



## Response to Nigel Graham's points about the research commissioned by the Scottish Government into prostitution in Scotland and the sex buyer law

31 May 2017

The Scottish Government commissioned two pieces of research related to prostitution – one on the [impacts of the criminalisation of the purchase of sex](#)<sup>1</sup> and one on available knowledge and evidence on [prostitution in Scotland](#).<sup>2</sup> [Nordic Model Now!](#)<sup>3</sup> has responded to that research separately. However, Nigel Graham, Senior Policy Adviser in the Criminal Justice Division set out some additional points to consider. We set these points out along with our responses below.

Nordic Model Now! is a grass-roots group campaigning for the adoption of the Nordic Model approach to prostitution in the UK.

**1. Under current laws in Scotland it is a criminal offence to solicit or to loiter in a public place with the purpose of either buying or selling sex. It is an offence to exploit others by running or managing a brothel and to live off the earnings of the prostitution of others. It is also an offence to traffick people for sexual exploitation.**

Although this is true in theory, the research makes it clear that in practice enforcement is inconsistent, patchy, and sometimes non-existent – particularly for brothel-keeping, sex trafficking and living off the earnings of the prostitution of others.

**2. The research findings highlighted that the available empirical evidence is largely focused on street-based prostitution and that there is a universally acknowledged uncertainty about the numbers and lack of evidence surrounding those involved in indoor prostitution such as online and indoor sex work.**

While we acknowledge that there is uncertainty about the numbers of people involved in indoor prostitution, this is not inevitable but is the result of a lack of political will among the police, policy makers and researchers. Please see our detailed response to the research in Scotland for more information.

**3. The research findings highlighted that the evidence available in relation to prostitution cannot be considered as 'value free' or 'neutral'.**

Prostitution is not a neutral institution. The Scottish research provides compelling evidence of the short and long-term mental and physical harms of prostitution to those in it, and of the appalling levels of violence the women in prostitution face from pimps and punters, and how many women become inured to it and seldom report it to the police.

It is unclear therefore how prostitution can be approached in a "value free" or "neutral" way – any more than female genital mutilation (FGM) or any other violent and oppressive practice.

For example, what would “value free” and/or “neutral” mean in relation to another intrinsically harmful practice, such as FGM? Would it mean starting from a premise that FGM is acceptable? No – because considering FGM to be acceptable is only possible if a certain value system has already been accepted – that girls and women do not have the right to grow and live free from dangerous, mutilating surgery that serves to subordinate women as a group to men.

The Scottish Government’s [Equally Safe](#) <sup>4</sup> strategy rightly recognises prostitution to be a form of violence against women. This is a value position and removing it would imply that the inherently violent institution of prostitution, which is both a result of sex inequality, and a cause of it, is acceptable.

In our experience, those who claim a “value free” or “neutral” position to prostitution, invariably whitewash the damage and promote the interests of men and their patriarchal entitlement to sexual access to women and girls, and of the pimps and profiteers who seek to profit from the commodification of women and girls.

As the Scottish Government has already accepted that prostitution is a form of violence against women and girls, this must be the lens through which all research is evaluated.

**4. The research findings highlighted that the evidence is inconclusive in relation to the impact of the criminalisation of the purchase of sexual services; on reducing the harm associated with prostitution, in assisting those who work in prostitution to exit and how successful such exit strategies are, and in challenging men’s demand for sexual services in any significant way.**

This statement is muddled. The criminalisation of the purchase of “sexual services” is usually introduced as part of a package of measures, known as the Nordic Model, which also include the decriminalisation of prostituted persons and services that provide them with genuine routes out. So we do not understand why this statement refers only to the criminalisation of the purchase of sexual services and not the whole Nordic Model.

The Nordic Model is based on the assumption (which the Scottish Government itself accepts) that prostitution is intrinsically harmful and is a form of violence against women. The aim of the Nordic Model is therefore to reduce the amount of prostitution that takes place and to change social norms – so that prostitution-buying becomes socially unacceptable. Research shows that when implemented well (as in Sweden), the Nordic Model is effective in reducing the amount of prostitution that would otherwise take place, in helping women to exit prostitution, and in challenging the demand for sexual services.

And in fact the conclusion of the report backs this up:

*It would appear that while acknowledging the limitations of the available evidence, there appears to have been a decline in street prostitution in Sweden with some evidence to suggest that the number involved in prostitution overall has reduced. There also appears to be a continued but decreased demand for prostitution in countries where the purchase of sex*

*has been criminalised. Contextualising all of these points, is the growth in online advertising and the apparent changes in the way in which prostitution is organised which have seen a shift from on-street prostitution to the increasing use of the internet and mobile technology; the overall effects of which are currently unclear.*<sup>53</sup>

All legislative approaches have limitations. The main alternatives to the Nordic Model are either prohibition (as in most of the USA) or full decriminalisation (as in Germany and New Zealand) – both of which are well-documented to cause greater problems than the Nordic Model.

We therefore find it concerning to belabour the caveats to the research findings that support the success of the Nordic Model approach, even if that success is not total, when the alternatives would inevitably be much worse.

**5. The research concluded that there is insufficient robust evidence available to be able to say with any degree of certainty what the impacts of criminalising the purchase of sex would be in the Scottish context.**

This was not a conclusion of the research. Rather the conclusion was that decisions to introduce legislation in this area must be informed by policy priorities and aims and objectives.

**6. The research included data that police recorded crime statistics show a reduction in prostitution related crimes and public complaints about prostitution in the 4 main cities over the last ten years. Police interviewees and third sector support organisations confirmed that this reflected the overall decrease in on-street prostitution.**

The first part of the statement is misleading. The data shows there has been a reduction in prosecutions and convictions for **some** prostitution-related crimes. It does not show that there has been a reduction in the crimes *per se*. Many prostitution-related crimes, such as pimp and punter violence against prostituted women and girls are not included in the data at all.

The report also reveals that complaints to the police by the public about the impact of indoor prostitution in their local neighbourhoods are not always recorded and if they are recorded, it is often not possible to extract them from the database. For more on the very serious limitations of the police data, please see our separate response.

**7. Women involved in on-street prostitution were identified as a vulnerable group with complex needs, (commonly including alcohol and substance misuse problems, lack of secure accommodation, mental health problems and backgrounds of deprivation and abuse).**

While this is true, it does not imply that women in indoor prostitution are not a vulnerable group with complex needs. There was much evidence in the report of multiple indicators that many (if not most) women in indoor prostitution in Scotland are a vulnerable group with complex needs and that many are sex trafficked or have pimps and other profiteers feeding

off their earnings. This evidence was continually glossed over, suggesting a concerning naivety and ignorance of both the police and the researchers and report authors.

**8. The research findings found evidence of under reporting to the police and health providers when those involved in prostitution become victims of crime.**

We agree with this. However, the report also made clear that the police do not keep data about crimes against prostituted persons in such a way that the data can be extracted separately. Instead the data is lumped in with the data about crimes against persons in the general population.

**9. The research in Scotland has provided little consistent or reliable information about men who purchase sex, their backgrounds and reasons for buying it. The evidence on the impact of the criminalisation of the purchase of sex on demand is inherently problematic and tenuous, with no reliable evidence to compare before and after the introduction of legislation to criminalise purchase.**

This point contains two separate and unrelated statements. Our response to the first one is that the research provided little information about punters because the research failed to look at punters.

We do not agree with the second statement and believe that it is deliberately misleading and suggests policy makers' confirmation bias. Confirmation bias is the tendency to search for, interpret, favour, and recall information in a way that confirms one's pre-existing beliefs or hypotheses. In this case the pre-existing beliefs appear to be that prostitution is not problematic, that it is a victimless crime, that men are entitled to sexual access to women and girls, and that the Nordic Model is ineffective – because it challenges the aforementioned attitudes.

As we explain in our detailed response, any research into the impact of the Nordic Model approach must be considered within the context of the impacts of the alternative approaches of full decriminalisation or full prohibition and the understanding that prostitution is a form of violence against women and girls, and its impact on sex equality.

Policy makers must also understand Scotland's binding obligations under [CEDAW](#)<sup>5</sup> and the [Palermo Protocol](#)<sup>6</sup> to: crack down on pimps and profiteers; to deter men's demand for prostitution; and to address the entrenched poverty and inequality that make women and young people, particularly those from disadvantaged backgrounds, vulnerable to exploitation by pimps and traffickers.

---

<sup>1</sup> <http://www.gov.scot/Resource/0051/00514185.pdf>

<sup>2</sup> <http://www.gov.scot/Resource/0051/00514437.pdf>

<sup>3</sup> <http://nordicmodelnow.org/>

<sup>4</sup> <http://beta.gov.scot/publications/equally-safe/>

<sup>5</sup> <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

<sup>6</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>