

NMN Submission to the Parliamentary Inquiry into Trafficking for Sexual Exploitation

1. Name and organisation

Nordic Model Now! ([NMN](http://nordicmodelnow.org))¹

2. What impact do current laws relating to prostitution and modern slavery have on the scale and nature of trafficking for sexual exploitation into and around England and Wales?

Laws serve a number of purposes, including framing issues clearly for officials and the general public. For example, when the law changed to ban smoking in public buildings, it sent out a clear message that smoking is not only dangerous for yourself, but also for those around you, and as a result people changed their behaviour.

Legislation on prostitution in England and Wales is incoherent. The Modern Slavery Act (MSA) lacks a gendered analysis, implicitly normalises and trivialises prostitution, and frames it as a form of regular work.

This understanding now dominates public policy. The Home Office's [Typology of Modern Slavery](#)² defines sexual exploitation as 'forced sex work,' even when the victim is a child and even though the [Palermo Protocol](#)³ specifies no force is necessary to meet the trafficking definition when the victim is a child. [Police Guidance](#)⁴ accepts prostitution as inevitable and not inherently harmful, and implies it would be wasting time to enforce legislation that penalises men who buy sex (punters) and brothel keepers.

Prostitution is a practice of male dominance. It is both a cause and consequence of the tenacious inequality between the sexes. Punters are almost exclusively male and those bought and sold are predominantly female, usually from the most marginalised backgrounds.

[Research](#)⁵ finds violence is a prominent feature of prostitution regardless of the setting, and it entrenches the disadvantages of the women involved. Prostitution makes men more likely to [harass](#)⁶ women and to [rape](#)⁷ and be violent to their intimate partners.

¹ <http://nordicmodelnow.org/about/>

²

http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf

³ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

⁴ <http://nordicmodelnow.org/2019/04/29/a-sexist-prism-national-police-guidance-on-policing-prostitution/>

⁵

http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303927/A_Review_of_the_Literature_on_sex_workers_and_social_exclusion.pdf

⁶ <http://nordicmodelnow.org/facts-about-prostitution/fact-buying-sex-makes-men-more-prone-to-violence-against-women/>

⁷ <http://nordicmodelnow.org/facts-about-prostitution/fact-buying-sex-makes-men-more-prone-to-violence-against-women/>

Prostitution is [recognised](#)⁸ by the UN as a violation of human rights and meets the definition of cruel, inhuman and degrading treatment, if not of torture itself, set out in the [Convention against Torture](#).⁹

For these reasons the Palermo Protocol clearly separates the exploitation of a person's prostitution and other forms of sexual exploitation from labour.

It is therefore a catastrophe that the MSA does not use the definition of human trafficking set out in the Palermo Protocol and instead centres the definition on travel. To extend the smoking analogy, this is like banning only the smoking of menthol cigarettes – so virtually no one has to change their behaviour and everyone is exonerated from responsibility for the bar staff's lung cancer.

It is the money that men pay for prostitution that drives sex trafficking. But by focusing the definition on travel, the MSA obscures this and sends out a confusing message. As a result prostitution is normalised and legitimised, and more men buy sex, and more traffickers want to cash in on all that extra money. But the MSA makes this officially invisible – so most perpetrators have impunity and most victims are unrecognised and fail to get the support and rehabilitation to which they are entitled.

Our submission to the Independent Review into the MSA explains the ramifications in greater depth than there is room for here. Our response to the Independent Review's report, sets out further concerns. We sincerely request that this inquiry carefully considers the analysis and evidence we set out in those documents:

- [Submission to the Independent Review](#)¹⁰ (PDF)¹¹
- [Our Response to the 'Independent' Review's Report](#)¹² (PDF)¹³

Case study: The 'managed approach' in Holbeck, Leeds

Introduced by [Safer Leeds](#)¹⁴ in October 2014, the 'managed approach' consists of designated streets in which soliciting is theoretically decriminalised between the hours of 8pm and 6am.

About 140 women solicit there, most addicted to Class A drugs and under the control of pimps, some of whom double as drug dealers.

Anna, who was in street prostitution in Leeds in the 1990s, [explains](#)¹⁵ how when crack cocaine came in during the late 1990s, local pimps turned to drug dealing as a way of controlling women in prostitution. Clearly that continues in Holbeck and meets the Palermo

⁸ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TrafficInPersons.aspx>

⁹ <http://nordicmodelnow.org/2019/06/01/what-i-learnt-at-the-un-committee-against-tortures-review-of-the-uk/>

¹⁰ <http://nordicmodelnow.org/2019/03/27/submission-to-the-independent-review-of-the-modern-slavery-act/>

¹¹ <http://nordicmodelnow.files.wordpress.com/2018/12/NMN-submission-to-Modern-Slavery-Act-review.pdf>

¹² <http://nordicmodelnow.org/2019/05/01/the-independent-review-of-the-modern-slavery-act-ignores-womens-human-rights/>

¹³ <http://nordicmodelnow.files.wordpress.com/2019/08/the-independent-review-of-the-modern-slavery-act-ignores-womene28099s-human-rights.pdf>

¹⁴ <http://www.leeds.gov.uk/saferleeds>

¹⁵ <http://nordicmodelnow.org/testimonial/annas-story/>

Protocol definition of [sex trafficking](#)¹⁶ – the pimps recruit the women, abuse their vulnerability (typically deliberately getting them addicted), and profit from their prostitution.

However, because the MSA does not recognise these pimps as traffickers, the women are not recognised as trafficking victims, and the men who buy them are regarded as citizens of good standing who are exercising their ‘right’ to buy ‘consensual sex.’ And the women’s distress is considered a personal behavioural problem and, far from being decriminalised, they are served with ASBOs, cautions, fines and even prison sentences.

If the definition of human trafficking in the MSA conformed to the Palermo Protocol, these women would be recognised as trafficking victims, and it would be inconceivable that anyone could consider the ‘managed approach’ appropriate.

While Holbeck is an extreme example, we hear not dissimilar stories from other towns and cities, e.g. Coventry and Southend. The low numbers of prosecutions of kerb crawlers nationally – only 106 in [2018](#)¹⁷ – show that punters have virtual impunity to buy sexual access to women on the street. No wonder there is so much prostitution and accompanying pimping/trafficking all over the country.

For more on Holbeck, see our [investigation](#).¹⁸

Indoor prostitution

It is recognised that most prostitution now takes place indoors, much of it facilitated by online adverts.

In 2016 the Police Foundation [identified](#)¹⁹ 65 brothels in Bristol, of which 14 operated from commercial properties under the guise of massage parlours. Most are still [openly running](#).²⁰

Bristol is not atypical and a similar picture is repeated in most towns and cities across the country. Yet in the [last year](#)²¹ there were only 73 prosecutions for brothel keeping nationally.

We know from women who’ve been prostituted in massage parlour brothels that they are invariably run by men who seldom enter the premises and leave the day-to-day management in the hands of women, often those who were previously prostituted themselves.

These brothels typically use humiliating ‘line-ups,’ where the women appear together in scanty clothing for punters to choose from, and take upwards of 50% of the women’s earnings, plus fees for laundry, etc. and ‘fines’ if punters are not ‘satisfied.’ So in practice,

¹⁶ <http://nordicmodelnow.org/facts-about-prostitution/fact-human-trafficking-means-trading-in-human-beings/>

¹⁷ <http://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>

¹⁸ <http://nordicmodelnow.org/2019/08/17/the-holbeck-red-light-zone-condoms-sex-offenders-and-cars-full-of-jeering-men/>

¹⁹ http://www.police-foundation.org.uk/2017/wp-content/uploads/2017/06/organised_crime_and_the_adult_sex_market.pdf

²⁰ <http://nordicmodelnow.org/2017/12/18/submission-to-the-appg-on-prostitution-the-global-sex-trades-inquiry-into-pop-up-brothels/>

²¹ <http://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2018.pdf>

women cannot refuse a punter or dangerous practices (e.g. anal and no condoms) to make enough money to survive – i.e. brothel practices are themselves coercive.

Running such brothels clearly falls under the Palermo Protocol definition of sex trafficking. However, because the MSA does not use the correct definition, this is not recognised. As a result, such brothels operate in plain sight all over the country, sending out the message to men that buying sex is an acceptable recreational activity.

When brothel keepers are convicted, they typically receive low sentences, sometimes suspended, even though they may have made hundreds of thousands of pounds profit.

Online pimping

Much indoor prostitution is now facilitated by websites, the biggest of which are AdultWork and Vivastreet. These make vast profits and provide new ways of controlling and coercing the women. For more on this, see our investigation: [Online Pimping: A New Dystopia](#).

Impunity for punters

As far as we are aware there are three pieces of legislation that target punters – all in the Sexual Offences Act 2003 (SOA):

1. **Section 47 Paying for sexual services of a child** – This is hardly used. There were only 5 prosecutions in [London](#)²² under this offence in the **14 years** to 2017.
2. **Section 51A Soliciting** – This is the ‘kerb crawling’ legislation and is also hardly used.
3. **Section 53A Paying for sexual services of a prostitute subjected to force etc.** – This was introduced in 2009 to make legislation compliant with Article 9 of the Palermo Protocol, but is [barely used](#).²³

It is the punters who drive prostitution and sex trafficking and all the mayhem and suffering these cause. But in England and Wales punters have almost total impunity, and pimping and prostitution-buying are practically decriminalised.

3. How could the Government improve the laws to reduce trafficking for sexual exploitation?

1. Redraft the MSA so Section 2 matches the Palermo Protocol definition and Section 3 explicitly includes profiting or otherwise benefiting from the prostitution of the victim or other forms of sexual exploitation.
2. Remove Section 3 subsection (6) because this should now be covered by Section 2.

²² http://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2017/june_2017/information-rights-unit--people-charged-under-the-various-sections-of-the-2003-sexual-offences-act-from-2013-to-february-2017

²³ <http://nordicmodelnow.org/facts-about-prostitution/fact-its-illegal-in-england-and-wales-to-buy-sex-from-someone-whos-been-coerced/>

3. Ensure all offences involving the trafficking and sexual exploitation of a child under 18 (including paying for ‘sexual services’) are strict liability offences.
4. Remove offences of controlling the prostitution of an adult or sexual exploitation of a child from the SOA, because these would now come under Section 2 of the MSA.
5. Introduce new offences of profiting from another person’s prostitution.
6. Introduce offences of advertising another person’s prostitution in any medium.
7. Introduce an offence of purchasing or attempting to purchase sexual services.
8. Repeal offences of loitering and soliciting to sell sex.
9. Redraft brothel-keeping legislation so it focuses on profiteers rather than vulnerable women who might perform cleaning or reception duties or simply live together.
10. Introduce legislation to make provision for a nationwide network of specialist services for those involved in prostitution.

In other words, fix the MSA so it conforms to the Palermo Protocol (as recommended by the [CEDAW Committee](#)²⁴) and introduce a [Nordic Model](#)²⁵ style approach.

²⁴

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslldCrOIUTvLRFDjh6%2fx1pWANA8ZYaHoRL%2bOJRr72WCFI1aFvFUALICWsm8eKNbzUHij4YKzONNGD0TNbffd0YmuaoJLkR9otjorXpuEqC4v%2f>

²⁵ <http://nordicmodelnow.org/what-is-the-nordic-model/>