

For Immediate Release:

Sex trade survivors win crucial victory: Disclosure of soliciting convictions is a “disproportionate interference with private life” and “not in accordance with the law.”

The High Court today handed down judgment in a ground breaking judicial review brought by three women formerly involved in prostitution, challenging the Government’s Disclosure and Barring Service (DBS) Regulations. They argued successfully that the disclosure of their convictions for soliciting is disproportionate and a breach of the right to respect for private life.

The women, who had all been groomed into prostitution as teenagers presented evidence of the far-reaching impact of prostitution-specific records on all aspects of their lives. The DBS scheme requires mandatory disclosure of ‘spent’ criminal records when applying for jobs or volunteer activity in prescribed areas, primarily involving contact with the vulnerable. Following previous legal challenges, there is a filtering mechanism but it only applies to single convictions. As the women had shown in evidence, soliciting by its nature almost invariably results in multiple convictions. Their evidence showed that the disclosure of such records was deeply stigmatising, impacted on the ability of women to exit from prostitution and adversely impacted on employment opportunities, volunteering, education and training opportunities.

The Judges provided a strong judgement recognising the disproportionate nature of disclosure and the significant violation of their right to private life. It should result in the women being able to have their DBS records filtered to remove the soliciting offences – though the mechanism for this is not yet clear.

Fiona Broadfoot, one of the claimants, who waived her anonymity in this case and has been fighting this battle for over 20 years said, “Finally, I feel like a weight has been lifted off my shoulders – it’s a vindication. I have carried these convictions around – 8 pages of them – all my life and it’s a disgrace. Not one of those men who bought and used and abused me – even the ones who knew fine well I was a child when first put on the streets – has ever had to face the consequences of his actions. It has been a long fight but worth it.”

Harriet Wistrich the Lawyer for the women said, “This is an important judgment – although there were only three claimants in this case, the judgment will benefit all women in these circumstances and has the potential to bring about real change for a sex trade survivors who should never have been criminalised in the first place. Unfortunately, the court were not persuaded by our argument that the practice discriminates against women or is in breach of duties with regard to trafficked women. We will be seeking permission to appeal in relation

to those broader points. It is not easy for women with a history of prostitution to come forward and advocate for themselves and others – so much stigma attends them – so the courage and determination of these women is to be applauded.”

Karen Ingala Smith (CEO for **nia** a women’s charity supporting the women) said, “We feel strongly that these women should never have been convicted in the first place prostitution is symptomatic of women’s continued inequality and discrimination and a form of violence against women. These women were exploited and coerced and yet it is their lives, not those of their buyers and pimps, that were blighted with convictions. They should not have had to take up this fight, but they did and it is to the benefit of all those exploited in prostitution”.

Notes to Eds

Judgment by LJ Holroyde handed down at 9.30 am on 2 March 2018 in case of R (on an application of (1) QSA (2) Fiona Broadfoot (3) ARB v 91) SSHD and (2) SSJ [2018] EWHC 407 (Admin)

Spokespeople

Harriet Wistrich: Lawyer Birnberg Peirce and Director of Centre for Women’s Justice *07903 912 641*

Heather Harvey (nia charity that supports the women (0207 683 1270 or 07472 145141))

For more information about the Judicial review challenge 17 and 18 January, 2018
<http://centreforwomensjustice.org.uk/news-3/page/4/>

Research carried out by **nia** identifying issues for women with prostitution specific criminal records
<http://www.niaendingviolence.org.uk/perch/resources/im-no-criminal-final-report.pdf>