



Submission to the Home Affairs Committee Prostitution inquiry from the Nordic Model Information Network

18th February 2016

1. The Nordic Model Information Network is a global alliance of researchers with deep and systematic expertise in researching the dynamics of prostitution and the sex industry, trafficking and violence against women. We welcome the opportunity to respond to the Home Affairs Committee Prostitution inquiry.
2. Our research is grounded in contemporary evidence including, importantly, the testimony of survivors of the prostitution system, as well as drawing on historical, philosophical and sociological inquiry. Many of us have worked directly with prostituted women and girls. We have individual and collective links with a wide variety of organisations working for the abolition of prostitution as an institution of gender inequality and exploitation. We call for the criminalisation of buying and selling of others for sex and the decriminalisation of those who are bought and sold for sex.

Whether criminal sanction in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it

3. We unequivocally support the removal of criminal sanctions for all those who are bought and sold for sex and support criminal sanctions for those who buy and sell others for sex (pimping and sex trafficking). Men are overwhelmingly the majority of those who buy sex, and women and girls those whose bodies are bought and sold. For the latter, criminal sanctions are a punishment for being coerced, or making a decision to survive where there are no meaningful alternatives. Linking criminality to being used in prostitution deepens the social stigma directed at women and girls in systems of prostitution, creates distrust between them and the police/statutory agencies, acting as a deterrent to seeking support, and presents a formidable barrier

to exiting.¹ We call for the immediate removal of criminal sanctions for activities related to persons who are bought and sold for sex.

4. We support the criminalisation of the purchase of sex. In Sweden, where this approach was pioneered, prostitution is recognised as incompatible with equality between women and men. The countries with the highest levels of gender equality in the world have subsequently adopted this approach.² Research from Sweden, Norway, the U.S. and a global survey shows a correlation between attitudes supporting equality between women and men and being critical of the social institution of prostitution.³ For the UK to fulfil aspirations and obligations to address ongoing inequalities between women and men, it is vital to send a strong law and policy message that it is unacceptable for women's bodies to be on sale for men's sexual release.
5. Criminal sanctions should be shifted to men who buy sex. First, **the UK is obliged under a range of international human rights instruments to reduce demand for commercial sexual exploitation.**
6. For instance, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (The Palermo Protocol) requires States Parties to '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 UN Recommended Principles on Human Rights and Human Trafficking (2002) specify that 'strategies aimed at preventing trafficking shall address demand as a root cause of trafficking'. In 2014, the European Parliament, following a vote overwhelmingly in favour of MEP Mary Honeyball's motion to recognise prostitution and sexual exploitation as cause and consequence of gender inequality, called upon Member States to reduce demand as part of 'an integrated strategy against trafficking'.⁴ Resolution 1983 adopted by the Council of Europe Parliamentary Assembly in April 2014 echoed this, requiring states to consider criminalising the purchase of sex as a means to address trafficking.⁵
7. Secondly, **evidence on the impact of the criminalisation of paying for sex in Sweden shows that prostitution markets and the proportion of men who buy sex have reduced, and popular support for the law increased.** Since the law was enacted in 1999, independent evaluations have found that street prostitution markets have

¹ Bindel, J. Brown, L. Easton, H. Matthews, R. and Reynolds, L. (2012) *Breaking down the barriers: A study of how women exit prostitution* London: Eaves and London South Bank University.

² For example, Iceland, Sweden and Norway.

³ See: Basow, S. & Campanile, F. (1990) Attitudes Toward Prostitution as a Function of Attitudes Toward Feminism in College Students *Psychology of Women Quarterly* 14(1) 135–141; Jakobsson, N. & Kotsadam, A. (2011) Gender equity and prostitution: An investigation of attitudes in Norway and Sweden. *Feminist Economics*, 17(1): 31-58; Chon, D.S. (2015) Gender Equality, Liberalism and Attitude Toward Prostitution: Variation in Cross-National Study *Journal of Family Violence* 30(7) 827-838

⁴ See TEXTS ADOPTED PART III at the sitting of Wednesday 26 February 2014.

⁵ See <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=20716&lang=EN>.

been reduced by half; there is no evidence that prostitution has been displaced into other spaces.⁶ The size of the sex industry decreased considerably in Sweden following the introduction of the law, compared to neighbouring countries Denmark and Norway, where the number of prostituted persons has been estimated with similar indicators to be about 10 times higher per capita than in Sweden around 2007 (before buying sex was criminalised in Norway in 2009).⁷ Although those figures may not be completely precise, the huge per capita difference cannot be explained by an increase in so-called 'hidden' prostitution, as women must be visible for buyers to locate for any significant sex trade to occur.⁸ Evidence on this comparative impact of criminalising the purchase of sex shows the effectiveness of the law in reducing commercial sex markets, and therefore reducing contexts in which trafficking and other forms of violence flourish.⁹ This contrasts with contexts where prostitution is legalised, which show 'expansion[s] of the prostitution market' and larger inflows of trafficking.¹⁰ A smaller commercial sex market means fewer buyers,¹¹ so fewer harms of prostitution.

8. Support for the law in Sweden from the general public has increased from 20% of men and 45% of women in 1996¹² to 60% of men and 85% of women in 2014.¹³
9. The only fatality of a woman in prostitution in Sweden was murdered in 2013 by her ex-boyfriend during a custody visit (a domestic violence murder). This contrasts to New Zealand, where since decriminalisation of the sex industry at least four women involved in prostitution are known to have been murdered by sex buyers. At least 55 prostituted women have been murdered in Germany since 2002, when prostitution was legalised.¹⁴ Since the sex purchase prohibition was introduced in Sweden, there has been no lethal violence against women in prostitution.
10. Disinformation about women's safety under the Nordic model has been exposed elsewhere.¹⁵ Violence against women by sex buyers is documented in all policy

⁶ See data and analysis in the synoptic research of Max Waltman (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential *Women's Studies International Forum* 34: 458-460; Waltman, M. (2011) "Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law," *Michigan Journal of International Law* 33: 146-51

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Cho, S-Y, Dreher, A & NeuMayer, E. (2012) Does Legalized Prostitution Increase Human Trafficking? *World Development* 41: 67-82

¹¹ See Waltman, M. (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential *Women's Studies International Forum* 34: 459-460

¹² Mansson, S-A. (2000) cited in Waltman, M. (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential *Women's Studies International Forum* 34: 459-460

¹³ Länsstyrelsen Stockholm (2015) *Summary: The extent and development of prostitution in Sweden* Stockholm: Länsstyrelsen.

¹⁴ Data collected by activists in Germany 'Prostitution in Germany: Murders and attempted murders since 2002'. Perpetrators are reported as buyers and those associated with the prostitution milieu.

¹⁵ See Waltman, M. (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential *Women's Studies International Forum* 34: 460-462; Waltman, M. (2011) Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law *Michigan Journal of International Law* 33: 151-153

contexts, demonstrating the impossibility of keeping women safe while in prostitution.¹⁶ Making women's lives safer requires ending demand and commercial sexual exploitation.

Implications for prostitution-related offences of the Crown Prosecution Service's recognition of prostitution as violence against women

11. Prostitution can be viewed as on a continuum of violence against women and girls (VAWG)¹⁷ because as with other practices of violation such as domestic violence, rape, sexual assault, childhood sexual abuse, stalking, sexual harassment and crimes in the name of honour, there is a gender asymmetry and hierarchy: prostitution overwhelmingly involves the abuse of women and girls' bodies by men. This pattern reflects persistent inequalities between the sexes. The UN recognises VAWG as 'cause and consequence of gender inequality'.¹⁸ Prostitution can also be understood this way: men's sense of sexual entitlement to women's bodies, and legal impunity for sex purchase, normalises the practice of paying for sex and perpetuates the idea that men 'need' sexual release in/through a woman's body, and practices accordingly. The legacies of prostitution that many women describe mirror those of sexual violence: e.g. dissociation from the body¹⁹; negative impacts on emotional and psychological health, including those that would fit the diagnostic criteria for Post Traumatic Stress Disorder²⁰; substance misuse as a coping strategy.²¹
12. This does not mean that every woman experiences prostitution as violent, rather that the violation of the body involved has similar impacts. Understanding prostitution as violence against women means that less prostitution is less violence. Reducing the size of the sex industry, as the Nordic model has demonstrably done,²²

¹⁶ See with Kelly, L., Coy, M. & Davenport, R. (2009) *Shifting Sands: A Comparison of Prostitution Regimes Across Nine Countries* London: Home Office

¹⁷ For an extension of Liz Kelly's concept of the continuum of violence against women to include prostitution, see Jeffreys, S. (1998) *The Idea of Prostitution* Melbourne: Spinifex Press; Coy, M. & Benedet, J. (2012) *Prostitution on a continuum of violence against women* Conference on Violence Against Women, Simon Fraser University, Vancouver, 9th November 2012.

¹⁸ United Nations (2006) *Secretary-General's In-depth Study on all forms of Violence Against Women* A/61/122/Add.1

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

¹⁹ For an overview of research on this see: Coy, M. (2012) 'I Am a Person Too': Women's Accounts and Images about Body and Self in Prostitution in Coy, M. (ed) *Prostitution, Harm and Gender Inequality: Theory, Research and Policy* Farnham: Ashgate

²⁰ E.g. Farley, M, Cotton, A, Lynne, J, Zumbek, S, Spiwak, F, Reyes, M.E., Alvarez, D and Sezgin, U. (2003) Prostitution and trafficking in nine countries: Update on violence and posttraumatic stress *Journal of Trauma Practice* 2(3/4):33-74; Choi, H, Klein, C, Shin, M-S, Lee, H-J. (2009) Posttraumatic Stress Disorder (PTSD) and Disorders of Extreme Stress (DESNOS) Symptoms Following Prostitution and Childhood Abuse *Violence Against Women* 15(9) 933-951

²¹ Coy, M. (2012) 'I Am a Person Too': Women's Accounts and Images about Body and Self in Prostitution in Coy, M. (ed) *Prostitution, Harm and Gender Inequality: Theory, Research and Policy* Farnham: Ashgate

²² Waltman, M. (2011) Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential *Women's Studies International Forum* 34: 459-460; Waltman, M. (2011) Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law *Michigan Journal of International Law* 33: 133-157

also diminishes prostitution as a conducive context²³ for other forms of sexual and physical violence experienced by those who are sold for sex.²⁴ Multiple research studies also document that most women in prostitution have histories of childhood sexual abuse.²⁵ Linking prostitution to VAWG means that policy will reflect these lived connections.

13. The implication for prostitution-related offences is that sanctions should be directed at tackling men's sense of entitlement to the bodies of women and girls, a sense of entitlement that also underpins other forms of VAWG. Law is a powerful tool in defining what is, and is not, socially acceptable behaviour. Just as law is used to demarcate offences of abuse and violence, it can shift the acceptability of buying and selling access to women's bodies.
14. As policy implications, national and local strategies on VAWG should be extended to include prostitution. The current Home Office strategy on all forms of VAWG does not include prostitution. Some areas have developed strategies that do (e.g. Lambeth), and enacted measures to discourage demand locally and provide specialist support for those bought and sold in the sex industry. A consistent national approach is necessary, including linking with policies on sexual exploitation of children (more below). These initiatives should fund specialist services for women used in the sex industry, including projects that focus on exiting and provide support for women who have been criminalised and/or homeless.

Whether further measures are necessary, including legal reforms, to assist those involved in prostitution to exit from it

15. A crucial first step is to decriminalise those who are bought and sold for sex in all circumstances. Providing specialist support services is also essential, both to address immediate safety and provide routes to exiting. Exiting is an intensive and complex process to which specialist support and advocacy, safe accommodation and alternative economic support are key.²⁶ Current government ambitions to 'shake up' the prison system should recognise the needs of women and girls criminalised for involvement in prostitution through the provision of specialist support for those whose options are limited by criminal records and custody.
16. Funding should be provided for outreach services to all being commercially sexually exploited. A spend-to-save approach recognises that many agencies such as housing/homelessness projects, drug and alcohol services, social services, rape crisis

²³ Kelly, L. (2007) A conducive context: Trafficking of persons in central Asia. In M. Lee (ed) *Human Trafficking* Cullompton: Willan Publishing pp. 73–91.

²⁴ For an overview see Coy, M. (2012) (note 21).

²⁵ Ibid.

²⁶ Bindel, J. Brown, L. Easton, H. Matthews, R. and Reynolds, L. (2012) *Breaking down the barriers: A study of how women exit prostitution* London: Eaves and London South Bank University.

centres and women's refuges already pick up the costs of prostitution.²⁷ These costs would be reduced if commercial sexual exploitation in the UK diminished. An evaluation of an approach to street-based prostitution in Ipswich found that involving a range of local agencies was key to enabling women to exit, alongside disrupting men's demand.²⁸ A saving of £2 for every £1 spent on this strategy was found.

Whether further measures are necessary, including legal reforms, to increase the extent to which exploiters are held to account

17. Further measures to hold exploiters, including pimps and traffickers as well as buyers, to account are needed. Currently criminal sanctions are focussed on those bought and sold for sex. As the Committee will be aware, Crown Prosecution Service statistics reveal that during 2013-14, there were more prosecutions in England and Wales for loitering and soliciting than for the crimes of pimping, brothel-keeping, kerb-crawling and advertising prostitution combined.²⁹ This must change.
18. Recognising prostitution as a condition of gender inequality and a form of VAWG automatically shifts attention to all exploiters. For existing legal frameworks on exploitation and coercion to be effectively implemented, once those bought and sold are decriminalised, specialist policing units should be established or expanded. Specialist support for those who have been trafficked and/or have insecure immigration status is absolutely crucial to guarantee human rights, as well as for victimised persons to report and testify against exploiters.

Whether further measures are necessary, including legal reforms, to discourage demand which drives commercial sexual exploitation

19. For reasons detailed above, the UK should adopt the Nordic Model, bringing UK legislation and approaches into line with the 2014 (Honeyball) Resolution of the European Parliament, and of the Council of Europe report "*Prostitution, trafficking and modern slavery in Europe*". Both endorsed by overwhelming majority the Nordic Model as the best legislative practice throughout the European Union.
20. Addressing men's demand for commercial sex is also crucial to policy on sexual exploitation of children.³⁰ Recent high profile cases of men convicted of sexually exploiting young women in the UK (e.g. Oxford and Bristol) have included offences of

²⁷ Commission on the Sex Buyer Law (forthcoming) *How to implement the Sex Buyer Law in the UK* London: End Demand

²⁸ Poland, F., Boswell, G., Killett, A., Jarrett, J., Fordham, R., Houghton, J., Varley, A. & Seebohm, L. (2012) *Evaluation Research Report for Ipswich/Suffolk Street Prostitution Strategy 2007-2012* Norwich: University of East Anglia

²⁹ Commission on the Sex Buyer Law (forthcoming) *How to implement the Sex Buyer Law in the UK* London: End Demand

³⁰ Coy, M. (in press) Joining the dots on sexual exploitation of children and women: a way forward for UK policy responses *Critical Social Policy*

facilitating or arranging child prostitution. If girls are being sold, likely men are buying.³¹

21. Men who pay for sex from girls are buying female bodies in commercial sex markets where youth is eroticised and prized. Challenging men's entitlement through criminalising the purchase of sex offers a transformative approach to tackling sexual exploitation of children.
22. A recent international comparative study concluded that Sweden was unique in acknowledging that preventing sexual exploitation of children requires a dual focus on enabling young people to protect themselves and interventions with perpetrators.³² This reflects a deep understanding of how sexual exploitation develops and is experienced as cause and consequence of unequal power and respect between women and men, enacted on the bodies of women and girls.³³ If the UK is to achieve its aims of ending sexual exploitation of children and young people, focus should be on the practices of those who commodify bodies in the act of buying sex.
23. Criminalising the purchase of sex offers an opportunity for the UK to become a beacon of gender equality. We urge the Home Affairs Committee to recognise and recommend this.

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³¹ Ibid.

³² Cameron, G., Mendez Sayer, E., Thomson, L. & Wilson, S. (2014) *Child Sexual Exploitation: A study of international comparisons* Desk Review for the Department for Education Nottingham: The Virtual Staff College

³³ Coy, M. (in press) Joining the dots on sexual exploitation of children and women: a way forward for UK policy responses *Critical Social Policy*

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