

English Collective of Prostitutes

Response to Home Office Consultation paper – Tackling Human Trafficking

Summary

The consultation paper says it will consider prevention and investigation of trafficking, and provisions for protection and assistance to victims of trafficking, including increased police powers and immigration legislation.

In our experience, far from protecting women from violence, anti-trafficking legislation is being used for immigration control, as an excuse to increase deportations and to prevent women crossing international borders. This crucial issue is not addressed in the consultation paper.

The most recent example is the much-publicised raid in Birmingham where, under the guise of rescuing victims of traffickers, 50 police raided a massage parlour, taking 19 women into custody. As soon as the women were able to speak they denied they were victims of traffickers, and denied key aspects of what the police told the media, for example that they were locked into the premises. Local people confirmed that the women showed no signs of having been coerced.

No charges for trafficking have been brought against anyone arrested in the raid. Thirteen of the women were released almost immediately but six were taken to Yarl's Wood detention centre and held there pending deportation. Only public protests from a number of people, including ourselves, and the intervention of a lawyer prevented their deportation. Women were then visited by the police, immigration officials and the Home Office funded Poppy Project. Some women reported being told that the only way to get out of Yarl's Wood was to say they had been trafficked -- they would then be released into the custody of the Poppy Project. Even under this pressure only one woman claimed she had been trafficked.

Anti-trafficking legislation has given police and immigration officers the go-ahead to raid any working flat as, conveniently, every immigrant sex worker is now assumed to have been trafficked. This has increased women's vulnerability to violence -- even less women are likely to resort to the police for protection -- and the likelihood of police abuse and corruption. Women regularly come to us to report police and immigration raids where they have been threatened and even had their money stolen by the police.

Yet most women in premises work independently, and it is 10 times safer to work indoors than on the streets, and especially safer to work with a maid. Why is police time being spent persecuting sex workers who are not being coerced, when so many violent attacks on women, including domestic violence, rape and racist attacks, which are reported, are barely investigated?

We are particularly concerned about the emphasis, both in Home Office announcements on their recommendations from the Review of the prostitution laws and in this paper, given to clampdowns to 'reduce the demand for services'. Please see our answer to Q.7.

Trafficking is not prostitution, it is forced or bonded labour for the profit of individuals and industry. Many industries benefit from it. (Forced Labour and Migration to the UK, ILO/TUC, *Guardian* 3 February 2005)

Abhijit Dasgupta, former coordinator of the anti-trafficking programme at Action Aid International spells out his experience:

"We quickly found that anti-trafficking measures were being used internationally to prevent the migration of people, especially women who are driven by poverty and globalization to move country. Governments claim that millions of women are being trafficked by a billion-dollar sex industry, but the UNHCR and others have pointed out that because of tightening immigration controls, paying an agent is often the only way to migrate. Governments and most NGOs only focus on sexual exploitation, ignoring the horrendous exploitation in sweatshops and agricultural labour, including here in the UK. We work very closely with sex workers' organizations as we have found this to be the most effective way to help victims of trafficking."

In our experience people have compelling reasons for leaving their loved ones and all that is familiar to them. Yet *Tackling Human Trafficking* does not deal with the devastation, repression and poverty caused by wars, arms trading, and globalisation fuelled by western governments and corporations, which drive people to seek safety and a better life in Britain, and force people into the hands of traffickers, and other exploiters.

Two young women from Moldavia who came to us for help spoke about the conditions they left behind.

"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. 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 young women needed what all victims of violence need, the protection of the police and courts, housing, healthcare, emergency welfare benefits and to see their assailants brought to justice. Increasing public support for the decriminalisation of sex work reflects concern at how criminalisation prevents women reporting attacks and exploitation.

Since new legislation was introduced in 2004 criminalizing people for coming into the UK with false documents, at least 200 people have been prosecuted, including a 16 year old girl from Rwanda, who claimed asylum after escaping from traffickers. She was arrested and held for a week in an adult jail. Following a public campaign by Black Women's Rape Action Project which gained widespread support, she was eventually released and charges were dropped. But other young women who come to this country in similar circumstances but do not have this kind of support, have been convicted and no doubt

returned to the place where they were abducted and raped. As far as we are aware, the Home Office does not keep any record of what happens to women in this situation who are deported. In addition, access to legal aid has been drastically cut, so that victims of trafficking and other violence face even further obstacles to getting protection.

Sex workers, domestic workers, agricultural workers, sweatshop workers who are being kept in forced or bonded labour have said that the biggest deterrent to reporting violence is fear of arrest and deportation. Surely the best way to help victims of pimps or traffickers and make sure we can report our persecutors and see them arrested and convicted, is to offer a place of safety, ongoing protection, resources and the right to stay.

Answers to some of the questions in the consultation paper.

1. Have we got the scope of the plan right? Have we adequately covered the various forms of exploitation which can arise in the trafficking context?

It is crucial for any proposals on tackling trafficking to make clear that trafficking is not prostitution, but forced or bonded labour, whether in the domestic, agricultural, sex or any other industry. The report says the cost of supporting a victim of trafficking is £2,075 per month and adds that extending the current provisions would “have significant cost implications”. Yet no such comments are made about the £200 million cost of the new Serious Organised Crime Agency (SOCA) whose remit includes trafficking.

2. Are there any areas for action or specific actions missing from the proposals?

The acknowledgement that trafficking has been an excuse for immigration control is absent. Yet it is central to government policy in this field, and most damaging to those people who are being coerced and exploited.

Despite saying that traffickers ‘prey on those that have been made vulnerable through economic, political or social dislocation’, there is no mention of Africa, Latin America or the Middle East. Yet we work with women from all these continents, as well as women from Asia and Europe, who were forced to leave their homes to survive and ended up working as prostitutes to support themselves and their families. A minority were coerced into prostitution by traffickers. The racism African women face at every stage of the immigration and asylum process, means they are amongst the most likely to be disbelieved and fast-tracked for deportation when they try to report being forced into the sex industry (see above, Rwandan woman’s story)

3. How can we measure the extent to which trafficking is taking place into and within the UK? In particular, how can we improve our knowledge on the scale of child trafficking and trafficking for labour exploitation into and within the UK?

Home Office research confirms, “‘get tough’ asylum policies lead to more illegal immigration and people trafficking” (An assessment of the impact of asylum policies in Europe, 1990-200. Home Office research study 259, *Guardian* 24 June 2003) Anti-trafficking legislation, brought in alongside some of the most repressive immigration measures ever, is driving women and children underground, adding to their vulnerability. Abhijit Dasgupta had it right when he said: “*We work very closely with sex workers’ organizations as we have found this to be the most effective way to help victims of trafficking.*” Indeed sex workers are best placed to know who is being coerced and who is working of their own free will. But we have not found the government interested in helping, merely in deporting.

4. Does your organisation have information on cases of trafficking in the UK, in particular trafficking for forced labour including domestic service?

Please refer to the experiences of women in our summary.

5. How can we raise awareness among potential trafficking victims about the risks and realities of the exploitation they are likely to suffer through being trafficked?

Only by prioritising safety and protection rather than deportation, and ending its arms trade and its backing for some of the most repressive regimes, wars and occupations, will the government have any credibility among those forced to leave their homes to escape poverty and war.

6. How do we ensure that victims are identified at the earliest opportunity particularly in source countries (prior to departure) and at our borders where the victims themselves may not be aware that they are being trafficked?

We see no point in leaflets being handed out at points of arrival to the UK, to women who may be trafficked, while continuing police and immigration raids ensure they will soon discover they are unable to come forward and report any violence to the authorities for fear of deportation.

7. How can we reduce the demand for the services of trafficked persons, in particular for forced labour, including domestic service?

By giving domestic and other immigrant workers the right to residence so they are not tied to an employer who can abuse them at will.

8. How should we tackle the specific problem of child trafficking?

All major children's charities and the Magistrates Association have called for an end to the criminalisation of under-18s working as prostitutes. That would be a first major step towards enabling children and young people, immigrant or not, to come forward and report any violence and coercion. Information-sharing databases are vigorously opposed by children's organisations, and many other groups.

9. We have provided for heavy maximum penalties for trafficking offences. Are we achieving the right sentences in these cases?

No, because trafficking is a catch all offence. Some of the people who are being prosecuted were not involved in coercion and yet they are being severely punished, while those who were always seem to avoid prosecution.

10. What more needs to be done to get trafficking into core police business?

Existing offences of kidnapping, rape, sexual assault, false imprisonment, grievous bodily harm, extortion, etc., should 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 because, as with domestic violence and rape, protecting women and children is not the priority, deporting them is.

11. What more needs to be done to raise awareness of organised immigration crime, including trafficking, among police forces?

Please refer to our summary and Q10

12. How could support services provided to victims of trafficking be replicated or expanded?

There is no point in increasing the number of services with the same narrow remit as the Poppy Project. Most women cannot avail themselves of services which make you agree to be deported before they give you any help. The two young Moldavian women we refer to above, and many others like them, would not be eligible.

13. Do you know of organisations that could provide specialist care and support to victims of trafficking?

Ourselves, Black Women's Rape Action Project, Legal Action for Women, Women Against Rape.

14. How do we identify vulnerable child victims?

Please refer to Q8

15. What are the benefits and drawbacks of providing reflection periods and/or residence permits to victims of trafficking?

Reflection periods are not enough. Resident permits must be granted. They would enable victims of trafficking to come forward knowing they will get the protection and safety every victim of violence should be entitled to. Why should anyone come forward to report their exploiters knowing that they will be deported at the end of criminal proceedings? In addition to deportation, they may face reprisals and possible death in their countries of origin, where they may be returned to traffickers or disowned by their families.

16. How can we ensure that vulnerable victims returning to their countries of origin are not re-trafficked?

Please refer to Q15. Vulnerable victims must be given the choice to stay in the UK as only they can know the risks they face. Resources and relocation to a safer area must be made available to those who genuinely wish to return.

17. How can we ensure safe and sustainable return and reintegration of victims into their home communities?

Please refer to Q15 and Q16.

18. How do the support needs of those trafficked for labour exploitation differ from the needs of those trafficked for sexual exploitation?

The needs of all victims of violence are the same: protection of the police and courts, housing, healthcare, emergency welfare benefits, the right to residence and to see their assailants brought to justice. But as long as sex workers are criminalised it will be even harder for women who have been forced to work for the sex industry to come forward to report violence.

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Enclosures:

Plans threaten vulnerable sex workers, *Guardian* letters 19 January 2006

Police threaten and steal in sex worker raids, *English Collective of Prostitutes*
30 November 2005

Criminalisation: the price women and children pay, *English Collective of Prostitutes*
4 December 2004

Chapter 6 Anti-trafficking legislation – sexed up immigration controls,

Chapter 8 What must be done for the safety and protection of sex workers and for all
women and children,

Women speak out, three accounts

The law violates sex workers *Guardian* letters 22 February 2001

Trafficking as an excuse for deportation, *English Collective of Prostitutes*
16 February 2001

Who we are

The English Collective of Prostitutes (ECP) is a self-help group formed in 1975 to defend prostitute women's right to protection, safety and recognition as workers. We campaign for the abolition of the prostitution laws which criminalise sex workers and our families making us more vulnerable to violence and exploitation, and dividing us from other women. We also campaign for economic alternatives in the form of higher benefits, pay equity and increased resources. No woman, child or man should be forced by poverty or other violence into sex with anyone.

We provide information, help and support to individual prostitute women and others concerned with sex workers' human, civil, legal and economic rights.

It is our experience of over 30 years that most prostitute women work independently to support ourselves and our families. Most of us do not have pimps (unless all men are considered pimps since so many take advantage of women in one way or another, including financially). Most of us are not on drugs more than any other sector of the population. Most of us have not been trafficked.