



April 2019
64th Issue

Message from the Editor :

In February, a Senator in California proposed a new bill that prohibited the police from arresting sex workers who reported serious crime like sexual assault, human trafficking, blackmail, kidnapping, robbery. He commented, “We’re all worse off when crime victims do not feel safe coming forward, for fear of arrest. This legislation is about protecting victims and increasing public safety. Too many sex workers are victimized, and the last thing we need is for sex workers to be further victimized by being arrested when they report a crime.”

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

No. 233

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Quirk)
(Coauthor: Assembly Member Friedman)

February 07, 2019

An act to add Section 647.3 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 233, as introduced, Wiener. Immunity from arrest.

Existing law criminalizes various aspects of sex work, including soliciting anyone to engage in, or engaging in, lewd or dissolute conduct in a public place, loitering in a public place with the intent to commit prostitution, or maintaining a public nuisance. Existing law, the California Uniform Controlled Substances Act (CUCSA), also criminalizes various offenses relating to the possession, transportation, and sale of specified controlled substances.

This bill would prohibit the arrest of a person for a misdemeanor violation of the CUCSA or other specified sex work crimes, if that person is reporting a crime of sexual assault, human trafficking, stalking, robbery, assault, kidnapping, threats, blackmail, extortion, burglary, or another violent crime. The bill would also state that possession of condoms in any amount, in and of itself, is not probable cause for arrest for specified sex work crimes.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 647.3 is added to the Penal Code, to read:

647.3. (a) A person who is reporting a crime of sexual assault, human trafficking, stalking, robbery, assault, kidnapping, threats, blackmail, extortion, burglary, or another violent crime shall not be arrested for a crime, including a misdemeanor violation of the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) or a violation of subdivision (a) or (b) of Section 647 or of Section 372 or 653.22.

(b) Possession of condoms in any amount shall not, in and of itself, be probable cause for arrest for a crime, including a violation of subdivision (a) or (b) of Section 647 or of Section 372 or 653.22.

(Captured Image : <http://leginfo.legislature.ca.gov>)

We express our deep appreciation to the Senator. He not only concerns sex workers' safety, also understands how their crime information facilitates police's work. Nevertheless, sex workers in Hong Kong such as sex workers providing massage service, massage workers, migrant sex workers, seldom report to the police even they face serious crime. They prefer bearing the harassment from the perpetrators and criminals than seeking help from police, or simply complain to support groups, as they fear that the police may arrest them. In fact, it is not rare to see how sex workers are transformed from victims to defendants.

Though this bill is not yet passed, when sex workers can report to the police without worry, it helps the police to fight crime more effectively. There will also be more trust and improved relationship between police and sex workers.

Below is the number of complaints about violence from sex workers in the past 4 months.

<u>Police violence/abuse</u>		<u>Client/criminal violence</u>	
Free sexual service	9 cases	Intimidation	2 cases
Free massage service before arrested	9 cases	Denial of payment	2 cases
Police break into house without warrant	35 cases	Candid camera	65 cases
Arbitrary arrest	268 cases	Telephone harassment	1 case
Verbal threat and insult	7 cases	Robbery	2 cases
Indecent assault	2 cases	Condom removed	1 case
Obstructing the course of justice	2 cases		
Force/coax into signing the statement	3 cases	<u>Boss/landlord violence</u>	
Deprived of Basic rights	2 cases	Harassment	1 case
Unnecessary use of authority	1 case	Verbal threat	1 case

Our work and movement:

Hong Kong

Victimizing the innocent

In the case of migrant sex workers, even the police do not have enough evidence, when they see any Chinese woman possessing two-way permit waiting or standing in the streets or areas where there are many migrant sex workers, they see the woman breaching the condition of stay and take to the police station until deportation. Throughout these years, police victimization of the innocent without valid reason has never changed.

Recently, we received a complaint from one man, telling us how his girlfriend was taken to the police station in the above way. She was also deported back to China and now allowed to enter Hong Kong in 2 years.

That day, his girlfriend just waited him to dinner in the street, but she was arrested by the police and charged for 'breaching the condition of stay'. She did deny she came to Hong Kong for the job. She also tried to contact but the police did not let her to do so. They only asked her to sign the document. Since his girlfriend did not understand what was happening and unaware of her rights, she pleaded guilty to illegally working in Hong Kong.

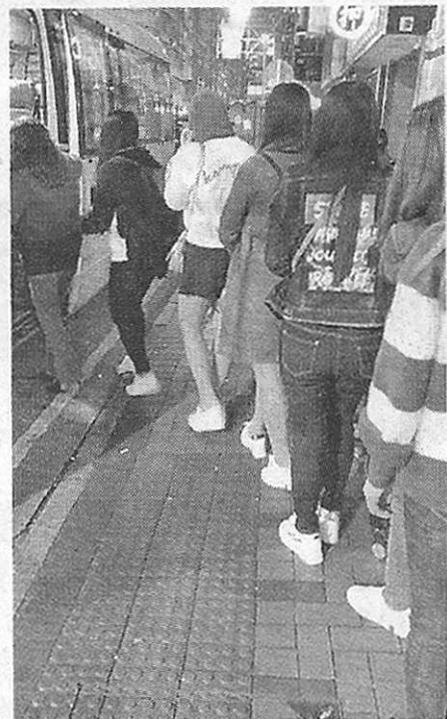
油旺掃黃拘38內地女

【本報訊】油尖警區特別職務隊、油麻地分區特遣隊聯同入境處人員，根據線報及經深入調查後，前日下午約四時展開代號「烽火」的掃黃行動，在上海街、廟街、碧街、新填地街、砵蘭街、吳松街及彌敦道一帶多個單位，以涉嫌「違反逗留條件」，拘捕卅八名年齡介乎十七至五十三歲持雙程證的內地女子，她們稍後交由入境處跟進。

鴨寮街檢值22萬鹹碟

另外，深水埗警區特別職務隊，前日下午約五時在區內展開一項反淫褻物品行動，突擊搜查鴨寮街一四一號一間店舖，以涉嫌「發布淫褻物品」及「管有淫褻物品以供發布用途」，拘捕一名姓梁（六十一歲）本地男子。行動中，警方檢獲約七千三百隻懷疑色情光碟，總值約廿二萬元。據悉，警方上月十三日亦曾突擊搜查該店舖，檢獲約六千隻懷疑

色情光碟，總值約十八萬元。一名姓周（卅二歲）本地男子，涉嫌「發布淫褻物品」及「管有淫褻物品以供發布用途」被捕。



■涉案內地女子被帶署扣查。

(Newspaper clipping: Oriental Daily)

Recently, Zhou (pseudonym) who worked in a foot massage parlor was also targeted by some ambitious police officers. They made Zhou wait in a room, and later in the living room. When Zhou entered the room, she found a police woman searching her handbag. Zhou quickly cried loudly, ‘why are you searching my bag when I am not here?’

Are you going to put drugs in my bag to set me up?’ One sergeant immediately came up to say sorry to Zhou about the wrongdoings of his colleague. Later, Zhou heard from two coworkers, who provided services for the undercover agents, that the police had tried to force them to testify Zhou as the owner of the massage parlor, even though Zhou simply worked on part-time basis.

One only comes to Hong Kong to meet her boyfriend and wait in the street, but she becomes selling sex and soliciting in Hong Kong illegally; one is not working at all but the police and Immigration Department concludes that she is a migrant sex worker illegally working in Hong Kong simply based on her nationality and where she stays; one is just a part-time worker who seldom shows up, but she is almost testified as the boss.....10 more years ago, we once criticized the police for victimizing the innocent, and we see that the situation remains unchanged. As long as the police have no regard to public opinions and criticism, the government also refuses to set up an independent mechanism to handle police complaints, as an ordinary citizen, what can we do stop police officers victimizing the innocent?



(Newspaper clipping: Oriental Daily)

Stories/experiences of Migrant Chinese sex workers

Shenzhen

‘Thanks to working in the sex industry, I would have gained nothing if I did not enter the industry’

Meti (pseudonym) has been working in the sex industry for 20 years. Since she works as a sex worker, she has her flat and pension, which prepared her better for retirement. Who dares to say that sex workers are unable to plan for their future?

‘The biggest achievement throughout these years was to improve the living standard of my family. For example, if I were not working in the industry, I could not buy a flat for my son or have my own pension and flat.

‘My husband did not take care of the family. We were very poor. We also did not have enough food. Even when we had our child, he still made no change. I left home and worked later. I had been working for 4 years as a waitress. I remember I had saved RMB7000 at that time. I went home once but when I tried to get another job I could not find any. Hence, I worked as a hostess in a small restaurant. When customers came, I would provide them service. Later I thought that it was embarrassing to do this job, as I was raised in a conservative old family, but still I entered the sex industry. Though it was sex industry, I still thought I had made a correct decision. If I did not choose this job, you would have very little savings by working as an ordinary worker.

I do not mean I am happy to choose this job. Thanks to working in the sex industry, I would have gained nothing if I did not enter the industry. Imagine that when you are old, it is good to have a flat, pension, and I also get a flat for my son. If I did not choose this way, I would not have any saving, do you think I can earn so much money?

When I retire, I still want to live for myself. Of course it will be great to have a partner. I will not live with my son to avoid conflict. I want freedom, and go anywhere I want to go. When I grow old,



it depends on the attitudes of my son. If he is rude to me, I can go to the elderly home or hire a maid, and make another plan for myself. I will take care of my flat and pension. I really think this way. It will be great to have someone staying beside me. This will be perfect. He should also have a flat and pension. He cannot live on mine.’

(Image <http://www.governing.com/topics/mgmt/gov-retirement-inequality-savings-gap.html>)

Linking with the world

Australia

Respect Inc

Last time, we received the mail from an Australian friend. She told us she worked with another organization, and she would like us to help translating the information sheet about sex industry to Chinese, so that Chinese sex workers working there but not understanding English can understand better the environment they are working, and other relevant information as well. Her new job is with Respect Inc, a sex worker organization.

Respect In is a non-profit organization. One of their jobs is to protect and promote the rights, health and wellbeing of sex workers in Queensland. They have offices in Brisbane, Cairns, Townsville and Gold Coast. Only sex workers are allowed to visit the offices, sex workers can feel more comfortable and relaxed as a result.

Respect Inc provides services for sex workers to address sex workers' needs and wants, such as selling supplies, organizing workshops on skills and health information. Not only English and Chinese, Respect Inc also translate the information about the industry to Thai and Korean to meet the needs of sex workers of different ethnicities. Sex workers will then overcome the language barrier to understand the local working situation.



mage: <https://respectqld.org.au/what-is-respect-inc/>)

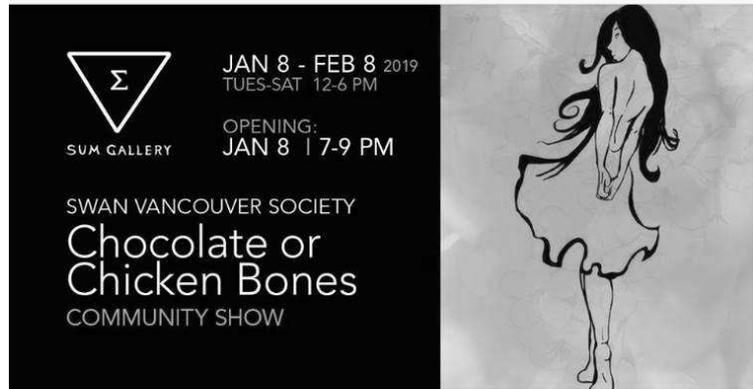
What is happening in sex workers community?

Canada

“Chocolate or Chicken Bones”

Chocolate or Chicken Bones – This is the title of the photo exhibition organized by SWAN, the organization that cares about migrant sex workers.

SWAN organized this exhibition to let the public understand that sex workers are not the same as the way the public imagines. They are independent individuals who have their own stories. Just like one of the photographers explained, people often think that sex workers are sweet as chocolates whom they can always swallow and consume. However, sex workers are more like chicken bones that can stuck in people’s throat.



JAN
8

Chocolate or Chicken
Bones? – exhibition [Jan
8 -Feb 7, 2019]

Public · Queer Arts Festival and SWAN
Vancouver

(Image: SWAN Facebook)

The exhibition lasted through a month. 50 photos were displayed. All photos were taken by 5 Chinese immigrants and migrant sex workers who moved to live in Canada. There were different themes such as travelling, animals, food. Through the photos, sex workers told the public their thoughts and experiences. The photos were captioned in English and Chinese, to let the public understand the stories behind the photos more easily.



List of Donors (1/2019 – 4/2019)

january	Anonymities	16,401	February.	Anonymities	8,601
March	Anonymities	11,251	April	Anonymities	9,500

We apologize for any omissions!!

Application for Membership

Name: _____ Age: _____

Occupation: _____ Gender: _____

Telephone: (H) _____ (O): _____

e-mail: _____

Address: _____

I am willing to join the following activities:

Publication Data Collection Research Others

I would like to donate monthly:

\$100 \$200 \$300 \$500
\$1,000 or once

My donation is paid by:

Cheque: (cheque number) _____

Cash deposited into: Hang Seng Bank A/C 232-8-085580 (Account Name: Zi Teng)

Mail: Hong Kong Post Office Headquarters P.O. Box 7450

Fax: 852 - 2390 4628 Tel: 852 - 2332 7182

Zi Teng

Hong Kong Post Office Headquarters P.O. Box 7450

Tel : 852 - 2332 7182

E-mail : ziteng@hkstar.com

Website : <http://www.ziteng.org.hk>

Blog : <http://blog.ziteng.org.hk>

Twitter : https://twitter.com/Zi_Teng_hk

Air Mail

Printed Matter