



Response to the Home Affairs Select Committee's Interim Report on Prostitution

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On 1 July 2016, the UK Parliamentary Home Affairs Select Committee (HASC) released an [interim report](#)¹ on its inquiry into prostitution.

Nordic Model Now! welcomes the recommendation to decriminalise soliciting and to delete convictions and cautions for prostitution from criminal records, and the call for in-depth research. However, we have some serious concerns about other aspects of the report.

We are particularly concerned that it exhibits a significant bias. This is not surprising given that the committee is composed of eight men (Keith Vaz, James Berry, David Burrowes, Ranil Jayawardena, Tim Loughton, Stuart McDonald, Chuka Umunna, David Winnick) and only three women (Victoria Atkins, Nusrat Ghani, Naz Shah).

Prostitution is an extremely gendered institution, with the majority (80% or more) of those bought and sold in prostitution being female and 99% or more of the buyers (punters) being male. Prostitution therefore has a very different significance for women than for men. The committee has downplayed evidence of the harms that prostitution causes both to those who are in it, and to women and girls and gender equality more generally.

Moreover we find it troubling that many concerns about these serious and significant harms have been written off as “moral values” and “emotive” reactions, while the report fails to mention the thinly veiled entitlement that infuses many of the contributions from men and which inevitably clouds the judgement of the male members of the committee. Instead there is an unexamined and clearly incorrect assumption that they are acting dispassionately.

Conflicts of interest

It is notable that there is no mention of whether the members of the committee are or have been sex buyers. It is clear that this is a common male behaviour and the majority of the committee members are male, and so it is statistically likely that some of them are or have been sex buyers.

The inquiry had a brief to consider whether buying a person for sex should be criminalised. Being a sex buyer or having a history of sex buying is therefore a clear conflict of interest. We believe there is a strong case that members should formally declare whether they are or have been sex buyers and if so, to step down from the inquiry.

Terminology

On page 3, the report says:

“Terminology is also disputed, with some opposition to the description “sex workers”. Our use of the term in this report is a neutral one and refers to female, male or transgender adults who receive money in exchange for sexual services.”

The term “sex worker” was coined as part of a deliberate attempt to normalise and sanitise prostitution by implying that it is ordinary and wholesome work. It is a euphemism and many people reject this term and [many survivors](#)ⁱⁱ of prostitution ask that it not be used.

The report defines the term as the exchange of “sexual services” for money. This is yet more euphemism. The [Oxford online dictionary](#)ⁱⁱⁱ defines service as “The action of helping or doing work for someone.” Being paid to be sodomised, to endure a man ejaculating in your face, and many of the other core components of prostitution are not helping or active work. Rather it is being used as an object for someone else’s gratification.

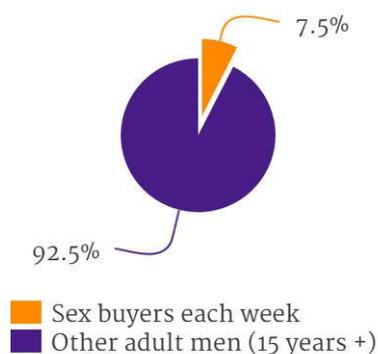
The committee’s choice of term and definition therefore reveals a position, a judgement, on the issues, and to describe that as “neutral” is disingenuous.

Key facts

Page 3 presents a list of “key facts” under a caution that they are open to dispute – regardless that some are clearly based on robust government statistics.

The list claims that about 11% (or 2.3 million) British men have paid for sex, that there are around 72,800 “sex workers” in the UK, and that “sex workers” have an average of 25 clients per week, paying on average £78 per visit.

Sex buyers each week as percentage of all adult men



Let’s consider these figures. Successive studies over more than a decade have put the number of people in prostitution in the UK in the range 70,000-100,000, so it is unlikely that 72,800 is an overestimate. We believe that an average of 25 clients a week is also unlikely to be an overestimate. A simple calculation gives a total of 1,820,000 (nearly 2 million) punters **a week**.

$$72,800 * 25 = 1,820,000$$

Even allowing for the fact that some men might use more than one prostituted person per week, it is simply inconceivable that there are **only** 2.3 million men who have bought a human being for sex in the UK.

If the figure of an **average** of £78 per visit is correct, we believe that the **median** price is much lower, because we have heard anecdotal evidence that many impoverished women are reduced to providing a blow job for the price of a burger and the internet suggests that the price of street prostitution in the UK is \$20.

Placing the clearly improbable figure of 2.3 million men and the misleading £78 per visit at the top of a list that also includes rigorous government statistics, gives the impression that these figures have a legitimacy that they clearly don't.

And it suggests a reluctance to look the reality and prevalence of prostitution in the face. In fact it suggests a moral (or amoral or even immoral) and emotive position on the part of the committee.

International obligations

The UK has binding obligations under international treaties, at least two of which (the Palermo Protocol and CEDAW) are directly relevant to prostitution law. The report mentions neither of them in spite of the fact that both were mentioned in many of the written submissions. We trust that the committee will make good this serious oversight and use them to inform the remainder of the inquiry – weighing all the evidence against them.

In addition, the report appears to lack an awareness that in [1949 the United Nations](#)^{iv} recognised that prostitution is incompatible with the dignity and worth of the human person; that it endangers the welfare of the individual, the family and the community; and that it is therefore incompatible with the [Universal Declaration of Human Rights](#),^v which enshrines the rights of all human beings to dignity and bodily integrity.

The Palermo Protocol

The [Palermo Protocol](#)^{vi} (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children) sets out the internationally agreed definition of human trafficking and puts a legal obligation on ratifying nations to take measures to prevent sex trafficking. Of particular note are the following points in Article 9:

“4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”

The written submission to the inquiry from the Child and Woman Abuse Studies Unit at London Metropolitan University makes the astute observation that there is no separate market

for trafficked women and so the obligation to reduce demand **must** be applied to prostitution itself.

The interim report says the committee is not convinced the Sex Buyer Law has reduced demand in the countries in which it is implemented but does not make any suggestions of what other means the UK should use to fulfil our legal obligation to take measures to reduce that demand. Moreover it repeats the idea that prostitution between “two consenting adults” can be separated from prostitution that involves exploitation, without presenting any evidence that this is possible in practice or how it could be done.

Instead it seems that the committee favours an approach that is almost guaranteed to increase demand and consequently sex trafficking.

Under the heading “Reasons for doing sex work”, the report makes it clear that financial hardship is a common reason for entry into prostitution and it mentions cash-strapped single mothers and students, and women lacking other means of earning an income. It then quotes Clarissa Duckworth, a survivor of prostitution, who said that it was “horrible to have to do sex for money” before the report hurriedly moves on to discuss the punters.

Notably absent was any discussion of the systemic causes of women’s, single mothers’ and young people’s poverty, such as: the [Women’s Budget Group’s analysis](#)^{vii} that 86% of government cuts since 2010 have come from women’s pockets; most of the [£4 billion](#)^{viii} that absent fathers owe the mothers of their children through the CSA will never be collected because of a lack of political will to hold absent fathers to account; student fees and the [lower minimum wage](#)^{ix} for under 25s.

The disproportionate poverty that affects women (particularly single mothers) and young people is not inevitable but is the result of political decisions that can be reversed.

The report lacked an understanding of the UK’s binding obligation under the Palermo Protocol to address women’s and children’s poverty, inequality and lack of equal opportunities, and that prostitution is not a humane, ethical, or even moral answer to that poverty, inequality and lack of equal opportunities.

CEDAW

[CEDAW](#)^x (the Convention on the Elimination of All Forms of Discrimination Against Women) places a binding obligation on ratifying states to end discrimination against women and girls and to consider the impact of all policies on gender equality and the health, status and well-being of women and girls. The committee has abjectly failed to do this.

General Recommendation 19 comments on Articles 2, 5 and 10 of the convention as follows:

“Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, [...]. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. [...] These attitudes also contribute to

the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals. This in turn contributes to gender-based violence.”

This spells out that prostitution (and its filmed version, pornography) is a result of the ingrained sexist attitudes and values that lead to women’s lower social, political and economic status, and actual and threatened physical and sexual violence; and that prostitution contributes to those sexist attitudes and values.

It also suggests that prostitution has a detrimental effect on the status, well-being and health of **all women and girls** and that therefore the attempt to distinguish “consensual” prostitution from that which is coerced is misguided.

The committee failed to consider the implications of CEDAW or to give sufficient weight to the extensive evidence submitted to the enquiry of the significant harms to those within prostitution and to all women and girls. This suggests that the committee members have themselves internalised harmful sexist stereotypes that position women as “other,” as less than men, and are in fact acting from a definite emotive position.

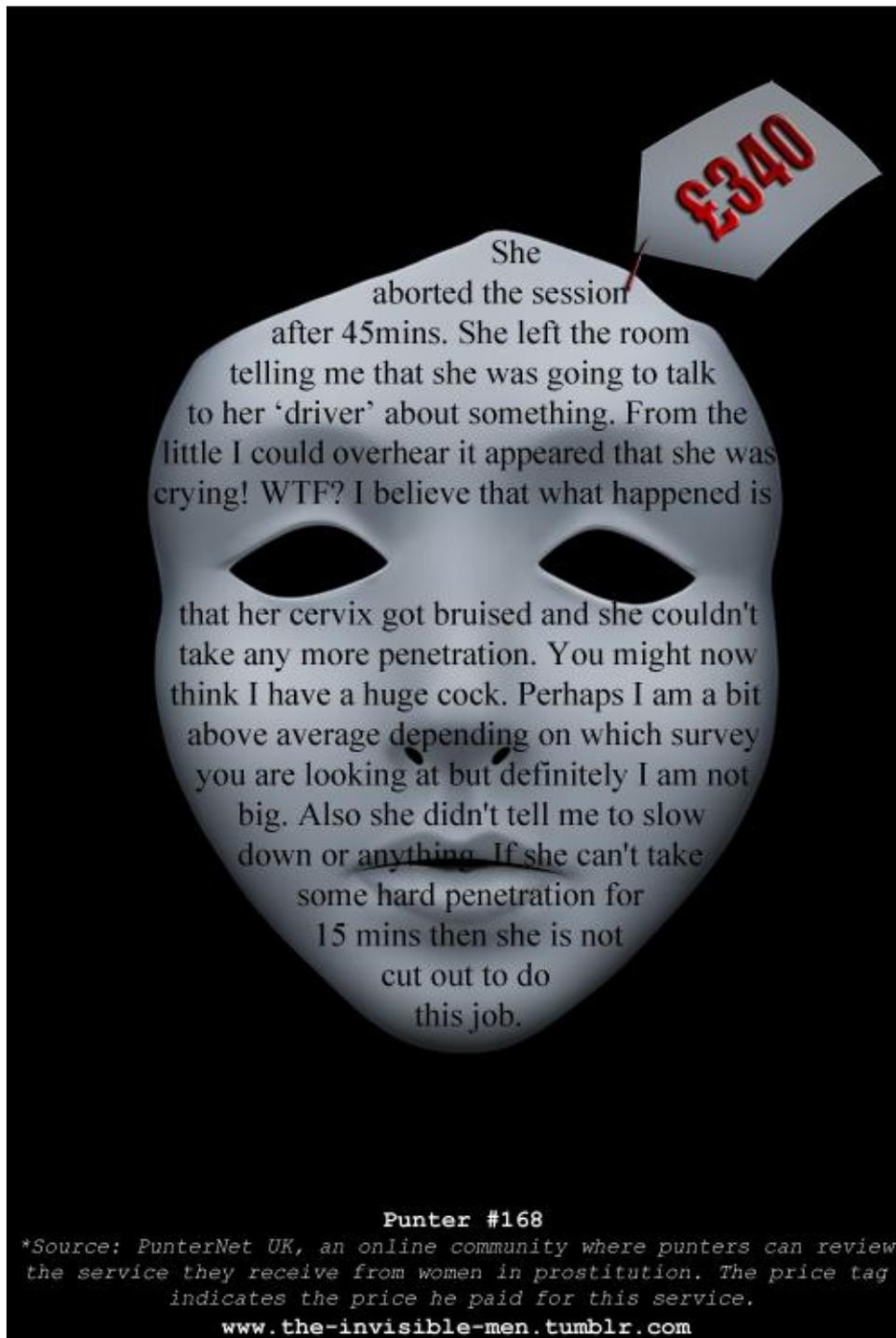
Clients

The report states that very few witnesses commented on the clients (punters). It then goes on to mention a survey that was referred to by the Fawcett Society and research by Dr Belinda Brooks-Gordon. The committee chose to ignore evidence about how prostitution makes punters less empathetic and more likely to be violent to women generally.

Punters’ own words on internet forums such as punternet.com tell a very different story from Dr Belinda Brooks-Gordon’s on page 12 of the report. [Our research](#)^{xi} shows punters to be selfish and narcissistic and that they buy women in prostitution to feed their entitlement and build up their egos. It is incomprehensible that their words can be interpreted with anything other than dismay and alarm for the well-being of the women they use in prostitution and all the other women and girls they encounter in their daily lives.

Moreover, recent [US research](#)^{xii} that compared men who buy sex with men who don’t, found that men who buy sex are more likely to admit having committed rape and other aggressive sexual acts. The corollary of this is that any increase in the number of men buying women for sex will inevitably lead to an increase in general violence against women and girls.

The vast majority of punters are [not lonely men](#)^{xiii} who cannot get intimacy any other way. Many are middle-aged men, already in long term sexual relationships, whose motivation is to obtain sexual access to girls half their age.



Punter quote from punternet.com, courtesy of [The Invisible Men project](#).^{xiv}

Migrant workers and trafficking

The report does not make it clear how the committee defines sex trafficking.

At least [one written submission](#)^{xv} drew attention to the fact that the Modern Slavery Act uses a different definition of human trafficking from that internationally agreed and set out in the Palermo Protocol, and the urgent need to correct this anomaly.

The variations in how sex trafficking is defined and understood can explain some of the extreme variations in the numbers of trafficked persons in the studies quoted. For example, on page 13 the report quotes research by Professor Nicola Mai which “found that only around 6% of all female interviewees felt that they had been deceived and forced into selling sex in circumstances within which they felt they had no share of control or consent.”

The [Palermo Protocol definition](#)^{xvi} makes clear that consent is irrelevant when any of the following means have been used:

“threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”

The notion of “abuse of power or a position of vulnerability” recognises that trafficking can take the form of taking advantage of people’s vulnerability within structures of inequality based on aspects like age, sex, race, caste, and poverty. This may not be apparent to the person being taken advantage of. Not recognising the true extent of one’s lack of options is a normal psychological mechanism to maintain the hope and sense of control without which life becomes intolerable or even impossible. The report from Nikki Holland on the following page of the report implicitly recognises this dynamic.

In the light of this, Professor Mai’s test of whether the women he interviewed had been trafficked is severely flawed. That the committee reports his findings uncritically suggests that they too are uninformed about both the internationally agreed legal definition of trafficking, and its awful realities. We believe that this lack of understanding is a thread that can be seen running through the entire report and contributes to the committee’s misguided conclusion that sex trafficking and prostitution are separate issues.

The Palermo Protocol definition makes it clear that third-party involvement in the exploitation of another’s prostitution is the essential feature of sex trafficking. As [Catharine MacKinnon says](#)^{xvii}, “**trafficking is straight-up pimping**”.

Most women and girls in prostitution worldwide have a pimp. So we should not be surprised that Sigma Huda, UN Special Rapporteur on Trafficking 2004–2008, said: “**Prostitution as actually practised in the world usually does satisfy the elements of trafficking.**”

We insist the committee (and the government) familiarise themselves with the Palermo Protocol definition and use that as the standard.

Age

We welcome the acceptance of the Children’s Society’s [recommendation](#)^{xviii} that the government develops guidance for the police and local authorities on how young people who have been identified as victims of (or at risk of) child sexual exploitation should be treated after they reach 18, so that they can get appropriate support.

However, we are dismayed that the committee has ignored their other recommendations, such as that legislation is changed to ensure that perpetrators of sexual exploitation offences

against 16 and 17 year olds do not receive shorter sentences than similar offences against younger children or against adults under the Modern Slavery Act.

Similarly we are dismayed that the committee has ignored the All Party Parliamentary Group on Prostitution and the Global Sex Trade's [recommendation](#)^{xix} that the age for the strict liability offence of purchasing sexual services from a child is raised from 13 to 16. In fact we suggest it should be raised to 17, in order to comply with the Palermo Protocol.

We believe that the committee would not have made these extraordinary omissions had it understood the UK's legally binding obligations under the Palermo Protocol.

Section 14 of the Policing and Crime Act 2009

Section 14 of the Policing and Crime Act 2009 (implemented as Section 53A of the Sexual Offences Act 2003) makes paying for the sexual services of a prostitute subject to force a criminal offence.

On page 14 Nikki Holland reports that this has fallen out of use due to the difficulty of gaining evidence. However, a [Freedom of Information](#)^{xx} request reveals that in 2010 there were 49 prosecutions, of which 43 resulted in convictions. This shows that it **is** possible to use this law effectively.

However, we believe that the difficulty of enforcing this law is a strong argument for making buying a person for sex a criminal offence regardless whether the person has been forced or coerced. In other words, it is a strong argument for the Sex Buyer Law.

Independent Anti-Slavery Commissioner

Kevin Hyland, the Independent Anti-Slavery Commissioner, provided thoughtful and informed written evidence. We are dismayed that he was not called to give oral evidence and that the committee appears to have ignored his written contribution.

Support to exit prostitution

The report provides evidence of the vulnerability of women in prostitution, how many factors make it hard for them to leave, and the importance of holistic support services to help them do so. We are dismayed therefore that the committee has not recommended immediate investment in high quality holistic support and exit services, without which so many women remain trapped in prostitution.

The report includes a recommendation to “change existing legislation so that soliciting is no longer an offence.” We believe that the committee means the offence of loitering or soliciting for the purpose of prostitution and not the offence of soliciting for the purpose of obtaining sexual services. However, the committee needs to make this absolutely clear. We do not support the removal of the latter offence, because like kerb crawling, it creates an intimidating and hostile public environment for women and girls.

Although we are delighted that the committee has so strongly recommended the decriminalisation of soliciting for the purpose of prostitution and the deleting of criminal

records for prostitution offences, we are concerned that without accompanying legislation to make buying or attempting to buy a person for sex a crime, it will send out a message that normalises and legitimises prostitution and that this will lead to a rise in all aspects of the sex trade, including the number of women and children being drawn into it.

We are also concerned about the recommendation to loosen the brothel keeping legislation to allow independent women to work together in the same premises. While women’s safety and well-being is our primary concern, we are concerned that pimps, traffickers and other commercial interests will seek to exploit any such change in the law and this will lead to more women being pimped, trafficked, and exploited. We are therefore alarmed that the committee has recommended this legislative change without a rigorous plan to ensure that it cannot be exploited by pimps, traffickers and procurers.

In addition we have similar concerns to those set out above on the decriminalisation of soliciting – that without accompanying sex buyer legislation and a tightening of the pimping regulations, it would normalise prostitution and lead to an increase in all aspects of the sex trade, including the number of women and children being drawn into it.

The Sex Buyer Law

The section of the report on the Sex Buyer Law is perhaps the most disappointing of all. The section starts by saying that a “large proportion of the evidence we received was from individuals and organisations arguing in favour of the introduction of a Sex Buyer Law in England and Wales.” The report then goes on to largely ignore that evidence and to extensively quote and refer to those who are clearly opposed to this approach.

For example, this section of the report quotes or refers to 17 people or organisations who are clearly ideologically opposed to the Nordic Model, three who support it and three who appear to be neutral, as shown in the following table.

Pro Nordic Model	Neutral	Ideologically opposed
<ol style="list-style-type: none"> 1. Nordic Model Information Network 2. APPG on Prostitution and the Global Sex Trade 3. Mika Malmö 	<ol style="list-style-type: none"> 1. Swedish Government 2. Norwegian Ministry of Justice 3. ACC Nikki Holland 	<ol style="list-style-type: none"> 1. Amnesty International 2. Northern Ireland Justice Minister, David Ford 3. Professor Peter Shirlow of the University of Liverpool 4. Support and Advice for Escorts (SAAFE) 5. The Sussex Centre for Gender Studies 6. Laura Lee 7. Professor Philp Hubbard of the University of Kent 8. The Sex Work Research Hub 9. The New Zealand

Pro Nordic Model	Neutral	Ideologically opposed
		Prostitutes Collective 10. Dr Jay Levy 11. International Union of Sex Workers 12. Action for Trans Health 13. Bridie Sweetman 14. Feminists for Solidarity Sweden 15. The Sussex Centre for Gender Studies 16. Miss E, a sex worker 17. Sex Worker Open University

Moreover much of the “evidence” in this section from those who are opposed to the Nordic Model is biased, not strictly relevant, or is conjecture and argument.

For example, under the subheading, “Health,” the Sex Work Research Hub is quoted as stating that “data from multiple countries linked criminalisation of sex work with up to a five-fold increase in risk of HIV infection or other sexually transmitted infections.” However, the research referenced does not appear to have been conducted in a country that has implemented the Nordic Model approach. We therefore question the relevance of including this quotation here.

Another example is the report saying that Bridie Sweetman “argued that the Swedish model limited the ability of sex workers and their clients to access preventive health measures and health checks; was associated with a drop in willingness to carry and use condoms; and workers were more likely to engage in unprotected sex out of desperation for work and the inability to report a client for insisting on unprotected sex.”

However, her written evidence on these points is mostly pure conjecture, such as that a client would have to admit to committing a crime in order to seek a sexual health check-up and that a “sex worker” would be “further stigmatised and degraded if they seek assistance from sexual health providers.” Similarly she says: “There is also a drop in willingness to carry and use condoms for two reasons: condoms are often used as evidence of transactional sex.” However, this is backed up by a reference to page 88 of a World Health Organisation publication from 2013, *Implementing Comprehensive HIV/STI Programmes with Sex Workers* which does not mention the Nordic Model.

Arguments for and against the Nordic Model

The bias of the committee is further revealed in the way the arguments for and against the Nordic Model were presented.

The arguments for were put under the heading “Potential benefits of a Sex Buyer Law” and amounted to two brief paragraphs; whereas the arguments against it were put under the

heading “Arguments against a Sex Buyer Law” with two entire pages separated under a number of subheadings, containing many quotations, most from those who are ideologically opposed to the Nordic Model or have vested interests in the sex trade.

For example, page 26 quotes the International Union of Sex Workers (IUSW). In an [interview with Julie Bindel and Cath Elliott](#),^{xxi} Douglas Fox, one of the leading figures in the IUSW, admitted that it is an activist and lobbying group rather than a trade union and that it includes pimps, who are redefined as managers and “sex workers”.

Another example is self-described “sex worker”, Laura Lee, who was quoted several times in the report, including in this section on page 25. She uses advertisements on social media both to accrue business and for political campaigning. She has [raised funds](#)^{xxii} for a legal battle against the Sex Buyer Law in Northern Ireland directly from men who pay for sex regularly. Thus there is a potential conflict of interest, as her public position and expressed views must take into account the wishes of those who fund her campaigning work.

So the committee chose to quote a lobby group run by and for the benefit of pimps and a campaigner funded by punters and possibly pimps rather than the European Women’s Lobby, UNISON, Welsh Women’s Aid, SPACE International, the Soroptimists, or the Women’s Support Project. None of these organisations were quoted a single time in the entire report, even though the former represents hundreds of women’s organisations throughout Europe, UNISON is a large trade union that represents millions of low paid women, SPACE is an international organisation of survivors of prostitution and the others are well-respected and established women’s charities.

Many other organisations, including those that work with prostituted women or conduct research on how policy affects women and girls, submitted written evidence that was ignored, including Community Safety Glasgow, Ruhama, JBS-R Associates, End Violence Against Women Coalition, Child and Woman Abuse Studies Unit, Women @ the Well, Women Analysing Policy on Women, Wales Assembly of Women, Trust Women’s Project and the Judith Trust. All of these organisations recommended a Nordic Model approach.

It appears that the committee did not make a concerted effort to understand the thinking behind the Nordic Model and the conclusion of this section states, incorrectly, that it “is based on the premise that prostitution is *morally wrong* and should therefore be illegal”. We urge the committee to reconsider the Nordic Model afresh, taking on board the full written evidence presented to the committee and the oral evidence from Kat Banyard, Mia Faoite and Alan Caton.

Sweden

Sweden was the first country to implement a Sex Buyer Law and it has had the political will to fund the police training, public education and exit services without which the law is unlikely to succeed. Under a heading “Sweden”, the report explains some positive outcomes of the law – such as consistent public support, and a reduction in both prostitution overall and the number of men who buy people for sex.

However, it expounds at greater length about the caveats in the Swedish government’s research and fails to mention that there have been no murders in prostitution in Sweden since the law was introduced. Similarly it fails to mention that in the same time period there has

been a rapid increase in the amount of prostitution in other European countries. In this light maintaining a steady state without an increase is clearly a significant success.

The UK state paid for the committee to go to Sweden to research the impact of the law. However, with the exception of a single sentence about *benefits* of the law that is buried in a subsection entitled “Harassment and other *negative effects* on sex workers,” the report fails to report on the trip and what they learnt there. It is hard to explain this glaring omission other than as a symptom of a reluctance to engage honestly with this ground breaking approach. The committee’s research trip to Denmark on the other hand was given almost an entire page.

Norway

The section in the report on Norway gives more space to Amnesty International’s so-called research in Norway than any other consideration. There is [compelling evidence](#)^{xxiii} that Amnesty had decided its pro-full decriminalisation position in advance of conducting this research. It is therefore especially troubling that a Parliamentary inquiry should rely so heavily on its research.

Moreover, in the paragraph about their research, the committee reports on a program (Operation Homeless) that predates the introduction of the Nordic Model law by nearly three years. As the data is aggregated and the programme was not part of the Nordic Model approach, it is difficult to understand how this is relevant or why it should be given such prominence.

We have been in touch with Norwegian feminists who have prepared a [response to Amnesty’s research](#)^{xxiv}. We urge the committee to take this into consideration.

Northern Ireland

Paragraph 66 (page 24) of the interim report says the following:

However, Sex Worker Open University pointed out that, under the terms of the legislation, street sex workers are newly subject to an offence under the Public Order Act 1994 if they are “acting in a manner which consists of loitering in a public place for the purpose of offering his or her services as a prostitute”, and so “a Bill that claims to ‘shift the burden’ has in fact increased the criminal burden on street-based sex workers.”

It is extraordinary that the committee should include this in its report because the [Human Trafficking and Exploitation](#) (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015^{xxv} repealed the offence of “loitering or soliciting for purposes of prostitution”. The offence Sex Worker Open University mention under the Public Order Act 1994 is NOT an offence in Northern Ireland. It is in fact a proposed [amendment](#)^{xxvi} to a bill in the Republic of Ireland!

How can the committee justify such sloppiness in a matter of such importance to the well-being of women and girls and gender equality?

Other legislative models

The committee has clearly rejected the legalised approach taken in the Netherlands and Germany and appears impressed by the fully decriminalised approach taken in Denmark and, particularly, in New Zealand where pimps and brothel owners are also decriminalised.

The section on New Zealand accepts the conclusions of the New Zealand government's research without any caveats. The section on Denmark explains that although prostitution was decriminalised in 1999, some related activities, such as operating brothels and pimping are illegal.

The research trip to Denmark is reported in some depth, including a visit to a centre that provides support for prostituted people. This states that the prostituted women come from disadvantaged backgrounds, suffer multiple problems and want to leave prostitution but cannot. This heartrending account does not appear to have dampened the committee's enthusiasm for a fully decriminalised approach. Nor did it lead the committee to question its fixed belief that prostitution is a consensual activity between equally freely consenting adults.

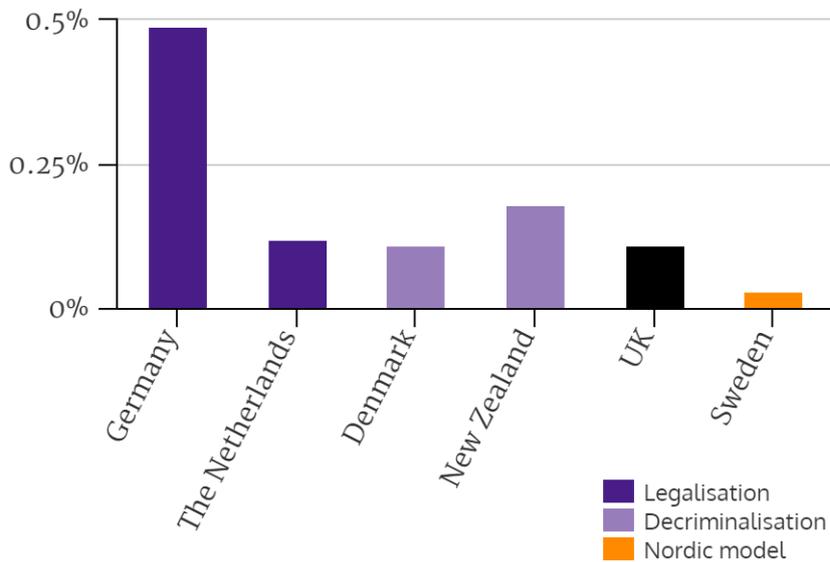
The consideration of the pros and cons of a decriminalised approach is superficial and does not consider the overwhelming evidence of the harms of prostitution to those in it and to the wider society, particularly to the status and well-being of women and girls. Nor does it consider the impact on gender equality.

The committee refused to consider whether full decriminalisation would lead to an expansion of the industry because "estimates of the size of a sex industry are very difficult to make" and the New Zealand Prostitutes Collective and the Sussex Centre for Gender Studies both state that the number of "sex workers" has remained stable in New Zealand since the introduction of the law. Absent from the report is any consideration of New Zealand's unique geographical isolation and how the same approach is likely to have a very different result in England and Wales given their close geographical connection with the rest of the UK and Europe.

While the numbers of people in prostitution may be hard to measure with great accuracy, it is possible to arrive at approximate figures for those involved in prostitution in each country. By presenting these as a percentage of the population of the country we can get a comparative figure, as shown in the following table and chart.

Country	People in prostitution	Total population	% pop in prostitution	Sex trade
The Netherlands	20,000 ^{xxvii}	16,877,350	0.12%	Legalised
Germany	400,000 ^{xxviii}	80,996,690	0.49%	Legalised
New Zealand	8,000 ^{xxix}	4,401,916	0.18%	Decriminalised
Denmark	6,000 ^{xxx}	5,569,077	0.11%	Decriminalised
Sweden	2,500 ^{xxxi}	9,723,809	0.03%	Nordic Model
UK	72,800	63,742,980	0.11%	

Percentage of the population in prostitution



This shows very clearly that the Nordic Model approach in Sweden has resulted in far fewer people in prostitution than in countries that have legalised or decriminalised buying sex. When pimping and brothel keeping are also allowed (as in Germany, the Netherlands and New Zealand) the percentage of people in prostitution is even higher.

The trend is also clear: the more liberal the regime towards punters, pimps and brothel owners, the more people end up in prostitution.

The report is skeptical that sex trafficking would increase under a fully decriminalised regime and places great emphasis on the caveats in the [LSE study](#) ^{xxxii} that showed that it does. However, the above figures and common sense would suggest that the LSE study is correct.

We are dismayed that the committee did not compare the number of [murders of prostituted women under the various regimes](#). ^{xxxiii} We believe that had they done so, they might not have been so convinced by the argument for full decriminalisation.

The committee failed to consider that decriminalising the sex trade implicitly suggests that it is harmless, and the implications of this. For example, how would this impact the motivation to fund the high-quality exit programmes, without which so many women are trapped? If it is considered harmless, what is to stop job centres and agencies funnelling girls and young women into the prostitution milieu? If prostitution is a legitimate occupation for women and girls, why should efforts be made to ensure that there are equal opportunities in other employment arenas? What would be the impact on boys and young men? Would it not lead them to expect sexual gratification as a right – which would ultimately make it harder for them to form mutual, sustaining, intimate relationships? And would it not inevitably lead to more sexual violence as they act out their strengthened sense of entitlement on their girlfriends and other women and girls they encounter? We already hear of instances of men getting angry when women don't accede to all their demands, as prostituted women must do to make a living.

Once the industry becomes legitimate, the government becomes reliant on its tax revenues and this can become a major disincentive to addressing the harms that it produces and it inevitably becomes deeply embedded in the economy. The State thus becomes the pimp, living off the bodies of its young female population.

A survivor's view

Many former prostitutes do not support the full decriminalisation of the sex industry, as a model exemplified by New Zealand (NZ), which was indicated as a possible long term aim in the report. As such the model received comparatively little criticism compared to the Sex Buyer Law, in spite of the wealth of criticism available from many respectable organisations, as has been indicated, including survivor organisation SPACE International. As a former prostitute, not only was I dismayed by the predominate male panel, but by the cautious bias indicated in the report, saliently demonstrated in the insistence upon qualifying the positives for the Sex Buyer Law, whilst being remarkably uncritical of the purported positives of full decriminalisation.

I was also dismayed, hugely, by the paucity of attention noted to the element of the Sex Buyer Law which calls for government funded support services for women exiting, or have exited the sex industry, as in France where almost five million Euros per year is being offered; an amount which although insufficient, represents a starting point. Whichever legal system is in place, it is utterly irrelevant to the needs of prostitutes – who are often forced to return to the industry because of the lack of support in exiting – without adequate exiting services specific to their needs. As a former prostitute and as someone who has recently spent time interviewing women in prostitution and exited women, services that support women who suffer from trauma, such as post traumatic stress disorder (PTSD) – and who wish to escape – should receive access to secular assistance, include temporary emergency housing, refuge, counselling and aid in obtaining social security.

Though I and other survivors would support the decriminalizing of those who sell sex, I would caution emphatically against the decriminalizing of brothel management and profiteering, especially if it enables the existence of large brothels and brothel chains. Unlike some of the women who gave evidence from the perspective of the industry who support the

New Zealand model, I have actually worked in a New Zealand brothel. I discussed my experience in a [recent article](#),^{xxxiv} however to summarize, the long term consequences of the ability of some to operate large brothels include increased competition and decreased charges as the brothels begin to run on a ‘low price/high volume’ basis, which can lead to prostitutes having to see more customers and needing to offer a higher range of, often, more dangerous or uncomfortable sexual activities, such as oral sex without a condom and anal sex.

In theory, the NZ model enables women to refuse customers however there is a very limited number of customers you can refuse before the brothel suggests you find other places to work, and often will insist on you having a ‘good reason’ to refuse any given customer. In practice, in all brothels, women will regularly have sex with customers that they simply do not want to. This has serious implications for laws relating to sexual harassment and coercion in the work place, unless of course, we are to make prostitution a special case.

Added to which, we are supposed to be able to negotiate the services that we are willing to offer, but from my own experience, this often doesn’t work in practice as the brothel managers can apply soft pressures. Indeed it is self policing, as customers simply won’t choose women who try to put up too many ‘boundaries’ as competition is so fierce, and as such women either capitulate to demands or struggle to earn enough money.

Punters feel vindicated in applying pressure and putting the prostitute at greater risk of danger, pain or discomfort, because the industry has been legitimised and they feel they have a right as consumers. The humanity of the women who are rented has always been shaky, but this is further cemented by the mega brothel culture.

I have spoken to Chelsea who currently works in a NZ brothel and has corroborated my story:

“My experience at the brothel is that of terrorism. It is a constant battle to uphold even the most minimal personal boundaries such as safer sex practices, like condoms and dental dams and no saliva transference (kissing) and not doing the deed more than once for a guy without being paid more than once. I definitely find it extremely difficult to even get bookings because most of the time I attempt to assert these minimal of boundaries.”

She and I are not alone as critics who have experience of the New Zealand model. Sabrina Valisce, a former campaigner for it, has since changed her position:

“I worked pre- and post-law reform. The Prostitution Reform Bill passed into law to become The Prostitution Reform Act (PRA) in 2003. The good part of it was that the threat of a criminal record was removed. This would happen under The Nordic Model also. I volunteered at the New Zealand Prostitutes Collective (NZPC), so I was [able to compare our decriminalization] goal ... to the results. I, and others who were agitating for decriminalization in New Zealand, we always wanted the power to be placed firmly in the hands of the prostituted person/sex worker. Decriminalization didn’t do that. The power went to the brothel owners, escort agency owners and johns. Immediately following the PRA, the pimps became legitimate businessmen. They introduced “All-Inclusive.” An “All-

Inclusive” is a single fee paid by the john to the brothel/escort agency via the receptionist. This means that the prostituted person/ sex worker has no power of negotiation. It also means that the pimp decides her earnings. The pimps gained the power to decide what a “service” would be paid and how much of that belonged to them. They also gained the power to withhold the woman’s earnings or even deny any existence of those earnings. Prior to law reform we negotiated our own money and decided our own services.”

You can find her full testimony [here](#).^{xxxv}

I would urge the panel and the government to put more consideration into exit services, and to consider the opinions of those campaigners, who have direct experience of the New Zealand model, who feel extremely strongly that the decriminalisation of brothel keeping and profiteering will further harm women in prostitution, and take what powers of negotiation or assertion they have, away.

Conclusion

The interim report cannot be considered evidence-based because the selection of the evidence relied upon was biased and the evidence that didn’t match that bias was downplayed by undue emphasis on routine caveats or the dismissal of the motives of the person presenting it as “emotive” or deriving from “moral values”.

No one demolishes the attempt to dismiss the argument for the Nordic Model on the basis that it is a moral crusade better than [Meagan Tyler](#).^{xxxvi}

“Perhaps this all depends on how you define “moral crusade.” If you view the movement for women’s equality as a “moral crusade”, then I suppose it is. If you are determined to dismiss all of the evidence in support of the Nordic Model and instead want to debate this on a “moral” level, then by all means do. Those who think violence against women is a bad thing are bound to win that argument.”

Prostitution causes great harm to those who are in it, it damages society, it leads to higher rates of harassment and sexual violence, it treats women as commodities that can be used to generate profits, it lowers the status of all women. Of course it is a moral and ethical issue.

We believe that the committee has failed in its responsibility to consider the issues surrounding prostitution dispassionately and we believe they need to start afresh. But first we urge the committee to take a step back and consider what type of society they want the prostitution legislation to contribute to. For example:

- What are the core principles that govern our society?
- Do we believe in equality between men and women, girls and boys?
- Do we believe in the principles enshrined in the Universal Declaration of Human Rights?
- Or do we believe that might is right?

- That greed is good?
- That women and girls must acquiesce in the face of the ancient patriarchal male sex right?
- That women and girls are not in fact fully human and so their rights to dignity, safety and freedom don't count?

We urge the committee to consider these, the ethical issues that underpin the system of prostitution and the ever expanding sex trade. We believe that only after considering such questions should they proceed with their inquiry.

We urge the committee to read again, with an open mind this time, the many written submissions from individual women and organisations who called for a Nordic Model approach. The committee has a very serious responsibility to get this right because the health and well-being of future generations of women and girls depend on it and many people will take their lead from the committee.

When the government considers its response to the interim report, we urge it to take into account all of the flaws and weaknesses that we have set out above.

We end with a short quotation from the written submission from [Jill Thomas](#):^{xxxvii}

“The open sale of women as bodies for sexual pleasure undermines equality and messages of consent. The main cause of sexual violence and abuse is a man’s attitude and belief in the worth of women. The relegation of women to a commodity to be enjoyed without any care for her feelings or impact on her health is dehumanising to all women and girls and ultimately dangerous. It has no place in a modern egalitarian society.”

Further reading

[New report says NZ ‘destination’ for forced labour, sex trafficking](#)^{xxxviii}

Updates

- This response was edited on 22 July 2016 to include a new section on Northern Ireland – in response to a comment on the article on our website.
- 24 July 2016, a link was added to the Kvinnefronten (a Norwegian feminist group) report on Amnesty’s research in Norway.

ⁱ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news-parliament-2015/prostitution-report-published-16-17/>

ⁱⁱ <http://www.catwinternational.org/Home/Article/587-over-300-human-rights-groups-and-antitrafficking-advocates-worldwide-weigh-in-on-sex-work-terminology-in-media>

ⁱⁱⁱ <http://www.oxforddictionaries.com/definition/english/service>

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- ^{iv} <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TrafficInPersons.aspx>
- ^v <http://www.un.org/en/universal-declaration-human-rights/>
- ^{vi} <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- ^{vii} http://wbg.org.uk/wp-content/uploads/2016/03/WBG_2016Budget_Response_PDF.pdf
- ^{viii} <http://www.theguardian.com/commentisfree/2016/jun/16/silence-scandal-unpaid-child-maintenance>
- ^{ix} <http://www.centreforwelfarereform.org/news/uk-in-breachhuman-rights/00287.html>
- ^x <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- ^{xi} <http://nordicmodelnow.org/myths-about-prostitution/myth-punters-care-about-the-women-they-buy/>
- ^{xii} <http://prostitutionresearch.com/wp-content/uploads/2015/09/Comparing-Sex-Buyers-With-Men-Who-Do-Not-Buy-Sex.pdf>
- ^{xiii} <http://nordicmodelnow.org/myths-about-prostitution/myth-punters-are-lonely-single-men/>
- ^{xiv} <http://the-invisible-men.tumblr.com/>
- ^{xv} <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/prostitution/written/29047.html>
- ^{xvi} <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- ^{xvii}
[http://www.prostitutionresearch.com/pdfs/MacKinnon%20\(2011\)%20Trafficking%20Prostitution%20and%20Inequality.pdf](http://www.prostitutionresearch.com/pdfs/MacKinnon%20(2011)%20Trafficking%20Prostitution%20and%20Inequality.pdf)
- ^{xviii} <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/prostitution/written/29651.html>
- ^{xix} <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/prostitution/written/29175.html>
- ^{xx}
<https://www.whatdotheyknow.com/request/329558/response/813307/attach/html/4/235%2016%20FoI%20104794%20table.xls.html>
- ^{xxi} <http://toomuchtosayformyself.com/2014/02/07/what-you-call-pimps-we-call-managers/>
- ^{xxii} <http://www.punternet.com/forum/index.php?/topic/40043-i-need-your-help/>
- ^{xxiii} <http://thefeministahood.wordpress.com/2015/08/24/what-amnesty-did-wrong/>
- ^{xxiv} <http://kvinnefronten.no/sex-trade-survivors-symposium/>
- ^{xxv} <http://www.legislation.gov.uk/nia/2015/2/enacted>
- ^{xxvi} <http://www.oireachtas.ie/documents/bills28/bills/2015/7915/b7915s-scn.pdf>
- ^{xxvii} http://en.wikipedia.org/wiki/Prostitution_in_the_Netherlands

^{xxviii} <http://www.havocscope.com/prostitution-statistics/>

^{xxix} http://www.aic.gov.au/media_library/publications/proceedings/14/jordan.pdf

^{xxx} <http://people.exeter.ac.uk/watupman/undergrad/aac/denmk.htm>

^{xxxi} <http://people.exeter.ac.uk/watupman/undergrad/aac/swed.htm>

^{xxxii} http://eprints.lse.ac.uk/45198/1/Neumayer_Legalized_Prostitution_Increase_2012.pdf

^{xxxiii} <http://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>

^{xxxiv} <http://www.feministcurrent.com/2016/05/02/working-in-a-new-zealand-brothel-was-anything-but-a-job-like-any-other/>

^{xxxv}

http://www.truthdig.com/report/page2/the_evidence_from_new_zealand_the_new_york_times_ignored_20160601

^{xxxvi} <http://www.feministcurrent.com/2013/12/08/10-myths-about-prostitution-trafficking-and-the-nordic-model/>

^{xxxvii} <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/prostitution/written/29250.html>

^{xxxviii} <http://www.stuff.co.nz/national/politics/81669433/new-report-says-nz-destination-for-forced-labour-sex-trafficking>