

nia supports ground-breaking legal case to challenge to discriminatory Government policy in relation to the retention and disclosure of criminal convictions arising from soliciting for prostitution offences

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On 27 July the Divisional Court¹ will hear an application from the Government to stay a ground-breaking legal challenge of its policy in relation to the retention and disclosure of criminal convictions arising from soliciting offences.

The claim, brought by three women and supported in evidence by several others, will argue for the first time that the Government legislative scheme discriminates against women and is contrary to the UK's legal obligations in respect of the trafficking of women.

"I met a pimp aged 15 and two weeks later I was thrown into the violent and abusive world of prostitution. Rape became an occupational hazard but I was arrested, charged and criminalised for loitering for the purposes of being a common prostitute. After more than twenty years out of prostitution, I am still having to explain my criminal record to any prospective employer. It feels like explaining my history of abuse"

Fiona Broadfoot, Claimant.

The women bringing the claim were all pimped into prostitution when teenagers. All suffered serious violence and abuse on the streets and all struggled after years of such abuse to exit prostitution. The way in which street prostitution has been historically policed means that these women almost invariably have multiple convictions for soliciting. Now, many years after their convictions are spent, each time they wish to apply for a job or volunteer in certain occupational areas, they must disclose these criminal records.

The Government² is arguing that the case should be stayed until after a hearing in the Supreme Court in a series of other cases concerning the disclosure of criminal convictions³. That hearing is not yet fixed and a judgment in those cases is unlikely to be handed down in less than one year.

Harriet Wistrich, solicitor for the Claimants states, "whichever way that case is decided, it will not examine the inherent sexual discrimination within the legislative scheme, nor its impact on victims of trafficking, nor the failure of the UK to comply with its international treaty obligations in respect of the rights of children."

The case, if heard, will reveal the significant psychological impact of being required to provide such disclosure and the impediments it creates for such women contributing to the economy, civil society and providing their own often unique insight and support for other victims of sexual exploitation.

The Claim is supported by [the nia project](#) who very recently published their report on this issue, ['I'm no Criminal'](#)

Karen Ingala Smith, Chief Executive of [nia](#) states: 'women in prostitution are often there because of coercion and abuse. They should not be made criminals because of this abuse and - if - they reach a stage where they are able to exit prostitution, their prior involvement should not become a millstone around their necks for the rest of their lives.'

The Claim was issued by Birnberg Peirce Ltd in the Administrative Court in February 2017 and is known as The Queen (on an application of (1) QSA, (2) Fiona Broadfoot and (3) ARB). It is also supported by the [Centre for Women's Justice](#)

¹The hearing is listed at 10 am Thursday 27 July, 2017 Royal Courts of Justice, Strand, London, WC2A 2LL COURT 3 (Before LORD JUSTICE SIMON and MR JUSTICE WILLIAM DAVIS)

²The Defendants represented by the Government Legal Department are the Secretary of State for the Home Department and the Secretary of State for Justice

³P, G and W v Secretary of State for Justice and Others [2017] and Application by Lorraine Gallagher for Judicial Review [2016]

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