

Packed meeting in Parliament backs New Zealand's decriminalisation, 16 January 2008



From l to r: Lynne Jones MP, Catherine Healy, Niki Adams, John McDonnell MP, Pye Jakobson, Baroness Vivien Stern

Experts from New Zealand and Sweden

With the debate on prostitution raging in the press, and given the opportunity to hear experts from New Zealand and Sweden, it was no surprise that the meeting in Committee Room 10 of the House of Commons was packed to the rafters. 200 people were joined by 10 Peers who came to inform themselves in preparation for a debate in the Lords on the Criminal Justice and Immigration Bill. The Bill introduces

an offence of persistent soliciting and compulsory “rehabilitation” against sex workers.

Called by the Safety First Coalition, which formed in the aftermath of the tragic murders of five young women in Ipswich and is co-ordinated by the English Collective of Prostitutes (ECP), the meeting was co-hosted by MP John McDonnell and Baroness Stern.

John McDonnell opened by reporting widespread anger that the Commons debate on the Bill was guillotined, preventing discussion on the prostitution clauses which could result in women being imprisoned.

“The Swedish ‘solution’ makes sex workers more vulnerable.”

The first speaker, Pye Jakobson, a founding member of Sex Workers and Allies in Sweden, who has been organising for sex workers’ rights since 1994, laid out the effects of the 1999 Swedish law which criminalised men who buy sex.

She said it has endangered the lives of sex-workers. Women have been forced underground by the law, and the police complain it has obstructed their efforts to investigate violence as sex workers and clients are no longer willing to come forward with information. Exploitation and middle men have increased: “Now we have internet pimps that arrange where we can put our ads for a ridiculous amount of money, and apartment pimps because we are not allowed to rent an apartment and work from it.”



Pye Jakobson speaking

When the legislation was first suggested over 100 NGOs and State departments were consulted. “Two said yes. All the others said no, especially the police and the legal system.” So the government placed the law within “a package that strengthened the laws on rape, sexual harassment and abuse”, and it was passed.

Refuting statistics which claim that the law has reduced trafficking and got women out of prostitution, Ms Jakobson condemned the lack of serious assessment: “The United Nations asked Sweden to evaluate the law because there is a complete lack of data – prior to the law and today.

Our Minister of Equality, Mona Salins, answered that a critical analysis of the law is not going to happen.”

Crucially sex workers have never been asked for their views, leading Ms Jakobson to question the feminist politicians who promoted the law: “When did they decide that every woman has the right to decide over her own body but not that group of women, not prostitutes, because we are going to decide for them?”

“Sex workers are at the heart of New Zealand’s decriminalisation.”

As a key member of the broad based coalition which achieved legislation to decriminalise prostitution in New Zealand in 2003, Catherine Healy was appointed by the Minister of Justice to the New Zealand Prostitution Law Review Committee. She is a founding member and national co-ordinator of the New Zealand Prostitutes’ Collective.

Ms Healy described the many successes of the law which has as its heart the requirement to “safeguard the human rights of sex workers, protect them from exploitation and promote occupational health and safety.” Focus has shifted from prosecution to protection; sex workers feel more able to insist on their rights and demand help when they need it.

“Obviously, we didn’t decriminalise murder, rape, coercion and exploitation. These crimes are still policed and prosecuted. As sex workers no longer fear arrest they are more able to report violence. And more street-based sex workers have found it possible to work together indoors.” Brothel operators are now competing with women free to set themselves up, so conditions in the brothels have also improved. “The women will say: ‘No. You can’t make me work seven days. I’ve got rights now.’”

In response to questions from the floor, she dismissed claims that trafficking had increased since the law change: “These claims are totally unfounded.” She laughed at the British government claim that New Zealand is “too far from anywhere” to be targeted by traffickers. “We are part of the Asia Pacific region,” she said. In fact, decriminalisation has meant that sex workers who are being exploited are more likely to have the confidence to come forward. “There is now an expectation that when wrongs are exposed they should be put right.”

“Trafficking: an excuse for deportation.”

Speaking for the Safety First Coalition, Niki Adams of the English Collective of Prostitutes, explained how trafficking is being used to justify proposals to criminalise clients. “Rarely do we hear how trafficking is being used to target and deport immigrant sex workers. The ludicrous statistics used make no distinction between genuine victims and immigrant sex workers, many of whom are working independently. Whilst victims don’t get the help they deserve, other women, including one woman who is here today, have been convicted of trafficking and imprisoned just because they were running a working flat with other immigrant women.”

Amanda Penfold, an ex-sex worker from the Green Party spoke forcefully: “Trafficking is about slavery not prostitution. They use slaves for a lot of different things – domestic work, cockle picking – yet no-one is proposing we ban the sale of cockles.”

“When prostitute women aren’t safe, no woman is safe.”

Andrea Spyropoulos of the Royal College of Nursing, part of the Safety First Coalition, described how the decision to support decriminalisation had been taken on health grounds, not moral grounds. “*What I know as a nurse is that the current laws inhibit access to healthcare, and these mothers and daughters feel like second class citizens. Sometimes the health workers treat them as second class citizens. . . I rejoiced when we took off the statute books the criminalisation of consenting sex between men. I hope we are grown up enough in 2008 to have a proper debate about consenting sex, whether it’s for money or not.*”

Dr Helen Ward, Clinical Senior Lecturer, Imperial College, agreed that the criminalisation of clients would undermine health, and called for laws not to exclude immigrant workers.

Theresa McKay, Ipswich Trades Union Council, spoke of the compassionate response to the tragic murders in her town. A 300-strong local reclaim the night march gave its unanimous support to decriminalisation. She refuted the propaganda that the crackdown on clients in Ipswich had enabled women to leave prostitution. Some women are still working and no-one knows what had happened to the others.



Andrea Spyropoulos speaking

Ruth Hall from Women Against Rape protested that the UK government, like Sweden, “*dresses up legislation which attacks women and makes us less safe as legislation which is for our protection*”. They recruit the movement against violence for their law and order agenda. Instead of going after men who buy sex, why not deal with rapists? Serial rapists and murderers have a history of unconvicted violence, often against partners and sex workers.

“Poverty and criminal records: that’s why we can’t get out.”

After the meeting, a woman who hadn’t wanted to speak publicly said she had wanted to cheer when she heard women speaking of being institutionalised in prostitution by criminal records. Her life had been plagued by a record for soliciting she got as a teenager. It has prevented her from getting a job as a carer she was eminently suitable for. A single mother, she is being forced to carry on with sex work.

Peter Hulme-Cross of the Greater London Assembly quoted Solicitor General Vera Baird and Minister for Women Harriet Harman saying that “*prostitution degrades women. They take that as fact, I’d say that was an opinion. A woman who earns £200 would be astonished; for others poverty has to be addressed.*”

Peers commit to this varied and vibrant movement.

There was excitement at the forces the meeting had brought together: socialist MPs and trade unionists who put workers first, including sex workers; feminists from the Royal College of Nursing and the Women’s Institute, who in the tradition of Josephine Butler, Eleanor Rathbone and Virginia Woolf stand with all women against moralistic feminists who lend themselves to repressive agendas; clients who object to consenting sex being labelled as rape just because money changes hands; anti-rape organisers who defend sex workers right to protection; doctors and human rights supporters; church and anti-poverty campaigners, prison and drug reformers who demand resources for those who have least and accountability from law enforcers; sex workers who have been campaigning against criminalisation for decades, and sex work project workers whose position has often been ambiguous.

The projects were asked what they would do if the government wanted them to supervise sex workers. Would they refuse? The question caused discomfort and soul searching.

Lord Faulkner and Baroness Lockwood congratulated the speakers and the organisers, and gave a firm commitment to stop the legislation. They asked John McDonnell what amendment would be best, and he suggested deleting the prostitution clauses. He commented later that he had never seen so many Peers at a meeting on any issue.

The sign up sheet revealed that the Home Office, Ministry of Justice, police and Crown Prosecution Service had also attended – quietly.

A summary of the proposals on prostitution in Criminal Justice and Immigration Bill was given (see box below) and people were encouraged to write to Peers and MPs. The Bill comes back to the Lords on 5, 6, 19 and 20 February.



Lord Faulkner speaking

CRIMINAL JUSTICE & IMMIGRATION BILL

CLAUSE 123 abolishes the biased term “common prostitute”, but brings in “persistent soliciting” so that “*soliciting for the purposes of offering services as a prostitute*” is considered “*persistent if it takes place on two or more occasions in any period of three months*”. Soliciting twice over a period of three months would more appropriately be described as occasional. Defining it as persistent makes a mockery of the abolition of the term common prostitute as it will bring no reduction in the number of women arrested.

CLAUSE 124 introduces compulsory rehabilitation for prostitute women, requiring anyone arrested for loitering or soliciting to attend a series of three meetings with a supervisor approved by the court. Failure to comply will result in a summons back to court and a possible 72-hours imprisonment. It is promoted as an alternative to a fine, but the court will still be able to impose fines and send women to prison for non payment of a fine. Women could end up on a treadmill of broken supervision meetings, court orders and imprisonment.

Sex workers are mothers and/or young people working to support themselves and their families. There is no provision for resources to address the poverty, debt, low wages, rape and domestic violence, homelessness, drug use, depression or a combination of these, which drive many people into prostitution.

The number of women in prison has doubled in the past years – many are sex workers. Imprisoning women for non-violent offences goes against recent recommendations in the widely respected 2007 Corston Report. As women are society’s primary carers, prison destroys families and punishes the thousands of children who are separated from their mothers’ love, guidance and concern.

Briefing on prostitution clauses in the Criminal Justice and Immigration Bill
<http://www.allwomenscount.net/EWC%20Sex%20Workers/CJIBbriefing.htm>
www.prostitutescollective.net Tel: +44(0)20 7482 2496 ecp@allwomenscount.net