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# SEXUAL EXPLOITATION + SEX WORK FACT SHEET

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# BACKGROUND

**This briefing addresses the dangers of conflating trafficking, modern slavery and sexual exploitation with all prostitution or sex work. It also explores the harm caused to both victims and sex workers by further criminalisation.**

Some in Parliament have already begun labelling *all* sex work as modern slavery and trafficking. The Home Affairs Select Committee (HASC) [report](#) on Human Trafficking labels all prostitution as sexual exploitation, recommending that the Home Office no longer uses the term “sex work”. Meanwhile, MPs attempted to rebrand prostitution as “sexual exploitation” this year, through a [clause](#) in the Criminal Justice Bill. In reality, sex work is a broad label. Categorising all sex workers as victims of exploitation is an inaccurate definition which not only makes it harder for professionals to understand and identify genuine victims of modern slavery, but also robs sex workers of the right to name their own experiences.

Whilst sex work is technically legal, lots of associated activity such as ‘soliciting’ is criminalised, putting sex workers at risk of legal sanctions. This year, the Independent Anti Slavery Commissioner (IASC) also accepted a recommendation from the HASC, calling for the Government to revisit legislation which is “not deterring sex buyers”, effectively advocating for further de facto criminalisation of sex work. This move threatens to push sex workers further underground and reduces the visibility of those in the industry, including victims of violence such as modern slavery. Meanwhile, raids put anyone involved in sex work, including survivors of exploitation and those engaging in ‘survival sex’, at risk of criminalisation, immigration detention and deportation. Freedom of Information (FOI) data shows that most raids on potential brothels under the guise of suspected modern slavery do not result in any survivors being referred for support,<sup>[1]</sup> bringing into question whether increased policing of sex work is an effective way of identifying survivors.

# 1. FURTHER CRIMINALISATION MAKES IT HARDER TO IDENTIFY AND SUPPORT VICTIMS

Like other sectors, pushing the sex industry underground makes it harder to reach people who are being exploited. In turn, victims of sexual exploitation have fewer opportunities to access support. Criminalising buyers has been shown to leaves those in the industry more likely to work alone, or in more remote areas, and at greater risk of abuse as a result. Sex work being pushed into far-out regions as a result of over policing has been documented in research for decades.[2]

# 2. RAIDS ARE NOT AN EFFECTIVE WAY OF IDENTIFYING MODERN SLAVERY VICTIMS

There is little evidence that police raids on sex workers are an effective way to encourage victims of modern slavery to come forward. Freedom of Information (FOI) requests show that 69% of police raids linked to 'modern slavery' or trafficking for sexual exploitation do not result in any victims being referred to support services.[3] Neither victims of modern slavery nor sex workers are guaranteed protection from criminalisation or immigration enforcement,[4] which is a well-recognised barrier to reporting abuse to the police.[5] Evidence suggests that even police-led 'welfare checks' can cause adverse outcomes, according to testimony shared by individual sex workers and organisations which represent them [6][7].

Barriers to reporting are worsened by inconsistent policing outcomes. Both 'lawful' and 'unlawful' police repression of sex workers or their clients is documented in academic studies[8] with 42% of sex workers reporting violence from the police.[9] Racially minoritised and other particularly marginalised communities are disproportionately impacted.[10]

Victims of modern slavery need time, safety, and access to advocacy in order to engage with the authorities if and when they feel it is the right choice for them.



### 3. CRIMINALISING BUYERS FURTHER CRIMINALISES SEX WORKERS

Under existing legislation, including loitering and soliciting charges, enforcement using 'prostitute cautions' or on 'brothel-keeping' offences, sex workers are already subject to over policing.[11] It is impossible to further criminalise buyers (a policy known as the 'Nordic model') without effectively criminalising sex workers and people being sexually exploited. Where buying sex is fully criminalised, it has resulted in increased policing (including arrests) of sex workers in Ireland, Norway, Finland, and Sweden.

When modern slavery victims are not identified as survivors, but are criminalised for involvement in the sex industry, it can make life harder for them if and when they do come forward to the authorities due to restrictions on support[12] and compensation[13] for those with criminal records. In modern slavery cases, international law may protect some victims from criminalisation under the 'non-punishment principle',[14] if they were forced to commit criminalised activity as a result of exploitation. However, the criminal justice system does not consistently adhere to the non-punishment principle in practice.[15]

Data on the criminalisation of sex workers more broadly is poorly kept, but a recent report collated statistics from various police forces, which shows that criminalisation is persistent. For example, 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.[16] For those wanting to leave sex work, including those who undertake survival sex work with the view to leave as soon as is financially possible, criminalisation poses a barrier to do so.





## 4. 'PREVENTION' MUST BE EVIDENCE-BASED

There is no place for abuse anywhere. That includes the home, places of learning or workplaces including the sex industry. Meaningful prevention must address poverty, homelessness and hostile immigration policies which make victims more vulnerable to violence, including modern slavery. Sex workers themselves are [campaigning on this](#).

Education targeted at every level, from schools to front-line agencies, is also needed to prevent perpetration early on, empower people affected, and equip professionals. Yet, changes to sex and relationships education, in which children learn about abuse much later in their schooling under Government plans, are not identified by the IASC or HASC as a pressing prevention issue.[17]

Similarly, inconsistent first responder training continues to blight the identification of victims.[18] Instead, a focus on curbing demand for sexual services is prioritised, despite insufficient evidence to suggest that criminalising sex buyers has this outcome.[19] Crucially, conflating 'sex work' with 'sexual exploitation' makes it harder for professionals to identify genuine victims.

## 5. SEX WORKER RIGHTS ARE HUMAN RIGHTS - IT'S NOT CONTROVERSIAL

The rights of everyone in the sex industry to be able to safely report abuse, and access the same protections available to other workers, is a human rights position. Leading human rights NGOs including Amnesty International, and Liberty, as well as modern slavery charities The Global Alliance Against Traffic in Women (GAATW), Freedom United, the World Health Organisation, and the United Nations Working Group on discrimination against women and girls are amongst those that have taken formal positions against criminalisation, in recognition of its impact. The position is also an evidence-based one. Research finds that further criminalisation significantly impacts the ability of women to report violence or even access relevant healthcare,[20] including victims of exploitation specifically.[21]

## 6. 'EXPUNGING RECORDS' IS NOT ENOUGH

Both the HASC and IASC have said victims of sexual exploitation should have their records expunged for crimes relating to sex work, in order to justify the further policing of sex workers. However, the process of expunging criminal records is time-intensive, requires awareness of the mechanism, is difficult for survivors to navigate without legal representation.[22] Victims of exploitation continue to be denied the right to have convictions for sex work expunged, even after legal challenge.[23] So long as criminalisation exists, sex workers will get cautions and convictions for prostitution offences and their lives will be blighted by them.

Whilst a broader move to expunge the records of all modern slavery victims forced to commit crime would be a positive step, the basis for expunging records should be to protect survivors as per their rights to non-punishment under international law, not as a justification to police sex workers.

**We must strive for a world in which sex workers and victims of modern slavery are not put at risk of criminalisation in the first place. In order to respect the concerns and needs of both survivors and sex workers, the UK must not conflate sex work with sex trafficking.**

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