



# Submission to Scottish Trafficking and Exploitation Consultation

*This is the text of Nordic Model Now's written submission to the Scottish Government's 2016 consultation on its ['Human Trafficking and Exploitation Strategy for Scotland'](#).*

## 1. Section 1 (pages 4-8)

The overall Vision of the Strategy is to eliminate human trafficking and exploitation. The Strategy sets out three Action Areas that will help us to achieve this vision. These are

- Identify victims and support them to safety and recovery
- Identify perpetrators and disrupt their activity
- Address the conditions, both local and global, that foster trafficking and exploitation

Do you agree that these Action Areas taken together will help to achieve the vision?

**Yes/No (Please highlight your answer)**

NO

Are there any other comments you wish to make?

While the three action areas set out above are excellent in principle, we do not agree that the strategy for implementation set out in the document is adequate. We welcome the emphasis on identifying and disrupting goods supply chains that involve exploitation and trafficking for forced labour and the commitment to raising awareness and tackling these issues. However, we are dismayed that the strategy lacks a thorough gender analysis and an understanding of the specific issues around sex trafficking.

[Analysis](#)<sup>1</sup> by Eurostat, Europol and UNODC has found that trafficking for the exploitation of prostitution and other forms of sexual exploitation (sex trafficking) is the most common form of trafficking in Europe and that victims of this form of trafficking are mostly (96%) women and girls. In addition other common forms of trafficking (such as for domestic work and sham or forced marriage) disproportionately affect women and girls. (That the NRM statistics do not reflect the dominance of sex trafficking does not change the reality. Instead it suggests limitations within the NRM system.)

The one-size-fits-all approach in the strategy is likely to be more effective at tackling labour trafficking and exploitation than sex trafficking. As 80% of trafficking is [estimated](#)<sup>2</sup> to be sex trafficking the strategy is therefore bound to fail overall. Failure to address the particularities of sex trafficking and its gender dimension will inevitably also mean a failure to achieve SDG5 and binding obligations under [CEDAW](#)<sup>3</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the [Palermo Protocol](#)).<sup>4</sup>

When trafficking is for forced labour, the person is forced to work – on a farm or in a nail boutique, for example. When the purpose is the exploitation of prostitution, the victim is treated as an object that ordinary men in the community pay to sexually abuse for their own sexual and narcissistic benefit. Profits are huge because millions of ordinary men do this. It is these easy and excessive profits that drive sex trafficking.

Sex buyers do not have a good record at reporting sex trafficking victims. For example, a dedicated [Crimestoppers](#)<sup>5</sup> trafficking helpline aimed at sex buyers received only three calls in an entire year. Therefore the strategy to rely on ordinary people to identify sex trafficking victims is unlikely to be successful.

We believe that a proactive strategy for identifying sex trafficking victims and their perpetrators is needed. There is not a market for trafficked women and girls separate from the general prostitution market. Therefore this strategy needs to be applied to prostitution itself.

There is [evidence](#)<sup>6</sup> that where pimping and brothel keeping are tolerated, sex trafficking is higher. It follows that to reduce sex trafficking, the strategy must include a zero-tolerance approach to pimping and brothel keeping – not least because pimping is prohibited by CEDAW and [usually does satisfy the elements](#)<sup>7</sup> of sex trafficking, as defined in the Palermo Protocol.

In order to be successful at reducing sex trafficking, the strategy also needs to tackle the demand for prostitution itself – for example, through public education campaigns, zero tolerance of kerb crawling, and ultimately the introduction of the [Nordic Model](#)<sup>8</sup> (which makes sex buying a criminal offence), along with measures to address the objectification of women and girls in the wider culture, poverty, gender inequality and the subordinate position of women and girls.

All trafficking, slavery and forced labour is abhorrent. However, we believe it is important to recognise that the harms, physical, reproductive and psychological, of sex trafficking are of a different order from other forms of exploitation, such as forced labour. Sex trafficking typically involves being forced to endure unwanted sexual contact, including penetration of the anus, vagina and mouth, multiple times a day, which has grave implications for physical, psychological and reproductive health. It is sexual assault and rape – for another person's profit. Rape is recognised as a uniquely abhorrent and damaging offence. We are concerned therefore that the strategy does not spell out that sex trafficking victims are likely to have extreme needs, require specialised services within an all-female environment, and take longer to recover.

We believe that the report's gender neutral approach and lack of explicit understanding of intersecting inequalities, including that of sex, poverty, race and age, is mistaken and is bound to lead to a misrepresentation of the reality. Furthermore, it will not be possible to measure the actual success or otherwise of the strategy unless data is disaggregated by sex and age.

## 2. Section 3 (pages 11-24) of the Strategy covers each Action Area and sets out

- what is already happening,
- what we need to improve and
- what actions we will take.

2.1 Action Area 1 (pages 13-16) deals with identifying victims and supporting them to safety and recovery. Do you think the particular actions listed on pages 15 and 16 will help in achieving this?

**Yes/No (please highlight your answer)**

NO

**Please expand on your response if you wish to.**

The strategy relies on people who encounter victims reporting them. We believe that this is wholly inadequate for identifying victims of sex trafficking. As mentioned in our response to Question 1, sex buyers do not have a good record of reporting potential victims. We believe a proactive approach is therefore essential.

Sex trafficking can never be as hidden as forced labour, because profits are dependent on a steady flow of sex buyers who must be able to find the women. To the sex buyers, the sex trafficked women are typically indistinguishable from other women in prostitution. This is hardly surprising when we consider that he is buying her compliance and her pretence that she is enjoying it and thinks he is wonderful. He is buying not just sexual access but also ego massage. This requires his pretence as well as hers – a kind of cognitive dissonance, which is not conducive to admitting the reality that she is there because she is coerced – which applies in one way or another to the majority of women and girls in prostitution anyway. If she is not coerced by individual perpetrators, she is likely to have been coerced by circumstances of poverty, racism and inequality, a history of sexual abuse and growing up in a culture that objectifies women and girls and reduces their sense of possibilities. The strategy should therefore not rely on sex buyers to identify and report sex trafficking victims.

If the punters can find the women, law enforcement agencies can find them too. We call for the prioritisation and resourcing of the policing of prostitution, with the target being the traffickers, pimps, brothel keepers and punters, and not the prostituted persons.

We recommend that law enforcement agencies take the advice of the European Commission's [\*Study on the Gender Dimension of Trafficking in Human Beings\*](#)<sup>9</sup> and develop gender expertise in relevant cybertechnologies in order to identify victims and traffickers/pimps, including the movement of their illicit profits.

The strategy appears to underestimate the extent of the forces that make it difficult for victims of sex trafficking to come forward for support. [\*Research\*](#)<sup>10</sup> has found that they are often highly vulnerable due a combination of circumstances, including low levels of education, extreme poverty, childhood abuse, and/or experiences of violence and corruption

at the hands of older relatives and state officials. This and the extreme levels of trauma, fear, anxiety and physical and mental health problems caused by their experience within prostitution/as sex slaves, make it difficult, if not impossible, for many to trust officials and service providers or to make effective witnesses against their perpetrators. All of these factors are likely to be more extreme for victims of sex trafficking compared to other forms of trafficking and exploitation. The strategy needs to be explicit about how this will be addressed.

We are uncomfortable with the emphasis on building resilience in victims because it suggests, incorrectly, that the solution lies in the individual rather than society – thus it individualises what is a social problem.

As the line between prostitution and sex trafficking is so thin as to be almost non-existent, we believe that well resourced holistic exiting services should be available to all women and girls in prostitution, regardless whether they are identified as sex trafficking victims.

2.2. Action Area 2 (pages 17-20) deals with identifying perpetrators and disrupting their activity. Do you think the particular actions listed on pages 19 and 20 will help in achieving this?

**Yes/No (Please highlight your answer)**

NO

**Please expand on your response if you wish to.**

While we welcome the introduction of TEPOs and TEROs and the strong presumption against prosecuting victims, we are again dismayed that the strategy in this area appears to be more appropriate to other forms of trafficking and exploitation than sex trafficking. As sex trafficking is the most common form of trafficking, this is unconscionable.

Much of what we said in our response to Question 2.1 applies here – in particular that the policing of sex trafficking must be applied to the prostitution industry as a whole and must target pimps, procurers and brothel keepers as well as traffickers. It must be proactive, utilise the latest cyber technology, be prioritised at the national level, and be well resourced.

2.3. Action Area 3 (pages 21-24) deals with addressing the conditions that foster trafficking and exploitation. Do you think the particular actions listed on page 24 will help in achieving this?

**Yes/No (Please highlight your answer)**

NO

**Please expand on your response if you wish to.**

We welcome many of the actions in this section, particularly the emphasis on reducing poverty and violence against women and girls and all the actions relating to forced labour within supply chains. However, again we are dismayed at the silence on prostitution and how the demand for prostitution is the key driver for sex trafficking. Without addressing this, the

strategy is bound to fail overall – because, as mentioned previously, sex trafficking is the most common form of trafficking in Europe.

The existence of prostitution fosters sex trafficking. Therefore addressing the conditions that foster sex trafficking means addressing prostitution itself. Common sense would tell us that any measures that legitimise or normalise prostitution are bound to lead to an increase in sex trafficking and [research](#)<sup>11</sup> has confirmed this.

We recommend a Nordic Model strategy: decriminalising those who are prostituted and providing services to help them leave; making buying sex a criminal offence in order to reduce the demand that drives sex trafficking; strict policing of pimping, procuring and brothel keeping; along with a public education campaign about the harms of prostitution.

However, we believe that there are additional factors that foster sex trafficking, particular the objectification of women and children in the culture, the widespread availability of online porn (most of which is [misogynistic and features violence against women](#))<sup>12</sup> and the strategy needs to be explicit about how these are to be addressed.

### 3. Section 4 of the Strategy (pages 25 to 30) deals specifically with children.

**Do you think the particular actions listed will improve support for children in Scotland?**

**Yes/No (Please highlight your answer)**

NO

**Please expand on your response if you wish to.**

Like the rest of the strategy, this section lacks a gender analysis and an explicit awareness that sex trafficking is the biggest type of trafficking affecting children in Scotland and that it is driven by the demand of ordinary Scottish men for the prostitution of children. We believe that much, if not most, child sexual exploitation in the UK fits the Palermo Protocol definition of [sex trafficking](#).<sup>13</sup>

The strategy acknowledges the increased vulnerability of children due to “their age and dependency on others”. However, it lacks an awareness of the additional factors affecting girls, including the way mainstream culture itself objectifies and commercialises female bodies and commodifies youth. There is increasing evidence that this is a form of sexual abuse, which robs girls of their right to develop and explore their sexuality on their own terms and in their own time. Instead the very culture is grooming them to accept a life of objectification and service to men’s needs rather than their own.

For example, a [report](#)<sup>14</sup> produced by the American Psychological Association in 2007 found that the growing sexualisation of women and girls in the media and popular culture not only negatively impacts on the well-being and health of women and girls but actually contributes to sexism and sexual exploitation and provides a conducive context for violence against women. It also found that the sexualisation and objectification of women in the media and popular culture teaches girls that all they have to offer is their body and face, and that they should expend all their effort on physical appearance and attractiveness to males. We believe

that these factors make it particularly hard for girls to identify and resist pressures from predatory individuals who target them. It also contributes to a general social sense that girls themselves are to blame when things go wrong. For a powerful personal account of this dynamic, see Suzzan Blac's personal story of being sex trafficked as a girl in [Prostitution Narratives](#).<sup>15</sup>

We are concerned that the emphasis on not setting up systems for child trafficking victims separate from services for other children ignores the fact that children who have been victims of sex trafficking are likely to need specialised support and services and these special needs may be overlooked or unavailable in the mainstream services. We are also concerned that by placing responsibility within the local authorities, the service to these children is likely to be fragmented and patchy. We therefore feel that national coordination is required.

We are particularly concerned about the section about Child Sexual Exploitation (CSE) on page 29. It lacks an awareness that the vast majority of CSE is the prostitution and pimping of children and that it is driven by demand from men and the profits that can be made therefrom.

We believe that adults who have strong urges to abuse children should have high quality therapeutic services, but we do not believe that these adults account for the vast majority of those who traffic/pimp children or buy their prostitution. [Rachel Moran](#)<sup>16</sup> says of her time answering phones in a brothel:

*“One of the commonest questions that comes through on any brothels phone line is ‘What age is the youngest girl you have?’ I could not count the times I have been asked that question, and I defy anybody who has answered a brothels phone to tell the blatant lie that it is not the commonest question they’ve been asked too.”*

The prostitution of children cannot be separated from prostitution per se. So to effectively tackle the sex trafficking/pimping/prostitution/CSE of children, the strategy must tackle prostitution and the demand from men for it. [Research](#)<sup>17</sup> has shown that most men would be most deterred by the threat of personal consequences, such as being exposed as a sex buyer to family and work colleagues and/or being placed on the sex offenders register, or being faced with a sizeable fine or prison sentence. Educational programmes were the least likely to act as a deterrent. This is therefore a strong argument for the [Nordic Model](#),<sup>18</sup> with increased penalties for buying a child for sex.

Pornography, which is itself a form of prostitution, serves to normalise prostitution and it eroticises imbalances of power. As such it plays a role in the demand for prostitution, including the prostitution of children. We therefore believe that the strategy must also address pornography.

Under the heading Missing Persons on pages 29 and 30, we question the figure of 1 in 9 children who go missing and 1 in 6 who sleep rough “or with strangers” experiencing harm. This is a very low figure and we believe that it obscures the true picture. In addition, to provide a meaningful picture, the figures must be disaggregated by sex. Girls have periods that require bathroom facilities, without which there is risk of infection. Girls also can get pregnant which poses huge risks that boys simply do not face.

In addition, there is no mention that many (perhaps most) children who run away, are in fact running away from intolerable conditions – typically abuse or neglect. This understanding is

completely absent from the strategy and no amount of “return interviews” will change this if children are given no safe alternative to the intolerable conditions they are running from.

4. Section 5 of the Strategy (pages 31-34) sets out the measures we plan to use to assess the progress that has been made with the Strategy.

**Do you agree that these measures will be effective in measuring progress?**

**Yes/No (Please highlight your response)**

No

**Please expand on your response if you wish to.**

All of the measures rely on official statistics of some form or another. They therefore provide a picture of the trafficking and exploitation that has been officially recognised. They are almost guaranteed therefore to give a distorted picture of the reality.

We have shown in our responses to the previous questions that effectively tackling trafficking involves tackling prostitution generally as this is where the majority of trafficking takes place. Therefore measurement of the success of the strategy needs to include measurements of the prevalence, extent and acceptability of prostitution. Any increase would suggest an increase in sex trafficking.

If the police are using a proactive approach and utilising cybertechnologies, capturing statistics about the prevalence of prostitution and the wider sex industry in Scotland should be possible.

Furthermore, to give a full picture all data must be disaggregated by sex and age and ensure that “gender identity” does not replace sex, because this could obscure the real picture.

5. When we implement the Strategy we will want to do that by focusing on victims; by working in partnership; and by always looking to improve what we are doing. Pages 4-8 of the Strategy give more background information on this.

**Do you have any views on the best way to implement the Strategy?**

We have covered this in our response to Question 1.

## General

### 6. Do you have any other comments you wish to make?

We are dismayed that “Section 6. Policy Context” does not include a mention or reference to [CEDAW](#)<sup>19</sup> or the [Palermo Protocol](#).<sup>20</sup> These are key human rights treaties that the UK has ratified and that therefore place a binding obligation on Scotland to implement. Both of these treaties are directly relevant to the area of human trafficking. Their absence suggests a lack of commitment to tackling sex trafficking and violence against women and girls.

Michelle Bachelet, UN Women Director & Former President of Chile [stated](#)<sup>21</sup> that: “80% of all trafficked persons are used and abused as sexual slaves. This human rights violation is driven by demand for sexual services and the profit that is generated. The commodification of human beings as sexual objects, poverty, gender inequality and subordinate positions of women and girls provide fertile ground for human trafficking.”

We urge the Scottish Government to return to the drawing board and revise the strategy so that it will be effective in tackling sex trafficking, the most heinous of crimes that has such a negative impact on women and girls and the fabric of our society.

## About us

Nordic Model Now! is a UK grassroots group campaigning for the abolition of prostitution and for the Nordic Model (also known as the Sex Buyer Law) – the equality and human rights-based approach to prostitution. The Nordic Model decriminalises those who are prostituted, provides services to help them exit, and makes sex buying a criminal offence, in order to reduce the demand that drives sex trafficking. For more information, see <http://nordicmodelnow.org/>.



## References

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- <sup>1</sup> [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_the\\_gender\\_dimension\\_of\\_trafficking\\_in\\_human\\_beings\\_final\\_report.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf)
- <sup>2</sup> <http://www.equalitynow.org/traffickingFAQ>
- <sup>3</sup> <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- <sup>4</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- <sup>5</sup> [http://www.heraldscotland.com/news/13149175.Exposing\\_the\\_invisible\\_men\\_who\\_rate\\_sex\\_workers\\_online/](http://www.heraldscotland.com/news/13149175.Exposing_the_invisible_men_who_rate_sex_workers_online/)
- <sup>6</sup> [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_the\\_gender\\_dimension\\_of\\_trafficking\\_in\\_human\\_beings\\_final\\_report.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf)
- <sup>7</sup> [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)
- <sup>8</sup> <http://nordicmodelnow.org/what-is-the-nordic-model/>
- <sup>9</sup> [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_the\\_gender\\_dimension\\_of\\_trafficking\\_in\\_human\\_beings\\_final\\_report.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf)
- <sup>10</sup> <http://www.equalityhumanrights.com/en/research-report-82-investigating-experiences-people-trafficked-commercial-sexual-exploitation>
- <sup>11</sup> <http://www.demandabolition.org/resources/evidence-against-legalizing-prostitution/>
- <sup>12</sup> <http://vaw.sagepub.com/content/16/10/1065.abstract>
- <sup>13</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- <sup>14</sup> <http://www.apa.org/pi/women/programs/girls/report-full.pdf>
- <sup>15</sup> Prostitution Narratives: Stories of Survival in the Sex Trade edited by Caroline Norma, Melinda Tankard Reist. Spinifex Press, 2016
- <sup>16</sup> <http://theprostitutionexperience.com/?p=135>
- <sup>17</sup> [http://www.eavesforwomen.org.uk/Documents/Recent\\_Reports/Men%20Who%20Buy%20Sex.pdf](http://www.eavesforwomen.org.uk/Documents/Recent_Reports/Men%20Who%20Buy%20Sex.pdf)
- <sup>18</sup> <http://nordicmodelnow.org/what-is-the-nordic-model/>
- <sup>19</sup> <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>
- <sup>20</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- <sup>21</sup> <http://www.equalitynow.org/traffickingFAQ>