and purchasing of sexual services is *not* illegal. Many members of the IUSW have advertised such services, entirely legally, in local newspapers like any other independent business within their community. To eliminate these advertisements drives prostitution further underground, assisting those who wish to abuse and exploit, and marginalises and excludes all sex workers, perpetuating problems, not solving them.

### **Recommendations.**

84. Decriminalisation of sex work is the essential first step towards combating trafficking, tackling abuses within the sex industry and ending the social exclusion of sex workers.
85. Decriminalisation alone is not enough to create a Britain in which sex workers are treated as full and equal members of society.
86. Even without change to current legislation, there is much that can be done without changing the law that would have enormous beneficial effect:
87. Formal inclusion of sex workers and sex workers’ organisations on discussions on the sex industry at a national and local level.
88. Recognise that trafficking occurs within the sex industry for the same reasons it occurs in other industries.
89. Apply the definition of trafficking used in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention against Transnational Organized Crime (commonly known as the Palermo Protocol). This refers to coercion, deception, abuse and exploitation, all of which are absent from the current UK definition of trafficking.
90. To reduce the abuse and exploitation of migrants in many industries, as well as the sex industry, ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), thereby requiring a thorough review of immigration and work restrictions.
91. Adopt the Italian model of support for victims of trafficking: the experience of Italy shows that a truly human rights based approach to issues of trafficking can work effectively and that there is no significant pull factor associated with giving victims of trafficking full human rights. Other countries have introduced or are considering introducing a similar regime.

92. Tackle trafficking at source through partnership working with countries of origin involving sex workers, taking a migrants' rights approach, drawing on existing good practise – e.g., the Global Alliance Against Trafficking in Women's the *Migrant Women's Handbook* or Ziteng's *What to Know Before You Go*. The European Union Expert Group on Trafficking recognised this as one of the most effective approaches in combating trafficking.
93. Treat crimes of violence against migrant sex workers as a priority. Reporting or giving evidence about a crime of violence should not result in deportation.
94. Work with sex workers' organisations, health projects and support services to increase reporting of crimes of violence against sex workers.
95. Encourage clients to report concerns about trafficking or coercion, either by a dedicated hotline or through Crimestoppers.
96. Resources devoted to those who purchase sex should focus on addressing the perpetrators of violence against sex workers rather than the purchasers of sexual services. It should not be the aim of government to judge and/or punish consensual adult sexual behaviour.