

anti-trafficking legislation: protection or deportation?

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In November 2002, under the guise of protecting women from violence and exploitation, new legislation against trafficking was introduced by the UK government as part of the Nationality, Immigration and Asylum Bill. Yet experience has shown that anti-trafficking legislation and initiatives are most often used to deport women. Feminists have either initiated or supported such moves, refusing to admit their effect on the women they are supposed to protect.

The police and immigration raids in Soho, London, last year on over 50 flats, graphically illustrate this. Over 60 asylum seekers and immigrant sex workers were

arrested, paraded in front of the media and held in detention. Some were summarily removed despite pending asylum claims. Many of the women had fled to the UK to escape war and other persecution. Some were rape victims, some were mothers who were brutally separated from their children.

Legal Action for Women¹ co-ordinated legal support, finding and visiting women who had been detained and lining up lawyers. The English Collective of Prostitutes held an emergency picket of the Home Office to alert the public and got widespread media coverage. As a result, the raids were publicly condemned and their legality challenged by women's groups, prominent lawyers, MPs and church people, and a number of deportations were prevented.

Under scrutiny, the police changed their story. Their press release issued at the time of the raids claimed that they were 'protecting under age children'. But when they couldn't produce any children, they claimed that they were 'liberating victims of trafficking'. When no pimps or traffickers were arrested, they claimed that the raids were part of a wider initiative to 'support Westminster residents', ignoring that the majority of local residents, including the Soho Society, had publicly condemned the raids! Without our intervention the police lies that they had 'liberated victims of trafficking' would have been reported by the media as the official truth.

The raids were planned over months. Women have told us how the police visited them regularly, seemingly to find out if everyone was OK, and asked questions about their nationality. All the women were working independently of pimps – many had young children to support and some were sending money back to their family in other countries. Some had been forced into prostitution because they couldn't feed their children on the hated voucher system.

Yet, none of the feminist academics or others who write widely on trafficking condemned the raids. Instead reports such as *Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK*² have provided the foundation for this legislation and other measures. This report recites police figures on the numbers of 'victims of trafficking' that fail to distinguish between women forced into prostitution and immigrant women working for themselves. As a result, any immigrant women can be labelled as a victim of trafficking and deported. The police notoriously exaggerate the extent of trafficking to justify increased powers and resources. In June 2001 they claimed that the 'Albanian mafia is controlling around 70% of massage parlours in Soho'³ despite evidence from women working in the area that this was untrue.

The new legislation is an extension of the existing discredited anti-pimping laws which make no distinction between consenting and non-consenting relationships and are most often used against sex workers' partners especially if the man is Black. As we said in our book, *Some Mother's Daughter the hidden movement of prostitute women against violence:*

1 Legal service based at the Cross-roads Women's Centre.

2 'Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK', Liz Kelly, Linda Regan. Police Research Series Paper 125, May 2000.

3 The Economist, 23 June 2001.

The charge of pimping often hides the violence of which pimps are guilty. Instead of being charged with rape, sexual assault, kidnapping, false imprisonment, coercion, GBH, theft, extortion, or other crimes against women they are only charged with pimping – on the rare occasions when they are charged at all.

The new offence of trafficking is in legislation alongside some of the most repressive immigration measures ever: detention of all asylum seekers including women and children fleeing rape and other violence; removal of citizenship, segregation of asylum-seeking children from mainstream schools, removal of asylum seekers right to appeal and a clause which gives the Home Secretary unprecedented powers to alter legislation without the approval of parliament. In the context of this massive attack on people's right to escape from torture and persecution, it is astounding that some anti-trafficking organizations are calling for '*appropriate and safe repatriation and reintegration for trafficked persons*'.⁴ Adding '*appropriate and safe*' will not stop this legislation being used to send women back against their will.

⁴ Coalition to Abolish Slavery and Trafficking website. www.ljr.net/cast/goals.html

Recommendations from the Stopping Traffic report go further down a repressive road than even this legislation. It recommends 'All forces to be encouraged to undertake a simple intelligence gathering exercise on off-street prostitution, and to discover whether there are any suggestions of non-UK women involved.' Yet the Soho raids showed how monitoring is used to gather evidence for deportation. In 2000, police evidence gathered in this way was also used by Westminster Council in their attempts to evict women from the flats where they live and work.

And the report speaks of '*the need to find ways to proceed with legal cases which do not rely on the testimony of vulnerable and intimidated witnesses*.' Legislation which does not require the victim to give evidence would allow the police to decide who is a victim, pimp or trafficker and conveniently remove the possibility of any challenge. People will be convicted on police evidence alone – a green light to police corruption and a very dangerous precedent. These proposals must be publicly opposed and not be allowed to gain credence.

Prostitute women have always said that the biggest deterrent to reporting violence is fear of arrest and, for those of us who are immigrant, deportation. If the police really believe that women are too scared to come forward why is witness protection dismissed as too expensive?⁵ There was no lack of money when it came to paying for over 100 police officers to raid Soho.

⁵ Home Office report: Setting the Boundaries, Reforming the law on sex offences, July 2000.

Proposals to allow women to stay while pursuing a prosecution against their attackers are inadequate. Women will not be able to come forward if they know that they will be deported when the case finishes. If women's safety and welfare were really the priority why shouldn't a woman who has escaped from a situation where she faced threats, violence and/or rape and fears reprisals have the right to stay in the UK?

The situation of two young women from Moldavia who came to us for help shows not only why many women emigrate as the only way to survive the poverty and devastation caused by war, arms trading and globalisation but also why women can't ensure that where they have suffered violence and exploitation, the men responsible are brought to justice. One of these women explained

In Moldavia, my mother earns £5 a week to support our family of five. We have no running water, or gas for heating. We have to collect firewood, and get water from a well. . . . My sister and I came to the UK, we thought to work in a restaurant. After a week the men said we must earn our keep by sleeping with other men. They beat us, and said my sister and I would never see each other again if we tried to escape. Some people helped us escape but we left everything behind. The ECP helped us get housing with some nuns. We can't go to the police because we know we'd be deported. We now work in a club and our family depends on the money we send home.

These women need what all victims of violence need, protection of the police and courts, housing, healthcare, welfare benefits and to see their assailants brought to justice. And as long as sex workers are criminalized, it will be even harder for women to come forward to report violence.

'Trafficking' is not prostitution but forced or bonded labour, in the domestic, sex or any other industry. Existing offences of kidnapping, rape, sexual assault, false imprisonment, grievous bodily harm, extortion, etc., could be used to prosecute the assailants of women and children, whatever work they are being forced into. Traffickers escape prosecution not because of a lack of applicable laws, but as with domestic violence and rape, because protecting women is not the priority.

Instead of targeting the violence prostitute women suffer, the anti-trafficking lobby is often based on a salacious opposition to sexual exploitation at the expense of opposition to other forms of exploitation.⁶ As a result women who work for themselves as an alternative to exploitation in a brothel, or exploitation in domestic work, rural work, factories and sweatshops are prosecuted, persecuted and deported. No such condemnation comes down on the industrialists and professionals who make fortunes at the expense of others.

Anti-trafficking legislation is part of anti-immigration legislation which represents an enormous onslaught on all our rights and is primarily being used to keep out women from poorer countries and deport immigrant women and children, often to situations where our lives are at risk and where we experience great hardship. The Soho raids which were aimed at laying the basis for more of such legislation, have provided more evidence against it. Abhijit Dasgupta from Action Aid India agrees: 'We have to all fight together to see that this whole trafficking discourse is not used to restrict women from moving.'

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6 Consideration should be given to the creation of a crime of 'sexual exploitation', where proving the offence would require showing that a sexual act took place and that someone else benefited from it in monetary terms or in kind. 'Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK', Liz Kelly, Linda Regan. Police Research Series Paper 125, May 2000.

biography of the English Collective of Prostitutes

Since the English Collective of Prostitutes was formed in 1975 we have been campaigning for prostitute women's right to safety and protection, for the abolition of the prostitution laws which criminalize women for refusing to be poor and for financial alternatives to prostitution so that no woman, child or man is forced by poverty into sex with anyone.

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