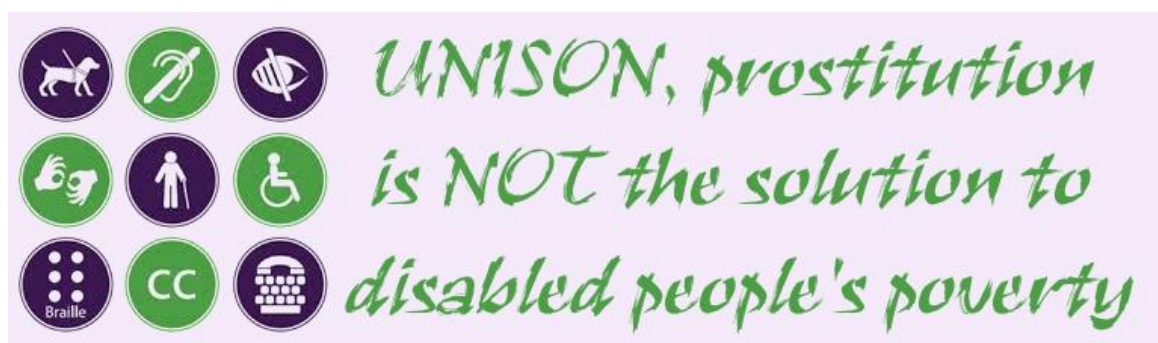


Unison NDMC 2019: Vote AGAINST Motion 25 “HIV/AIDS and decriminalisation for disabled people’s safety”



Motion 25 “HIV/AIDS and decriminalisation for disabled people’s safety” at the Unison National [Disabled Members Conference](#) (NDMC) 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.”

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

Conference recognises that the great majority of sex workers are women, including disabled women. However what is less well known is that globally, sex workers are 13 times more at risk of HIV (Human Immunodeficiency Virus) compared with the general population, due to an increased likelihood of being economically vulnerable, unable to negotiate consistent condom use, and experiencing violence, criminalisation and marginalisation. HIV/AIDS (Acquired Immunodeficiency Syndrome) are specifically recognised in the Equality Act 2010 as a disability from the date of diagnosis. So sex work is an issue for disabled people.

That people involved in prostitution are 13 times more at risk of infection with HIV compared to the general population is strong evidence that prostitution is extremely dangerous for those involved. The factors mentioned certainly increase the vulnerability of the person but are not *cause* of the infection – which is always exposure to infected body fluids.

In any other occupation where workers are exposed to body fluids, workers are required to wear masks, gloves, goggles, and protective clothing and to take other precautions to avoid the possibility of contamination.

Condoms do not come close to reducing risk for those in prostitution to a level comparable with those faced by workers in, say dentistry or nursing, because condoms slip and break, and punters refuse to wear them. Condoms don’t protect the person in prostitution from the

punter's saliva, sweat, faecal matter, and other body fluids; or from [damage](#) to orifices and internal organs caused by friction and prolonged heavy pounding; or from his [violence](#).

Health and safety standards require employers to *rethink* working practices to eliminate unreasonable risk. When this is not possible, industries are often closed down, as the asbestos industry was closed down in this country.

[Recognising prostitution](#) as work would therefore require accepting that normal Health & Safety standards do not apply to it. This would set a terrible precedent that the trade union movement should vehemently resist.

The aim of the [Nordic Model](#) approach that Unison currently supports is to close down the sex industry on the basis that it is not safe and to provide women with genuine routes out and viable alternatives. This is the only ethical approach and we urge delegates to vote against this motion and to support Unison's current position.

Conference also notes that, with so many barriers still blocking disabled people's access to mainstream employment, for some disabled women sex work is an option that allows them to work the hours that suit their needs and take time off when required.

As noted by the UN Rapporteur on Poverty on his visit to the UK, for some disabled women, stringent work capability assessments and unfair PIP decisions have meant they are turned down for benefits and rely on sex work to survive. Some other disabled women use sex work to top up low income as a result of Universal Credit sanctions, the benefits cap and bedroom tax, zero hours contracts and the gig economy.

Let's cut through all the pretence and remember what prostitution really is. It is the sexual use and penetration of (usually) a woman's body by a man for his gratification.

Yes, people are turning to prostitution out of desperation and they should not be penalised for that. But does Unison really want to promote prostitution as a *solution* to disabled people's poverty? Do we want to set that in stone in our policy? *Really?*

How is that compatible with the values of the trade union movement?

Should we not instead be fighting for reform to the benefits system, adjustments for disabled people, the right to flexible hours, high-quality childcare, the reinstatement of a real welfare system, and an end to austerity?

Conference notes the 2010 conclusions of the UN Special Rapporteur on the Right to Physical and Mental Health that criminalisation of sex workers or their clients may only make it more difficult for sex workers to negotiate safe sex and may drive them to work in more isolated and unsafe areas. Criminalisation and lack of protections for sex workers can lead to violence against sex workers and to traumatisation which can also result in some becoming disabled.

Unison's current policy calls for the full decriminalisation of all those engaged in prostitution.

The evidence is *not* incontrovertible that criminalising prostitution clients and pimps makes it more difficult for women in prostitution to negotiate safer sex and drives them into more isolated places. What is clear is that decriminalising clients and pimps [leads to an increase](#) in the amount of prostitution that takes place and this inevitably leads to more women and girls being drawn into prostitution and being hurt within it – meaning that there is more harm overall.

Conference also recognises that a significant number of sex workers identify as lesbian, gay, bisexual and/or transgender plus (LGBT+), including many who are living with HIV/AIDS.

Conference should also recognise that the vast majority (99% or more) of prostitution clients 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, disabled, 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 UNISON’s policy on sex work, adopted in 2010 on the basis of a motion from UNISON National 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, which 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.

Using down-to-earth and unambiguous language, the following table provides a summary of the key measures of both the Nordic Model and full decriminalisation of the sex trade as advocated by Motion 25.

| CHECK LIST | NORDIC MODEL | FULL DECRIM |
|---|--------------|-------------|
| Decriminalises those engaged in prostitution? | ✓ | ✓ |
| Provides services, including routes out & genuine alternatives? | ✓ | ✗ |
| Decriminalises pimping (profiteers)? | ✗ | ✓ |
| Decriminalises buying sex? | ✗ | ✓ |
| Large brothels, subject to planning? | ✗ | ✓ |
| Unrestricted small brothels? | ✗ | ✓ |

However conference further notes that UNISON National LGBT Conference takes a different view, based on motions to their conference which:

Recognise that criminalisation of any kind, including of buyers, increases the risks for sex workers and hinders the global fight against HIV and AIDS;

- 1) **Oppose the introduction of a sex buyers law;**
- 2) **Reflect the view that sex workers are workers, who should have the same rights and protections as workers in other industries.**

The criminalisation of prostituted persons is abhorrent and hinders the fight against HIV and AIDS. However, the assertion that criminalising buyers 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 individuals engaged in prostitution 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.

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.

We contend that opposition to the Nordic Model is based on a misunderstanding or denial of the facts.

Framing prostitution as normal work has a profound impact on how society views prostitution. When legislation frames prostitution as normal work, it makes 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.

Conference acknowledges that there have been significant developments since UNISON agreed its policy in 2010 including:

a) 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.

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 workers 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 2018 UNISON National 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.

d) The Royal College of Nursing 2019 conference decision to support a policy of full decriminalisation in order to safeguard sex workers, improve their health and reduce the impact of HIV/AIDS.

The motion calling for this policy was confusing and misleading. It is questionable whether it would have passed had it set out clearly and in detail exactly what it was calling for. The [debate](#) was unbalanced and rife with confusion and misleading statements and those arguing for the Nordic Model were attacked and vilified during the run up to the debate. We do not

believe that the passing of the motion under these circumstances gives RCN a mandate to push forward with lobbying UK governments to fully decriminalise the sex trade.

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 and trafficking remains illegal.

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.

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.

Conference recognises that decriminalisation is not about “encouraging” sex work – it’s about the safety of people who sell sex, including disabled and LGBT+ people.

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.

Conference 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 workers, including disabled, women and LGBT+ sex workers, at greater risk.

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 the safety of disabled sex workers is an issue for the National Disabled Members SOG and instructs the National Disabled Members

Committee to begin a dialogue with the NEC, the National Women’s Committee, the National LGBT+ Committee, and other appropriate bodies within the union with a view to reviewing and advancing UNISON policy in support of full decriminalisation.

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.

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