

English Collective of Prostitutes

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Vulnerable women need protection, not deportation

English Collective of Prostitutes response to Setting the Boundaries, Reforming the Law on Sex Offences

We oppose the introduction of a specific trafficking offence.

We oppose the introduction of a new offence of trafficking. The recent police and immigration raids on over 50 flats in Soho leave no doubt that trafficking is being used as an excuse for deportation, and that any new trafficking offence will make women more vulnerable to violence both here and at home if they are deported. This is also clear from the experience of women in other countries where anti-trafficking laws are most often used to prevent people -- especially women from poorer countries -- from travelling across international borders and to deport immigrant women and their children. Women are often forced back to situations where their lives are at risk, and where they experience enormous hardship.

Soho raids

On 15 February, under the guise of protecting women from trafficking over 60 women in Soho were arrested, paraded in front of the media, held in detention and summarily removed from the UK. Many of the women are asylum seekers who fled to the UK to escape war in Kosova and other persecution. Some are rape victims, some are mothers who were brutally separated from their children.

The day after the raids we organised an emergency protest of the Home Office which succeeded in alerting the public -- there was widespread media coverage. The raids were publicly condemned and their legality challenged by women's groups, prominent lawyers, MPs and church people (see enclosed).

After the raid Chief Inspector Chris Bradford of the Metropolitan Police clubs and vice unit commented to the media: *"We have been able to help the unknown victims, those who have often been maliciously drawn in and trapped into vice rings. They have been afforded the opportunity to speak with us and receive our help to enable them to escape from those which are, in effect, their captors"*

If the women were victims of pimps and traffickers then they needed support and resources and to see their persecutors prosecuted and convicted for the crimes against them. Instead women were held in detention whilst immigration officers made hasty and arbitrary decisions which did not give consideration to their circumstances and legal rights including the fact that many women had outstanding asylum claims. Some were deported within the next few days to countries they fled from without receiving proper legal advice and without the right to appeal against decisions to deport them. On one

occasion we know of the home office lied to a solicitor who called to enquire about one of the detained women and she was deported.

We are working with Legal Action for Women which is co-ordinating legal support and has succeeded in preventing a number of deportations. We have spoken directly to many of the women held in detention and have heard first hand what women have to say about their own situation – it completely contradicts the police claims. All the women say that they were working independently – many had young children to support and some were sending money back to their family in Kosovo and other countries. Without our intervention women would have been removed without their voices being heard or their legal rights enforced.

One woman's situation is typical. She fled from Kosovo when the town she lived in was devastated by war and her family was threatened. She came into the UK on a lorry and immediately claimed asylum. Under the government's dispersal policy she was housed in a hostel outside of London where she was one of two women among hundreds of men. She was given no money or vouchers to live on, only food which was often inedible. She returned to London. She got pregnant and was living on £60 a week for herself and her young baby when she started working in Soho. She was waiting for the outcome of her asylum claim when her flat was raided.

These raids were clearly aimed at laying the basis for the proposed new legislation. Instead they provide the evidence against it:

1. Definition of trafficking

The definition of trafficking the Sexual Offences Review (SOR) uses as the basis for the new offence does not include deception, coercion or force – the crucial issues as far as women are concerned – unless it makes the offence more serious. The new offence is consequently clearly not aimed at protecting women from violence but at strengthening immigration controls and preventing people moving across international borders.

“This offence could involve bringing or enabling a person to move from one place to another for the purposes of commercial sexual exploitation. The fact of trafficking should be sufficient to prove the offence. Evidence of deception, coercion and force would add to the seriousness of the offence.”

- As the Soho raids show, under this definition any immigrant women working in the sex industry even when she is working independently can be falsely labelled a victim of trafficking. This gives the police and immigration authorities enormous powers to target immigrant sex workers. We enclose a statement from a Thai woman who was threatened, intimidated and sexually harassed by police during a so-called supervisory visit by the police on women working in flats. This is not the only report we have received of the police abusing their powers in this way.
- The figures on the numbers of “trafficked women” used in the report as evidence of a burgeoning problem and the justification for the need for a new anti-trafficking offence are false – they do not distinguish between women being forced into or kept in prostitution, and immigrant women working for themselves.
- The definition gives the go ahead for the SOR report to consider extreme and repressive measures such as criminalising taxi drivers (mixing up the fact that they some may be pimps and others clients) and anyone who may help women move from Sheffield to London. When such questions were raised at the 15 October Trafficking and Sexual Exploitation

seminar which we attended, they were dismissed as absurd. Yet they are repeated here in all seriousness and the widespread opposition is not even mentioned.

2. Victims testimony is crucial to the prosecution of any crime.

The report endorses the police view that a major problem with prosecuting trafficking offences is that the victims “*are often too terrified to come forward on the basis that either the loved ones in their country of origin may be at risk, or that their families might be told of the work which they have been doing in this country, which can, in some instances, put the victims themselves at risk of harm when they return home.*” It uses this presumption to propose that there is no need for victims to give evidence.

- We raised strong objections to this at the seminar which are not reflected in the report. It allows the police enormous powers to decide who is a victim, pimp and trafficker. The Soho raids make abundantly clear that these decisions are not based on women’s needs but on Home Office instructions to deport as many people as possible. Removing the need for the so called victim to give evidence conveniently removes the possibility of any challenge, making it easier to use trafficking as a weapon to crackdown on immigrants and asylum seekers. People will be convicted and deported on police evidence alone – a green light to police corruption and a very dangerous precedent.
- Prostitute women have always said that the biggest deterrent to reporting violence is fear of arrest and, for those of us who are immigrant, whether or not women have the legal right to be in the UK, deportation. The Soho raids show that such fears are entirely justified.
- Removing the victims need to testify has been proposed in relation to vulnerable witnesses before. Women Against Rape said: “*It is often difficult for the victim to give evidence in court but it is always essential. Lack of protection for witnesses should not be used as an excuse to bypass the victim.*”
- The police cannot credibly feign concern for women being put at risk as a result of their family finding out about their job, when they deport women back to the very families which may endanger women’s lives. In addition, the police have done everything in their power to publicise the raids and expose the women. During the Soho raids the police were responsible for TV cameras filming women as they were taken from their flats. Women’s pictures later appeared on the news and despite their efforts to cover their faces women were recognised by family, friends and others who know them. We have heard from women who were deported that some of the women have been ostracised by their families as a result of being exposed in this way. One woman lives in fear for her life as her brother has threatened to kill her. To allow the press to be present during the raids is brutal and vindictive. What further
- evidence is needed that the police have no concern for women’s safety and welfare? Their overriding interest was to boast to the cameras as they persecuted vulnerable women. In addition to any other questions we may have about the incident we would specifically like to know who invited the press to be present during the raids.
- Where women are victims of violence or coercion they should be given the right to stay and where necessary witness protection should be provided. Yet the SOR dismisses witness protection on the grounds that it is too expensive. But funding was found for over 100 police and immigration officers to raid flats in Soho! Decisions such as these are a question of priorities not of expense, and women’s safety is obviously at the bottom of the scale.

- Any change to the immigration laws to give women the right to stay is dismissed as raising “*large questions of the evasion of immigration control . . .*” 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 be stay in the UK?
- Violent men escape prosecution not because of a lack of applicable laws, but because it has not been a police priority to use the many existing laws against violence and exploitation to pursue them.
- “Trafficking” is not prostitution but rape and/or abduction, kidnapping, forced or bonded labour, and other violence. Existing offences of 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. The SOR report acknowledges this but indicates that the problem may be that “*such charges may require the victim to give evidence*”. That is the case for all violent crime prosecutions, why should this one be any different?

3. Pimping

- The existing pimping laws such as “living on the earnings of prostitution” and “controlling a prostitute” should be abolished as they make no distinction between consenting and non-consenting relationships. They criminalise consenting relationships between prostitute women and partners, family members, friends, working colleagues and others. Under the new offences proposed by the SOR of “*exploiting others by receiving money or reward from men and women who are prostitutes*”, “*managing or controlling the activities of men and women who are prostitutes for money or reward*” and “*recruiting men or women into prostitution whether or not for reward or gain*”, this criminalisation would continue.
- The report states that “*there was less likely to be a criminal investigation or prosecution of a partner unless there was strong evidence of coercion.*” To leave this to the discretion of the police ensures that nothing will change and that the pimping laws will continue to be used to target women’s partners, especially if the man is Black. It would also be used to prosecute women who are working together, thus
- penalising the safest and most independent way to work. A woman working as a maid in central London was recently charged with controlling. In Portsmouth two women working together were charged with controlling each other. In both cases the charges were eventually dropped as a result of the women putting up a vigorous defence. But many other women are terrorised into pleading guilty, and the threat of being charged hangs over all women working from premises and is a deterrent for women to work together.
- Far from protecting women from violence, the pimping laws have the opposite effect. As we said in our recent book, ***Some Mother’s Daughter the hidden movement of prostitute women against violence***, “*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.*” [Pimping] labels the victim as a prostitute which devalues her rights to be protected and defended as other victims [and] isolates her from other women who have suffered similar violence at the hands of men, . . . Pimping and domestic violence are two sides of the same coin . . . Pimps are nothing more than violent partners who benefit financially from their violence.”

We enclose a letter to the National Criminal Intelligence Service and other documents against the way governments are using trafficking to criminalise and deport prostitute women.

The priorities revealed in the report are wrong and against public opinion. Instead of targeting the violence prostitute women suffer, the report focuses on sexual exploitation. For some women exploitation in a brothel is an escape from unwaged or low waged exploitation in domestic work, rural work, factories and sweatshops. We have not heard the government complain against Nike or any other multinational, quite the opposite. At the same time, asylum seekers and immigrants including mothers and children are denied benefits and deported, and single mothers on benefits are forced into contact with ex-partners regardless of violence. There is no regard for our destitution or exploitation.

The report also focuses on the supposedly large amount of money being made through prostitution by traffickers. If the government were really objecting to exploitation they would object to the working conditions in those forms of employment which are usually the alternative to prostitution and that create the conditions for prostitution to flourish. While prostitute women who earn a modest living from their own sweat and tears are prosecuted and persecuted, industrialists and professionals are rewarded for making fortunes at the expense of others.

English Collective of Prostitutes, 28 March 2001