

## RECOMMENDATIONS FOR CHANGES IN PROSTITUTION LAW AND POLICY

*By the English Collective of Prostitutes which co-ordinates the Safety First Coalition*

In 2003, New Zealand decriminalized prostitution stating that “while not endorsing or morally sanctioning prostitution or its use” it aimed “to create a framework that: (a) safeguards the human rights of sex workers and protects them from exploitation; (b) promotes the welfare and occupational health and safety of sex workers; (c) is conducive to public health; (d) prohibits the use in prostitution of persons under 18 years of age.”

The law allows up to four people to work together from premises “where each of those sex workers retains control over his or her individual earnings”, and where more than four people works, it defines the manager as an “operator” with a requirement to apply for a licence from the local authority. Most importantly, it reinforces offences against compelling anyone into prostitution, *stating a specific right for sex workers to refuse any client*. And it gives powers to local authorities to inspect premises on health and safety grounds.

A comprehensive review process is built into the act specifying that the Review Committee should include representatives from: the ministries of justice, police, health, women, commerce and the New Zealand Prostitutes Collective. Five years after decriminalisation was introduced, the Review Committee reported favorably on the change citing evidence which showed that there had been no increase in prostitution, and that crucially sex workers are more able to report violence and leave prostitution.<sup>1</sup>

The New Zealand Prostitution Reform Act is a good basis for any serious change in prostitution law and policy. It removes prostitution from the criminal law, allows people to work together collectively, and distinguishes between violence and consenting sex. And crucially, it has been shown to improve sex workers’ working conditions, while making it easier for those who want to get out, to do so.

**We list below our specific demands.**

1. **Give serious consideration to the New Zealand Prostitution Reform Act 2003** as a model for decriminalising prostitution in the UK.
2. **Prevent women being trapped in prostitution by fines and criminal records.** Repeal section 1, Street Offences Act 1959 “Loitering or soliciting for the purposes of prostitution.”
3. **Allow women to work together more safely from premises.** Repeal section 33, Sexual Offences Act 1956 “Keeping a brothel.”
4. **Ensure that the law targets abuse and violence rather than women working consensually and collectively.** Amend section 53, Sexual Offences Act 2003. Use the UN definition of trafficking to define “controlling prostitution for gain” thus adding “*by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person.*”<sup>2</sup>

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<sup>1</sup> <http://www.justice.govt.nz/prostitution-law-review-committee/publications/plrc-report/index.html>

<sup>2</sup> [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)

5. **Ensure that anti-trafficking laws target abuse and violence, and are not used to deport immigrant sex workers or the people we choose to associate with.** Amend sections 57, 58, 59 Sexual Offences Act 2003: “Trafficking into, [within and out] of the UK for sexual exploitation” to add *“by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person.”*
6. **Expunge all criminal records for prostitution offences that do not include force or coercion** including loitering and soliciting, brothel-keeping and controlling – no force or coercion is needed under the current law so those convicted are primarily “managers”.
7. **Recognise sex workers as workers with rights like other workers**, including the right to safety, to a pension, to form and join trade unions.
8. **Instruct the police and courts to prioritise safety by vigorously investigating and prosecuting rape, sexual assault, domestic and other violence.** Non consenting sex is a serious violent crime. Criminalisation increases prostitute women’s vulnerability to violence: many will not report for fear of being dismissed or even arrested. We agree with Women Against Rape that officials who are negligent, discriminatory, obstructive or hostile to anyone reporting a violent crime should be sacked. As numerous cases of serial rape and murder made clear, no woman is safe if prostitute women aren’t safe.
9. **Ensure free, accessible, non-discriminatory health services for all.** The Royal College of Nursing supports decriminalisation on grounds of removing any obstacle to health service delivery.
10. **Provide viable economic alternatives to prostitution for those who want to get out**, including: refuge places and other targeted assistance for women to escape domestic violence; immediate weekly cash payments comparable to what was provided in Ipswich at the time of the murders to cover the transitional period until women are able to get benefits or another form of employment; housing priority for sex workers who are “vulnerable” because of homelessness, drug use, domestic or other violence; financial help to cover childcare costs; financial help to clear debt; immediate and appropriate drug rehabilitation services for those who want it.
11. **Financial recognition for mothers and other carers, and pay equity for those who go out to waged work.** Seventy percent of prostitute women are mothers. Mothers are the lowest paid workers. Financial support, and equal pay for work of equal value would help many, especially single mothers, stay out of prostitution.
12. **Reinstate benefits to under 18 year olds**, recognised by children’s organisations and charities as the single most important measure to prevent young people being forced into prostitution by poverty.
13. **Ensure that sex workers and sex workers’ organisations are central** to the process of changing the law.
14. **Recognise and measure the contribution sex workers make to the survival of families**, communities and the economy of every country by including this work in national accounts as the System of National Accounts recommends.