

SAFETY FIRST

A coalition to decriminalise sex work and prioritise all women's and children's safety

BRIEFING ON THE CRIMINAL JUSTICE & IMMIGRATION BILL 2007

***Re: Clause 72 – Orders to promote rehabilitation
(amendment to the Street Offences Act)***

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1. BACKGROUND

The tragic murders of five young women in Ipswich caused an unprecedented outcry. Far from blaming women, people from all walks of life expressed the view that everyone deserves to be safe regardless of gender, race, occupation or lifestyle, and that more should be done to protect women. A rapid response to reports of rape and other violence was mentioned, as were resources and services to help women who want to leave prostitution. Many people pointed the finger at the criminalisation of consenting sex, saying it pushed prostitution underground, making women vulnerable to attack. The Safety First Coalition – which includes members of the church, nurses, doctors, probation officers, drug reformers, residents from red light areas, sex workers, sex worker projects and many others – was formed in the aftermath of Ipswich to bring these issues to the fore.

2. WHAT IS CLAUSE 72?

Clause 72 of the CJIB introduces compulsory rehabilitation under threat of imprisonment. Promoted as an alternative to a fine, Clause 72 requires anyone arrested for loitering or

soliciting to attend a series of three meetings with a supervisor approved by the court “to promote rehabilitation, by assisting the offender to address the causes of their involvement in prostitution and to find ways of ending that involvement.”

Failure to attend results in a summons back to court and a possible 72-hours imprisonment. Magistrates would have powers to make subsequent orders so that women could end up on a treadmill of broken supervision meetings, court orders and imprisonment. Even the Magistrates Association has expressed concern.

3. ARGUMENTS AGAINST CLAUSE 72

Clause 72 purports to help women get out of prostitution. Most sex workers are mothers and/or young people struggling to survive. The Bill contains no provision for extra resources to address the poverty, debt, rape and domestic violence, homelessness, drug use, depression or a combination of these, which force many women and young people into prostitution. And the government has announced that drug services are being cut.

All the evidence shows that compulsory rehabilitation schemes on arrest do not help – where they exist, people complain of abusive and judgmental treatment and avoid using them. What would help is services independent of the criminal justice system based on women’s expressed needs.

Criminalisation increases women’s vulnerability to rape and other violence as violent men know that the fear of arrest discourages sex workers from reporting, and that when they do report, their occupation is used to discredit their claim and the attacker may be freed to attack again. According to the most conservative estimates, at least 60 prostitute women have been murdered in the last 10 years. For safety to be the priority, women have to be encouraged to report violence. The shameful 5.6% conviction rate for rape must also be tackled.

In light of recent ministerial statements, we are also concerned that the government might introduce an amendment to the Bill to criminalise men who buy sex, as if indiscriminately arresting clients prevented or solved violent crime. Evidence from Sweden, where clients have been criminalised, shows that this has further isolated women, deterred from reporting violence and forced to work away from the community, in less safe areas.

We enclose brief responses from members of the Safety First Coalition and urge you to oppose Clause 72 and any further criminalisation of consenting sex.

4. INDIVIDUAL RESPONSES FROM SAFETY FIRST MEMBERS

Cari Mitchell, English Collective of Prostitutes, Safety First co-ordinators

“Flying in the face of an increasingly discerning and compassionate public opinion, the government’s response has been moralistic and repressive: more criminalisation.

“Compulsory orders under threat of imprisonment are punitive. Prison sentences for loitering and soliciting were abolished long ago but the use of Anti-Social Behaviour Orders and Criminal Anti-Social Behaviour Orders has reintroduced them through the back door. Now there is another excuse to send women to prison – rehabilitation! How can sex workers be expected to attend rehabilitation meetings when no resources are being made available to address practical needs such as housing, debt, a viable income, treatment for those who want off to get drugs or other help? How can they be expected to take on other jobs when a criminal record makes that also impossible? Why are our views on

consenting sex vs rape always ignored? Is anything more degrading than being treated as a victim who can't speak for herself?"

Reverend Andrew Dotchin, Ipswich

"If offers of help and rehabilitation continue to come with the threat of conviction for non-compliance we diminish the probability of fragile young men and women making the correct choices to live healthy and helpful lifestyles. For our compassion to be turned into deeds we need a change in the law which will enable people of good will from all sectors of public life to work with the outcasts of society and restore them to community instead of turning them into criminals."

Camille Shah, resident, Ipswich

"In Ipswich there is widespread compassion and concern for sex workers and I was very proud at the time of the murders to be an Ipswich resident because the mood was very much that they were Ipswich women, Ipswich daughters and they were Ipswich mothers as well.

Since the murders my sex worker friend hasn't received the support we had hoped for. Because of the zero tolerance policies that are being rigorously enforced she's moved to Norwich to work.

"So while street prostitution is being removed, there is no improvement to support services and safety for women in Ipswich."

John Furniss, Multiple Choice Rehabilitation Centre

"Three meetings is window dressing, meaningless... People will miss meetings due to their drug use and the need to earn money to support that, and to support their children.

"It's also brutalising to threaten people with prison who are already being imprisoned time and time again. Women's prisons are horrendous, suicides rates are very high. They are destroying lives and hurting people needlessly. Breaking up families like this is wrong and very cruel indeed.

"What I know from the 'coal face' is that Community Rehabilitation Orders offer a lower standard of medical care and displace people. If you move people away from one area they go to another area. And that's happening across the country.

"Women at the 'lower end' of the sex trade are no different from anyone else. They are not worse addicts, they love their children and grieve when they are separated from them just as any mother would. But criminalization makes them more vulnerable: to arrest, exploitation, discrimination, to being misjudged, ignored and dismissed.

"The 'abused exploited individual sex worker' is in the same sentence the 'persistent anti-social prostitute addict' who needs compulsory interventions sanctioned by the courts.

Drug services are very aware that poverty, being in care, prison and a crap education contribute to addiction, prostitution and shoplifting. However, in the current matrix, projects are funnelled into being soft and not so soft police and agents of the courts. With an ever growing set of recidivist drug offenders, this policy frustrates and disturbs many of us.

"A few in the drugs field are now challenging the repressive criminal justice responses. A different approach, one that's centred on the needs and experiences of people addicted to drugs needs to come into play. The money that is being spent on persecuting sex workers could actually improve their lives rather than providing work for the law enforcement specialists, consultants, court officers, researchers and drug services.

"The authorities must provide useful and compassionate responses to the repeated incidents where women are killed, hurt and saddled with the burden of addiction. We believe that decriminalisation is a necessary step for women to get the respect and protection every worker is entitled to as well the support they may need to get off drugs and out of prostitution if they want to. Help not persecution."

Harry Fletcher, Assistant General Secretary, National Association of Probation Officers

“These new measures will turn the clock back by 25 years. Thousands of prostitutes face the prospect of being jailed for up to 72 hours if they fail to obey new court orders set out in the Criminal Justice and Immigration Bill. The order will require the offender to attend a series of three meetings with a named supervisor who will in all probability be from the Probation Service.

“Prostitutes are unlikely to attend compulsory meetings when they know that there is no alternative source of employment or income. It is highly unlikely that three sessions with a trained counsellor will persuade any prostitutes to give up their work. A high breach rate will, therefore, lead to yet more prison and police cell overcrowding. The breach rate for anti social behaviour orders is over 60%. NAPO predicts there will be a similar outcome for these orders. Neither the Probation Service nor other named supervisors will be given any resources to deal with alternatives to prostitution, such as employment, voluntary drug services, affordable housing and training. The Bill is silent on what resources and powers will be given to persuade prostitutes to change their lifestyle and certainly no resources are available to change their economic circumstances. There is a real risk that community homes, police stations, and prisons will be overwhelmed by women who are in default of their orders.

“Compulsory orders and criminalisation contradict the government’s own recommendations made in the Home Office’s Research Study (279) Tackling Street Prostitution: towards a holistic approach, which concluded that ‘generally the use of traditional enforcement involving police crackdowns did not appear to reduce disorder.’ and that the best way of deterring prostitution was ‘the importance of the right support being available at the right time’.”

Howard Catton, Royal College of Nursing

The Royal College of Nursing have called for the decriminalisation of prostitutes and is opposed to clause 72 of the Criminal Justice and Immigration Bill. The RCN’s overriding concern is about the health impacts of prostitution in relation to both an individual’s health and the health of the public. Many nurses are involved in providing help to sex workers, from the treatment of sexually transmitted infections to drug use. The RCN believes it is critical that both access to healthcare services and our understanding of the health needs of prostitutes is significantly improved.

Dr Michael Goodyear, Dept. of Medicine, Dalhousie University, Canada

“Public health measures must be built on evidence based best practice. Only by moving sex work outside of the criminal justice system, focussing on public health and social care, can we achieve this and help to break the cycle of violence. Criminalisation of sex work that limits access to care contravenes UN guidelines on human rights.

“Remedies for social issues surrounding prostitution lie not in legislative measures but in social determinants such as wage disparity and access to welfare that limit women’s choices. Labour politicians frequently state that the moral fibre of a society must be judged by the way it treats its most vulnerable members, yet their policy discriminates against the most disadvantaged.

“The Home Office has been using Anti-Social Behaviour Orders for the control of prostitution to effectively re-criminalise aspects of prostitution without resort to the legislature, and interpreting the enabling legislation broadly. In Ipswich and elsewhere, this forced women into more dangerous locations and isolated them from support services. To be consistent with the aims of decriminalisation this must cease, and there needs to be a moratorium on enforcement of the statutory provisions, and a diversion of policing from prosecution to protection. They cannot do both. Gemma, Tania, Anneli, Paula and Annette

were some mother's daughters, and some childrens' mothers... They deserved better, but we failed them. We will honour them best, not just by memorials, but by doing the right thing."

Siobhan Kilkenny, sex worker project

"I oppose Clause 72. My first concern, as somebody who has worked in and around the drugs and homelessness field for years with sex workers, is how the emphasis appears to be on the sex worker to change her behaviour. Where are the resources going to be placed to allow this 'rehabilitation' to happen? Street sex workers are a vulnerable group of people, to place them in prison for any period of time is unacceptable. A section of this community will never realistically be able to comply with the 'three appointments' set out in this order, and will invariably end up in a cycle of being held in cells, attending court, and receiving another order or fine. "Criminalising these people, in whatever 'caring way' it is dressed up unavoidably will make the most vulnerable and invisible more vulnerable and invisible and allow room for the tragedies in Ipswich to happen yet again.

"Criminalisation impacts massively on the safety of vulnerable women. Over a three month period, we had 30 instances of violence against sex workers – which were in no way are a reflection of all the violence. Of these about a quarter were reported to the police. To my knowledge, none went anywhere after the initial officer. In six years I remember only three instances of violence which went to court, two were successful, one was dropped. Where do all these men go? Do they continue offending?

"People are criminalised, powerless and marginalised. This allows the police and others to discriminate against prostitute women. A woman I worked with was beaten and raped on moorland. She was found by a passing driver who took her in. He contacted the police, who came and arrested her. That's how real the risk of criminalisation is. It leads to a need to be invisible and transient, so women lose access to services. A few of the women I work with have no doctor, claim no benefit, have no NI number, are not part of a drug treatment programme – they don't exist to all intents and purposes. So if they do go missing no-one will know.

"We worked with Analee Alderton who was found dead in December last year. She disappeared after about a year. We hadn't managed to help her in any effective way. It was shocking and horrible to find out what had happened to Annalee. But what's also shocking is that we could have recorded her disappearance as a success. Projects are asked for monthly figures around exiting women from prostitution because funding heavily relies on the crime agenda, ie clearing women off the streets, rather the health agenda. To be treating the most vulnerable women like this is a terrible reflection on the society we live in."

Toni Cole, 1st private prosecution for rape in England & Wales

"As an ex prostitute, drug counsellor and the sister of a heroin addict, I view Clause 72 as a travesty. The very idea of compulsory rehabilitation is ludicrous. The want is imperative for rehabilitation – any addict must, first and foremost, want to come off drugs. The courts cannot make the decision for them. To force a drug addict into rehab is doomed to failure. When an addict decides that they wish to come off, then, and only then, will any form of rehab be successful. Success will depend upon the support being available to the addict at the time of that momentous decision.

"I have seen many an addict, including my sister, go through the rehabilitation process to be told at the end 'there, you are off drugs now so off you go'. It is farcical to return a 'clean' addict to the streets without coping mechanisms in place. What are they returning to? Complete support programmes need to be in place, with the total agreement of the addict.

"On proposals to adopt the Swedish model of criminalising the clients of prostitutes, does the government really think that it will deter them? I am a survivor of rape at knife point

from a client, a serial rapist who preyed upon sex workers because he thought that we would not be heard when we reported violent attacks. He was right, and it took a private prosecution to stop him and show that prostitute women have the same right as any other woman to say no. Rather than criminalising all clients, it makes legal, moral and social sense to prosecute violent clients when they are reported for rape, attack, abuse and murder. Not because they want to buy sex!!

Pauline Campbell mother of Sarah who died in the 'care' of HMP Styal

"My concern over this whole issue is that it's crucial that we do not criminalise women for their occupation, whatever that might be, because once we start to do that, they end up in prison and believe me they do become an invisible issue then, and some die in the so-called care of the State. . .

"There is a moral imperative to prioritise all women's and children's safety. I agree with the Coalition that there is an urgent need to look at viable economic alternatives and resources for women, anything less means that women are short changed."

Reverend Paul Nicolson Zacchaeus 2000

"All unemployment benefits are below the government's poverty threshold. People do not depend on benefits that are not enough for survival in this increasingly expensive economy. Other means of survival have to be found... Paying the Price researchers reported that survival - covering household expenses and raising children, are the overriding motivations for prostitution.

Young people are leaving care at 16 with no financial and no family support. And if when local authorities finally get around to carrying out their duty to assess their needs, they get £36.85 pence to live on independently. And there is no kind of trouble that they do not get into, in order to survive.

Making people destitute as a matter of policy is institutional violence, it sets the tone and it gives dangerous authority for violence of all kinds. It is inhuman and it is no way to lead a nation into peace and justice."

5. OTHER ORGANISATIONS

The Green Party

"Criminalisation of many parts of the sex industry leaves those working within it in a vulnerable position. They are often unable to turn to the law for help in cases where their rights are violated, and instead fall prey to criminal gangs and pimps.

"...Workers in the sex industry should enjoy the same rights as other workers such as the right to join unions, the right to choose whether to work co-operatively with others, etc.

"...There should be zero tolerance of coercion, violence, or sexual abuse (including Child abuse). Those who have been trafficked into the country and forced to work in the sex industry against their will should receive protection under the law. There should be legal support for sex workers who want to sue those who exploit their labour unfairly, and access to re-training for those sex workers who want to leave the industry."

Communications Workers Union

At their annual conference in June 2007, CWU agreed to lobby the government to decriminalise prostitution.

6. CONTACT DETAILS FOR SAFETY FIRST COALITION

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