

Unison Conference 2019: Vote AGAINST Motion 108 “Decriminalisation for Safety”



Motion 108 “Decriminalisation for safety” at the Unison Delegate [Conference 2019](#) seeks to overturn Unison’s longstanding support for the Nordic Model approach to prostitution and replace it with support for full decriminalisation of the sex trade, including profiteers (pimps, brothel keepers, and procurers) and punters (sex buyers), on the basis that this is safer for “sex workers.”

*In this article, we go through the motion line by line, showing that it relies on partial facts, poor-quality research, and distortion of the bigger picture. We hope that this will help delegates and Unison members understand what is at stake and why we recommend you vote **against** the motion.*

Motion 108 unpicked

(The motion text is in bold and our response in normal type.)

“Conference notes that UNISON’s policy on sex work, adopted in 2010 on the basis of a motion from women’s conference, is to support proposals which decriminalise the selling of sex acts while introducing a ‘sex buyers law’ criminalising those who purchase sex acts.”

This is a misleading description of the current policy, the full text of which is available in the [Unison motions database](#).

The policy starts with the recognition that the UK’s current legislation enshrines men’s right to buy women for sex and is directly contradictory to a society based on equality between the sexes.

It continues with a recognition of the violence and abuse that is inherent in prostitution and the damage it causes to those in it, and how most women who become involved in prostitution do so as a result of childhood abuse, poverty, drug dependency, and homelessness, and commonly before their 18th birthday. It recognises that those selling sex should be decriminalised and provided with support services to help them exit prostitution safely and effectively; and that it is only through challenging men’s demand for prostitution

and changing attitudes that we will end the exploitation, violence, and abuse that is intrinsic to prostitution.

It is in recognition of all these facts that the policy calls for a [Nordic Model](#) approach to prostitution, which decriminalises the selling of sex and provides support for those in prostitution to build a new life outside, while criminalising profiteers and the purchase of sex, in order to reduce the demand that drives sex trafficking and to change social attitudes.

“Conference recognises that the great majority of sex workers are women. Conference also recognises that a significant number of women sex workers identify as lesbian, gay, bisexual and/ or transgender (LGBT), and there are many gay, bisexual, and trans sex workers who do not identify as women. Sex work is an issue for the LGBT community.”

Conference should also recognise that:

- The vast majority (99% or more) of punters are male. It is not possible to understand prostitution without recognising that it is something that men do mainly to women and children, but also to some men and trans people.
- The vast majority of those who are prostituted are young, poor, recent migrants, victims of earlier sexual abuse, LGBT youth, are coerced, and/or are out of all other options.
- Prostitution is not a relationship between people who have similar levels of social, economic, and cultural power.

“Conference notes that national LGBT conference takes a different view to women’s conference, having adopted motions at several conferences which:

“1) Recognises that the criminalisation of any kind, including of buyers, increases the risks for sex workers and hinders the global fight against HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immunodeficiency Syndrome).”

The criminalisation of prostituted persons is abhorrent and hinders the fight against HIV and AIDS. However, the assertion that criminalising punters and profiteers also hinders that fight is based on flawed modelling, faulty logic and studies in environments in which all of the actors were criminalised and **not** where the Nordic Model has been implemented.

The Nordic Model decriminalises prostituted individuals and provides services to help them exit, along with access to sexual health care and condoms. The Nordic Model therefore has a very different impact than countries where selling sex is criminalised and the women are targeted by the police. In addition, the woman typically has more bargaining power under the Nordic Model, making the use of condoms more likely and violence less likely.

For more on this, see [MYTH: The Nordic Model hinders the global fight against HIV](#).

There is no unequivocal evidence that the Nordic Model increases other risks for people engaged in prostitution and some claims that it does have been shown to be false.

For more on this, see [MYTH: Amnesty’s research in Norway has proved the Nordic Model is harmful to “sex workers”](#).

“2) Oppose the introduction of a sex buyers law;”

We contend that this opposition is based on a misunderstanding or denial of the facts.

“3) Reflect the view that sex workers are workers, who should have the same rights and protections as workers in other industries.”

Framing prostitution as normal work has a profound impact on how society views prostitution. This becomes formalised when the legislation frames prostitution as normal work – making it increasingly difficult for people to view prostitution outside a labour paradigm. As a result, punter violence and abuse comes to be seen as a “breakdown in labour relations,” and not violence against women that’s intrinsic to prostitution. Similarly the predictable psychological and physical consequences of such violence are seen as “occupational hazards” that must be accepted and where possible minimised but never challenged. So no one asks what prostitution is for and why it’s considered inevitable.

Recognising prostitution as normal work is regressive and poses serious implications for all workers and the trade union movement.

Health & Safety (H&S)

In any other occupation with a risk of exposure to body fluids, you have to wear masks, gloves, goggles, and protective clothing.

Condoms slip and break, punters sometimes refuse to wear them, and they don’t protect from saliva, sweat, faecal matter, and other body fluids. Or from injuries and inflammation caused by friction and mechanical trauma. Or from the psychological damage or deliberate physical violence.

Health & Safety standards require employers to rethink working practices to eliminate unreasonable risk. In prostitution, this would require participants to wear full protective clothing and the prohibition of any intimate contact – which would, of course, change the nature of prostitution itself.

Recognising prostitution as work would therefore require accepting that normal H&S standards do not apply to it. This would set a terrible precedent that the trade union movement should vehemently resist.

For more on this, see [What nurses need to know about the RCN motion to decriminalise prostitution](#).

Decent work

The United Nations has a concept of [decent work](#), which is defined as:

“Productive work for women and men in conditions of freedom, equity, security and human dignity. Decent work involves opportunities for productive work, delivers a fair income, guarantees equal opportunities and equal treatment for all, provides security in the workplace and protection for workers and their families, offers better prospects for personal development and social inclusion, and gives people the freedom to express their concerns, to organize and to participate in decisions that affect their lives.”

The concept of decent work is included in major human rights conventions, including Article 23 of the Universal Declaration of Human Rights.

Before we consider whether prostitution can fit the UN definition of decent work, we need to remember exactly what it is. A young woman who got in touch with us, described her recent experience of prostitution like this:

“People think prostitution is about having consensual sex for money. It’s not. Those men don’t want to pay for that. They paid me and then used me however they wanted. I was beaten with objects until I bled; spat at; anally raped; gang raped; passed around at sex parties like a toy, men slipping off their condoms; I was shouted at, threatened, choked, told to look like I enjoyed it or he’d take the money back. I was scared every single second.”

This is not work and it certainly is not productive. Its conditions do not include freedom and human dignity or any of the other requirements of decent work.

For an in-depth discussion of other serious implications of recognising prostitution as work, see [Why Sex Work Isn’t Work](#).

Predatory capitalism

Prostitution is part of a hugely exploitative system that disproportionately benefits men at the expense of (mostly) women and girls. It generates vast profits for third parties – [estimated](#) at **\$1 Billion** a year in the UK and **\$186 Billion** globally. It is capitalism at its most ruthless and predatory.

Most of that money does not end up in the pockets of the vulnerable people who are rented out for sexual use. They are the commodity that’s being sold. It’s third parties who get rich off the back of their suffering, and who have a vested interest in maintaining and expanding their cash cow.

Decriminalising the sex trade would inevitably send out the message that there’s nothing wrong with this; that it’s OK for men to pay to rent (mostly young) people for sexual use and personal gratification. And the corollary would be that we should expect our young people to have to endure being sexually penetrated and used by men they don’t fancy for their living, and that it’s acceptable for third parties to profit from that and to build commercial enterprises around it.

This is not compatible with the values of the trade union movement and is likely to lead to the institutionalisation of prostitution as welfare for poor women.

For the trade union movement to accept prostitution as work and a legitimate raw material for predatory capitalism would be a terrible capitulation and would stand in opposition to all that it has traditionally fought for. And, again, it would set a terrible precedent.

“Conference further notes:

“a) That there have been significant developments since 2010 including Amnesty’s 2016 publication of its policy on sex workers, which includes advocating for the decriminalisation of all aspects of consensual adult sex work;”

Given the obscene profits that can be made from prostitution, it’s no surprise that there’s a powerful lobby pushing for full decriminalisation and that it has successfully infiltrated many high-level organisations.

A brief look at how Amnesty International [came to adopt](#) its policy is instructive. Douglas Fox, who describes himself as a “sex worker” but is actually a pimp who was running the largest prostitution ring in the north-east of England at the time, was a member of the branch that introduced the original motion. He proposed the motion and there’s little doubt he was the driving force behind it.

Subsequently Amnesty received advice from organisations led by pimps who described themselves as “sex workers,” including the Global Network of Sex Work Projects (NSWP), whose vice president has now been jailed for 15 years for sex trafficking, and Asociacion de Mujeres Meretrices de Argentina (AMMAR) whose founder has also been charged with sex trafficking.

It is not surprising therefore that Amnesty’s policy calls for all aspects of “consensual adult sex work,” including pimps and brothel-keepers (now called “organisers”) to be fully decriminalised. They claim this is in order to secure “sex workers’ human rights” but there’s no mention that in [1949](#) the UN declared prostitution incompatible with human rights, nor that the policy contradicts [CEDAW](#) and the [Palermo Protocol](#).

Perhaps the most damning fact is that Amnesty did not conduct research in **any** of the countries – such as New Zealand and Germany – that have implemented legislation consistent with its recommendations. If it had conducted such research, Amnesty would know that the approach it recommends invariably leads to an unmitigated [human rights disaster](#).

Amnesty’s research in Norway falls far short of research norms and good practice, was deeply flawed, and relied on a discredited research paper and research performed before the introduction of the Nordic Model. It misinterpreted international human rights law and omitted testimony and interview responses that were supportive of the law. For more on this, see: [MYTH: Amnesty’s research in Norway has proved the Nordic Model is harmful to “sex workers”](#)

For a critique of the policy, see [Response to Amnesty’s Prostitution Policy](#).

“b) Full decriminalisation is also supported by many other organisations including the World Health Organisation, the Global Alliance Against Traffic in Women and Anti-Slavery International, and by sex worker’s organisations;”

These organisations promote the full decriminalisation of the entire sex trade, including of profiteers and punters.

Like Amnesty International, the World Health Organisation (WHO) was [advised by a pimp](#) who has now been jailed for 15 years for sex trafficking.

Many high profile lobbyists for “sex worker’s organisations” claim to be “sex workers” but are in fact pimps and/or brothel keepers. Melissa Farley [documented](#) 13 of them but there are likely to be many others who have not been caught. Their promotion of the full decriminalisation of the sex trade is like tobacco industry moguls advising on smoking policy. And like the tobacco industry lobbyists, they are masters of obfuscation, manipulation, and euphemism. We therefore need to exercise caution when assessing their contributions to the debate.

The truth is that many (perhaps most) women in prostitution do not want to see the sex trade, and certainly not pimps, decriminalised. They know they want to be decriminalised themselves and if they are presented with a choice between “decriminalisation” and “criminalisation,” of course they opt for the former. But often they don’t know there’s an alternative, or they’ve been frightened by scare stories about women getting evicted under the Nordic Model. When they come to learn or understand that they would be decriminalised and get help to exit under the Nordic Model, while only the exploiters would be targeted, they often support it.

There are many reasons why many of those in prostitution or who have exited it cannot easily [speak freely](#) in public. But even so, there are many survivors who openly campaign for the Nordic Model. In addition, there are many highly respected [organisations](#) that vehemently oppose the full decriminalisation of the sex trade and instead advocate for the Nordic Model.

“c) The rejection by the 2018 UNISON women’s conference of a motion ‘Nordic Model Now!’ which called for women’s conference to affirm its policy of supporting the Nordic Model, a legal model based on decriminalising the selling of sex acts while introducing a ‘sex buyers law’.”

This motion was lost by a small margin and the 2010 policy remains in place.

“Conference further notes New Zealand decriminalised sex work in 2003. The legislation recognises sex work as work, and it is therefore covered by employment law. Sex workers have the legal right to refuse any client for any reason at any point – the law treats sex workers’ consent as crucial.”

New Zealand introduced full decriminalisation in the 2003 [Prostitution Reform Act](#) (PRA). Five years later a [review](#) found conditions in abusive brothels hadn’t improved, and the women felt it had made little difference to punter violence, which remained endemic.

Women who have experienced life in New Zealand's brothels, such as [Sabrinna](#), [Chelsea](#) and [Rae](#), confirm this and also that refusing clients is seldom possible in practice.

Janice Raymond's recent [research](#) shows the New Zealand Prostitutes' Collective (NZPC), which promotes full decriminalisation, plays a key role in gatekeeping the legislation – which is a searing conflict of interests and contravenes good governance – and there's little independent oversight of the industry. There were only 23 brothel inspections 2003–2015 but 914 applications for brothel operator certificates 2004–2011.

The legislation has opened the way for multi-storey brothels in town centres and business districts and unrestricted smaller ones in residential districts. These are classified as “Small Owner Operated Brothels” (or [SOOBs](#)). There's been rapid expansion in the number of SOOBs, and many are run by pimps. SOOBs are excluded from the official brothel data, which therefore gives a distorted view of the reality.

Sex trafficking is now [recognised](#) to be prevalent in New Zealand, and Māori and Pacific Islander women and children are disproportionately represented. Because brothels and SOOBs are legal, there is little or no oversight from the police.

The PRA has also failed to stop the prostitution of [children](#), which remains a major problem. [Mama Tere Strickland](#), a community worker, says: “At least the old law kept a lid on the numbers, but with no law on the streets, the pimps and gangs have moved in.” The children typically have family violence and sexual abuse in their backgrounds.

Since the change in the law there's been a [significant rise](#) in reported rape, sexual assault, and other male violence against women and girls in the general population. This is not surprising, given that there's been an increase in the amount of prostitution, and [evidence](#) shows that prostitution-buying makes men more prone to sexual violence.

“The New Zealand model has been praised by women's rights organisations, human rights organisations, and international bodies such as the World Health Organisation, as the best legal approach to protect the safety, rights, and health of people who sell sex.”

Some international bodies, such as the WHO and UNAIDS, support the full decriminalisation of the sex trade as implemented in New Zealand. But their support is [based on](#) flawed modelling, incorrect use of statistics, and advice by an organisation that was under the leadership of a now convicted pimp / trafficker.

Many [women's rights organisations](#) are vehemently opposed to New Zealand's fully decriminalised approach and instead campaign for the Nordic Model.

For a succinct account of some of the problems with the New Zealand approach, we recommend [What lies beneath prostitution policy in New Zealand?](#)

“Conference recognises that decriminalisation is not about ‘encouraging’ sex work – it's about the safety of people who sell sex. It believes that as a trade union we should be

listening to the workers – to sex workers – and should not be calling for laws that put sex worker, including women and LGBT sex workers at greater risk.”

The aim of full decriminalisation may not be about encouraging sex work, but that is one of its consequences.

When a country decides to decriminalise the entire sex trade, it sends out the message that buying sexual access to other people is now considered a normal, legitimate, and acceptable thing to do, and so is profiting from other people’s prostitution. This inevitably leads to an increase in those activities.

This has been backed up by research that shows that legalisation / full decriminalisation of the sex trade causes more people to be drawn into prostitution in general and more sex trafficking in particular. For example:

- A [study](#) with data from 150 countries found that countries with “legalized prostitution experience a larger reported incidence of trafficking inflows.”
- An [economic analysis](#) concluded the same thing, as did an [extensive study](#) by the European Parliament.
- Research in [New Zealand](#) showed an increase in street prostitution after the PRA.

In contrast, research in [Norway](#) since the introduction of the Nordic Model in 2009 has shown a significant **decrease** in the numbers of individuals selling sex. Similarly [research](#) in Sweden has shown a significant **decrease** in the size of the prostitution market.

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

Safety of people who sell sex

Prostitution is inherently [violent](#) and nothing can make it safe. It is damaging to the individuals who are prostituted and it’s damaging to society as a whole. It increases the objectification of women and girls and men’s sense of entitlement. It therefore contributes to the [epidemic](#) of male violence against women and children that we are currently witnessing.

As we have shown earlier, no law can bring prostitution into line with Health & Safety norms or international standards of “decent work.”

Laws can and do make a difference in how people understand prostitution and whether it is sanctioned by society. Full decriminalisation doesn’t make it safe and is likely to lead to an increase in the numbers involved in prostitution – leading to more women and girls being harmed.

Listening to sex workers

We are in touch with many women who have current or recent experience in prostitution who support the Nordic Model. Here is a message one of them sent us on social media:

“I have experience within the sex industry – both ‘choice’ and forced. There are many of us. I have friends I used to ‘work’ with on the streets and in brothels who are still stuck and none of them want full decriminalisation. It would mean the end of exit opportunities.”

Prostitution affects everyone and so every single one of us has a stake in policy surrounding it. We do not base major decisions on the future of controversial industries (like fracking and nuclear weapons) solely on the views of the people working in them. That someone enjoys their job in fracking is irrelevant to the decision whether we as a society want it. Of course, those who lose their income because an industry is closed down must be given help to exit, retrain, etc. The Nordic Model specifically includes this provision.

“Conference therefore believes that UNISON should no longer call for the introduction of a ‘sex buyers law’.”

For all of the reasons explained above, we believe this is misguided and that the Nordic Model (Sex Buyer Law) is the best approach to prostitution policy that has yet been devised and so the policy to support it should be retained.

“Conference instructs the National Executive Council to begin a dialogue with the National LGBT Committee, National Women’s Committee and other appropriate bodies within the union with a view to reviewing and advancing UNISON policy in this area.”

Any consideration of policy on prostitution must be rooted in a vision of social justice, human rights, and true equality for all.