Submission from Nordic Model Now! for the Special Rapporteur on VAWG’s report on prostitution and VAWG

**About us**: Nordic Model Now! (NMN) is a secular feminist grassroots women’s group based in the UK campaigning for the abolition of prostitution and related practices and for the [Nordic Model](https://nordicmodelnow.org/what-is-the-nordic-model/). All members are unpaid volunteers and about 30% have lived experience of the sex trade.

Except where stated otherwise, this submission is focused on England and Wales, where about 89% of the UK population live, and which has separate legislation from Scotland and Northern Ireland.

**Background information**: For a detailed account on how the British government, public bodies and many NGOs moved from attempting to implement the Palermo Protocol in the early 2000s to the current position of capture by sex industry lobbyists, please see [How the British establishment was captured by ‘sex work’ lobbyists](https://nordicmodelnow.org/2024/01/27/how-the-british-establishment-was-captured-by-sex-work-lobbyists/).

Please also see our submission to the Special Rapporteur’s country visit to the UK.

**6. Linkages between prostitution and violation of human rights**

Prostitution is incompatible with human dignity guaranteed by Article 1 of the Universal Declaration of Human Rights ([UDHR](https://www.un.org/en/about-us/universal-declaration-of-human-rights)) and recognised by the [1949 Convention](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation). In many, if not all cases its practical reality fits the definition of cruel, inhuman, or degrading treatment in Article 16 of the [Convention Against Torture](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading), if not the definition of torture in Article 1. This reality also fits the description of sexual torture set out in paragraph 215 of the [Istanbul Protocol](https://www.ohchr.org/sites/default/files/Documents/Publications/training8Rev1en.pdf).

More than 99% of prostitution users are male and upwards of 85% of those used are female, mainly from the most disadvantaged communities. Prostitution promotes and delivers women and girls as objects for male sexual consumption, requiring them to suppress feelings of disgust, anger, humiliation, and terror, in the hope that they will escape the worst forms of physical and psychological violence.

It is not only a form of male violence against women and girls, but also reinforces and legitimises sexist stereotypes and behaviour that make future male VAWG and discriminatory behaviour [more likely](https://nordicmodelnow.org/facts-about-prostitution/fact-buying-sex-makes-men-more-prone-to-violence-against-women/). It is therefore a form of discrimination against women and girls in violation of [CEDAW](https://www.un.org/womenwatch/daw/cedaw/cedaw.htm) and UDHR Article 7.

Through its [failure to respond appropriately or enforce its own laws](https://nordicmodelnow.org/2023/10/24/has-prostitution-effectively-been-decriminalised-in-england-and-wales-while-we-werent-looking/) against prostitution-buying, human trafficking, pimping, and brothel keeping, the British state is complicit in this catalogue of human rights abuses.

Prostitution is intrinsically linked to human trafficking, with the money that can be made exploiting women’s prostitution being the key motivation of sex traffickers. [Most pimping](http://prostitutionresearch.com/trafficking-prostitution-and-inequality/) fits the international definition of human trafficking and many, if not most, women involved in prostitution are pimped – meaning that they are victims of human trafficking. In the UK, the vast majority of these women are [not recognised](https://nordicmodelnow.org/2023/10/01/submission-to-the-home-affairs-committees-inquiry-into-human-trafficking/) as such and never obtain redress or reparations.

Women and girls who enter prostitution apparently of their own volition do so in response to structural and systematic poverty and inequality that are themselves human rights abuses.

**7. Links between pornography, other forms of sexual exploitation and prostitution**

Porn is a marketing device for prostitution and can often be a gateway to it. If you are a well-known porn performer, buyers will offer you very large financial rewards to meet for sex in private. The more well-known you are, the higher the reward offered. It maintains class and ethnic hierarchies within the sex industry.

Webcamming sites, OnlyFans and lap-dance clubs may place restrictions on women using their sites for private contact purposes but offers from buyers, who expect women involved in any part of the sex industry to be accessible through payment, will always be there.

Women who are not receiving the income expected from the way the sex industry promotes itself may find it hard to refuse these offers. Setting up a profile on a commercial sex website is then just a click away.

**8. Is it possible to speak about meaningful consent for prostituted women and girls?**

A sex buyer pays a woman to participate in sexual activity who would not otherwise consider having sex with him. She agrees because she wants the payment. Consent is therefore constrained and not freely given. Non-compliance by the woman risks loss of payment, negative reviews on online buyer forums, violence from a pimp or the displeasure of a brothel keeper.

Within prostitution, consent therefore has a very different meaning from the standard socio-legal understanding of it within sexual relationships which involves freely given assent to sexual intimacy based on mutuality and reciprocal respect.

Accepting prostitution as involving meaningful consent changes the understanding of consent to something that can be bought, sold, and coerced. This has profound social consequences. It reduces the status of women and girls because it is predicated on the prioritisation of men’s desires and women’s submission to them. Women are regarded as second class or even subhuman.

(For more information on the implications of porn and prostitution for the understanding of consent, see the Appendix.)

**9. Effectiveness of legislative frameworks and policies**

The UK has laws that can be used against sex buying, pimping, and brothel-keeping, but they are [not enforced](https://nordicmodelnow.org/2023/10/24/has-prostitution-effectively-been-decriminalised-in-england-and-wales-while-we-werent-looking/). As sex trafficking is the most frequently detected type of trafficking globally and the most profitable, we should be seeing higher numbers of prosecutions for sex trafficking than for other types. The [exact opposite](https://nordicmodelnow.org/2023/10/01/submission-to-the-home-affairs-committees-inquiry-into-human-trafficking/) is the case.

The principal enablers and knowing facilitators of indoor prostitution in the UK are [commercial sex websites](https://nordicmodelnow.org/2022/09/18/the-only-way-to-reduce-the-sexual-exploitation-facilitated-by-commercial-sex-websites-is-to-shut-them-down/), which concentrate demand and operate unsafe and discriminatory practices in the identification measures they require of women advertised on the sites compared with sex buyers.

Rather than making creative use of existing criminal and civil law measures to close these websites down, UK law enforcement collaborates with them, giving them political cover and giving a false impression of safety to women advertised on them and a false impression to sex buyers that buying women for sex on these sites is unproblematic.

The National Crime Agency (NCA) is embedded with one of the largest commercial sex websites operating in the UK, Vivastreet, which advertises this partnership for its own commercial interests to achieve market dominance.

In [written evidence](https://committees.parliament.uk/writtenevidence/119857/pdf/) submitted to the UK Parliament’s home affairs committee, the NCA acknowledged that demand for sexual services in the UK has created a sexual services marketplace but that it doesn’t aim to reduce this. It said it is undertaking work to “prevent demand for exploitative services”. This cannot be achieved without reducing demand for all prostituted women.

Survivors of prostitution tell us that pornography is a key driver of men’s violence towards prostituted women. Buyers act out on prostituted women what they have seen in pornography, 90% of which, as a [recent study](https://www.theguardian.com/world/2023/sep/27/online-pornography-breaks-french-law-equality-watchdog-france) found, involves verbal, physical and sexual violence, often in violation of laws against sexism, racism, violence and torture.

Like most countries, the UK has so far failed to prevent such content and to hold its creators, publishers, and distributors to account. Measures intended to protect children from such content set out in the [Online Safety Act 2023](https://www.legislation.gov.uk/ukpga/2023/50/enacted) still await implementation.

Acts sex buyers see depicted in online porn which they then seek to replicate on prostituted women include [urinating or defecating on them](https://nordicmodelnow.org/2019/12/09/miseducation-this-is-not-a-love-song/). Global human rights organisations recognise these specific practices, and other acts of physical and sexual violence common in pornography, as torture when carried out on detainees by state agents, but not when a state permits them to be practised on marginalised and disadvantaged women in prostitution. Torture cannot be justified by consent.

Some buyers request the “girlfriend experience”– the illusion of a relationship with a woman they are paying. This may involve less physical violence but [many survivors](https://nordicmodelnow.org/2019/11/22/open-letter-to-all-the-sex-buyers-everywhere/) say the emotional harm it causes can be even harder to endure.

Anything that legitimises prostitution increases men’s demand for it and increases their expectations of what they can demand in any prostitution encounter, making it more likely that they will be verbally, emotionally and/or physically violent.

The [Nordic Model](https://nordicmodelnow.org/what-is-the-nordic-model/), when well implemented, is the best approach to preventing and responding to violence against women and girls in prostitution – because it unequivocally tells men that prostitution buying is unacceptable. They’re less likely to buy sex and if they do, it puts them and their public reputations at risk. They know that women can report them to the police for simply arranging the prostitution encounter. This and the fact the women are decriminalised, tips the balance of power in the woman’s favour, so reducing the likelihood of violence.

It must be combined with training for the police, high-quality joined up services and alternative income streams to help women exit the industry and build successful lives outside it, along with prevention measures so young people are less likely to be drawn into the industry.

Evidence from [Ipswich in England](https://nordicmodelnow.org/2017/11/14/how-a-nordic-model-approach-to-tackling-prostitution-was-implemented-in-ipswich/) and [Sweden](https://nordicmodelnow.org/2020/12/28/swedish-sex-trade-survivor-group-backs-international-campaign-for-the-nordic-model/), shows that this type of approach can be successful – particularly when championed at the highest level.

**10. Measures to collect and analyse data**

As far as we can tell, in the UK there are no measures at the national level to do this. Collection of data on prostitution which might provide even a baseline for evidence-based analysis of its impact is parlous.

The substitution of “sex work” and “sex worker” terminology, even by sexual health clinics, which might be expected to prioritise clear language about specific risks from direct personal contact with large numbers of sex buyers, contributes to a lack of clarity about important healthcare and social issues and sanitises the serious and unique harms caused by prostitution.

**11. Measures to assist and support women and girls who wish to leave prostitution?**

Most public spending on services for women in prostitution focuses on ‘harm reduction’ rather than providing women with genuine routes out. Most organisations providing these services are ideologically committed to full decriminalisation of the sex trade, including sex buyers, pimps, and brothel keepers, and see prostitution as work that women freely choose. Services underpinned by these attitudes usually serve to prolong women’s involvement in prostitution and to maintain a thriving sex trade.

Because of the lack of services providing material help to enable women to exit, and other factors, including the increasing inadequacy of the [welfare system](https://nordicmodelnow.org/2019/05/26/statement-about-universal-credit-and-survival-sex/), the shortage of woman-focused drug and alcohol rehabilitation services, and the scarcity of housing and employment opportunities for women who often lack formal qualifications, large numbers of women are trapped in prostitution.

There are some pockets of excellence. For example, [Kairos Women Working Together](https://kairoswwt.org.uk/) in Coventry and [Trevi](https://trevi.org.uk/) in Plymouth are working to provide holistic, trauma-informed services for women and girls who want to leave prostitution. However, gaining funding for such services is an ongoing challenge.

**12. Obstacles faced by organizations and frontline service providers**

* The tendency of funding bodies to favour organisations that are ideologically committed to seeing prostitution as a form of normal work.
* The erroneous understanding some funding bodies have of our equality laws, and their resulting belief that they must fund services for men and women equally and that women-only services are against the law. Men are involved in prostitution but tend to be concentrated in big cities and often have different needs. Most prostituted people are female and have distinct needs that cannot be provided effectively in a mixed sex environment.
* Funding for homeless people is usually targeted at men, as homeless women are often less visible, and in recent years there has been defunding of women-only hostels. Mixed-sex hostels are typically unsafe for women as the men are often violent and attempt to pimp women, while drug and alcohol abuse is often rife.
* As mainstream services often turn away women who are or have been in prostitution because their needs are seen as “too complex”, it can be difficult for these women to be accepted in hostels and supported housing, or drug rehabilitation.
* Drug rehabilitation is an urgent need for many women wanting to escape prostitution, but most services are mixed, and men usually predominate. This generally makes an inappropriate setting for women exploring trauma experienced at the hands of men which is often connected with their substance use issues.
* The police seldom enforce laws against pimping and human trafficking in England and Wales, and most women who are victims of sex trafficking under international law are not [recognised as such](https://nordicmodelnow.org/2023/10/01/submission-to-the-home-affairs-committees-inquiry-into-human-trafficking/). This gives pimps/traffickers impunity to exploit women’s prostitution and keep them trapped. Women who are pimped can rarely escape prostitution until they can escape their pimp. If law enforcement agencies understood these as serious crimes, pro-actively held perpetrators to account and ensured they received significant prison sentences, they would remove the greatest barrier preventing victims escaping prostitution and go a long way to preventing these crimes happening at all.

**13. Lessons about what works and what doesn’t work.**

[Nothing can make prostitution safe](https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/) – neither for the individuals concerned nor women and girls as a population. The focus must therefore be on reducing the amount of prostitution that happens, holding sex buyers, and third parties who exploit the prostitution of others accountable, and providing women and girls with genuine routes out of the industry and viable alternatives.

**What works**: A well implemented [Nordic Model](https://nordicmodelnow.org/what-is-the-nordic-model/) approach involving:

* Decriminalising selling of sexual services and clearing past criminal records associated with this.
* High-quality, holistic, non-judgemental services for those involved in prostitution, providing support and genuine routes out of the industry.
* Investment in alternatives so that women are not forced to engage in prostitution for survival.
* Training for the police, judiciary, and frontline workers.
* Strong laws against pimping, sex trafficking, brothel keeping, and advertising prostitution, enforced pro-actively by well-trained police.
* Buying, or attempting to buy, sex is a criminal offence, enforced pro-actively by well-trained police.
* Public information campaigns so people understand the law and the reasoning behind it.
* Education in schools and colleges.
* Programmes for marginalised teenagers to help them avoid being drawn into the sex industry.

Although several countries have passed Nordic Model legislation, not all of them enforce it well and some haven’t implemented all the other holistic measures required to make it work. For example, [Northern Ireland](https://nordicmodelnow.org/2019/11/21/response-to-the-queens-university-belfast-review-of-the-operation-of-northern-irelands-sex-buyer-law/) implemented the legislation in 2015 but doesn’t enforce it, doesn’t provide specialised services for the women, and hasn’t implemented the other holistic measures. It is not surprising therefore that it hasn’t been hugely effective, although there has been a [reduction](https://nordicmodelnow.org/2024/01/16/a-reanalysis-of-the-equality-model-in-northern-ireland/) in the size of the industry and in the number of men buying sex.

When implemented well, the benefits are clear – as in [Sweden](https://feminismandhumanrights.files.wordpress.com/2019/01/overview-swedish-laws-and-policies-thb-gunilla-s.-ekberg-180224-.pdf) and [Ipswich](https://nordicmodelnow.org/2017/11/14/how-a-nordic-model-approach-to-tackling-prostitution-was-implemented-in-ipswich/). For success, the approach needs to be championed at the highest level.

Unfortunately, sex industry lobbyists have captured most if not all NGOs and academic institutions in the UK and elsewhere and there is a mass of research **claiming** that the Nordic Model approach is more dangerous for the women involved. When examined closely, the research data often doesn’t back up these claims. See [How the British establishment was captured by ‘sex work’ lobbyists](https://nordicmodelnow.org/2024/01/27/how-the-british-establishment-was-captured-by-sex-work-lobbyists/) for more on this.

The idea that the Nordic Model makes it more dangerous for women is demolished by an [examination of the data on murders](https://nordicmodelnow.org/myths-about-prostitution/myth-the-nordic-model-is-more-dangerous-for-sex-workers-than-decriminalisation/) of prostituted women.

**What does not work**: Any measures normalising and legitimising prostitution and/or legalising or decriminalising sex buying, brothel keeping and third parties who exploit (i.e. profit from) the prostitution of others lead to increases in the size of the industry, the number of women and girls drawn into and harmed within it, and the number of men who engage in prostitution buying.

Germany, which has a legal prostitution system, in which only extremely exploitative pimping is outlawed, now has a huge industry. Around one million men buy sex every day and hundreds of thousands of women are trapped in [hell on earth](https://www.trauma-and-prostitution.eu/en/2016/11/02/the-german-model-is-producing-hell-on-earth/). The [scale of the industry](https://nordicmodelnow.org/2021/03/09/german-ex-police-officer-demolishes-common-arguments-against-the-nordic-model/) is such that the police cannot make much impact on the vast levels of sex trafficking taking place there.

New Zealand’s fully decriminalised prostitution system is promoted by sex industry lobbyists as the Shangri-la all countries should aim for. However, [testimony from survivors](https://nordicmodelnow.org/2022/11/17/on-decrim-chelsea-geddes-on-new-zealands-decriminalised-prostitution-system/) and the New Zealand Government’s own research dispute this. Although the latter claims it has been a success, when a [data scientist carefully examined](https://nordicmodelnow.org/2023/09/25/what-really-happened-in-new-zealand-after-prostitution-was-decriminalised/) the hundreds of pages of official reports and assessments, they found that the data shows decriminalising prostitution there to have been a complete failure.

**14. Are frontline organizations and survivors’ organisations sufficiently included in policymaking?**

Not in England and Wales.

**15. Recommendations**

1. The pro-active implementation of the [Nordic Model](https://nordicmodelnow.org/what-is-the-nordic-model/) approach to prostitution – along with all the holistic measures that are needed for its success.
2. Measures to address women’s poverty and inequality.
3. Full implementation of the Palermo Protocol, and strong legislation against advertising prostitution and third parties profiting from the prostitution of others.
4. Strict age verification on all online pornography.
5. The outlawing of all pornography that involves violence and torture that would be illegal in any other context.

# Appendix

## What implications do porn and prostitution have on the understanding of consent?

A sex buyer pays to override a prostituted woman’s consent about where, with whom and how she has sex. If he were to proceed with the sexual activity in the same circumstances without payment, it would potentially be the commission of rape, sexual assault, or another offence involving physical violence.

Buyers frequently seek to perform on prostituted women acts they have seen in online porn, and [most online porn](https://www.theguardian.com/world/2023/sep/27/online-pornography-breaks-french-law-equality-watchdog-france) involves physical and verbal abuse and sexual violence. Online depictions of sexualised violence create expectations that greatly underestimate risks of pain, serious harm or even death that the acts depicted can carry if emulated in real life. Injuries and harm inflicted on women during porn shoots are often edited out.

When an act of violence is carried out during sex and causes someone serious injury, under the law in England and Wales it is not a valid defence to claim that she consented to that act. (There are a few limited exceptions to this, but that the act took place within a prostitution encounter is not one of them.)

However, when women suffer injuries that result from multiple meetings with buyers over the course of a single day, it may be challenging to prove to the criminal standard of proof – beyond reasonable doubt – that injuries causing actual or grievous bodily harm were inflicted by an individual buyer, rather than that serious harm was the cumulative result of repeated acts by multiple buyers.

Health and safety laws and regulations in the UK require employers to protect employees and others from harm. The specific health risks and high risks of harm associated with prostitution mean that it [would never comply](https://nordicmodelnow.org/2023/07/16/can-prostitution-ever-conform-with-our-employment-laws-regulations-and-practices/) with these regulations. Consent cannot override them.

The offences of rape, assault by penetration, and sexual assault set out in sections 1-3 of the [Sexual Offences Act 2003](https://www.legislation.gov.uk/ukpga/2003/42/contents) require the prosecution to prove beyond reasonable doubt:

* that the defendant acted intentionally;
* that the complainant did not consent to the act; and
* that the defendant did not reasonably believe that the complainant consented.

A jury must determine whether a belief is reasonable by having regard to all the circumstances, including any steps the defendant took to ascertain whether the complainant consented. There is no requirement that a complainant demonstrate or communicate to the defendant a lack of consent.

The test of “reasonable belief” that the complainant consented is a subjective test with an objective element. The Crown Prosecution Service’s [legal guidance on rape and sexual offences](https://www.cps.gov.uk/legal-guidance/rape-and-sexual-offences-chapter-6-consent) recommends dealing with the issue by asking two questions:

* Did the suspect genuinely believe the complainant consented? This relates to his or her personal capacity to evaluate consent (the subjective element of the test).
* If so, did the suspect reasonably believe it? It is for the jury to decide if his or her belief was reasonable (the objective element).

A woman who is alone with a buyer is at high risk of being pressured or coerced into performing services she did not consent to. A pimp or escort agency is then highly likely to require her to perform them for other buyers.

In practice there are many reasons why a woman involved in prostitution wouldn’t make complaints to the police about acts by buyers which would constitute rape, including distrust of law enforcement, not having secure immigration status, the risk of receiving a negative review on her profile on commercial sex websites or online punter forums, the risk of violence from a pimp or of being required to leave a brothel by its owner, who will be more concerned with the brothel’s reputation with buyers. The woman will be dispensable.

Survivors we know have encountered women who had been sent by pimps or escort agencies to visit sex buyers without knowing, or having been deceived, about what the pimp or agent had guaranteed that they would do and had taken payment for.

As NMN member and [prostitution survivor, Esther](https://nordicmodelnow.org/2019/12/31/legalisation-of-brothels-and-the-carceral-state/), says:

“I mainly worked in the fetish/BDSM niche within the industry and frequently went to meet clients who would tell me they had also booked another woman working in the same niche, only to find that the other woman was unaware of what she had been booked to do and would have refused the work had she known.

This was particularly the case with women who didn’t speak English well, who usually had profiles on the sites they worked from written by the men who controlled them and were at much greater risk of violence because it was harder for them to work out when they should make a quick exit.”

[Research published this month](https://www.cps.gov.uk/publication/cps-and-equally-ours-research-public-understanding-rape-and-serious-sexual-offences?s=09) by the Crown Prosecution Service showed that, overall, the British public’s accurate understanding of rape is outweighed by false beliefs, misunderstanding, lack of knowledge, and underlying stereotypes. 18–24-year-old respondents supported these assumptions and misconceptions more than older respondents. Online pornography and the conceptualisation of prostitution as “sex work” are likely to have been factors in forming these false beliefs.

We are extremely dubious that any attempts to reduce violence against women and girls will be effective while prostitution and violent misogynistic porn are given free rein. It would be like trying to combat other forms of militant terrorism without cracking down on their propaganda hubs and training grounds.

English common law considers prostitution a “sexually immoral purpose”. Contracts for it are illegal and generally unenforceable. Factors which could result in contracts being set aside, such as misrepresentation, duress, undue influence, and other issues affecting whether the agreement was fairly negotiated, could also affect the validity or enforceability of contracts for control of sexual activity.

Where employment and the provision of services are concerned, recruitment practices, terms and conditions or rates of pay which discriminate in relation to any of the nine protected characteristics under the UK’s Equality Act 2010, such as race, age, sex, gender reassignment, religion, and disability, are unlawful. The definition of “race” in the 2010 Act includes nationality and ethnic origins.

Sex buyers expect to be able to assign a monetary value to a prostituted woman based on one or more of these protected characteristics. Regardless of consent, the payment of lower levels of remuneration on these grounds would not comply with UK equalities legislation if it were accepted in law that prostitution is a form of “work”.

Consumer protection legislation in the UK permits the purchase or sale of goods or commodities of a particular description, such as Italian wine, or Dutch cheese, and the setting of prices based on these descriptions. However, legislation relating to employment does not allow this.

Employers can discriminate when hiring people to do a specific job, if they can prove that it needs to be done by a person with a particular protected characteristic, such as age, race, or religion. For it to be an “occupational requirement” the characteristic must be essential for the job and related to the main tasks. The employer must also prove a good business reason (“objective justification”).

In [NHS healthcare](https://can-sg.org/frequently-asked-questions/how-do-single-sex-policies-for-healthcare-facilities-and-requests-for-same-sex-healthcare-practitioners-currently-apply-within-the-nhs/) settings a patient can request a clinician of the same sex for intimate healthcare procedures. As this is an issue involving consent to care, the sex of the practitioner will be an “occupational requirement” and what the 2010 Act refers to as a “proportionate means of achieving a legitimate aim”.

Accepting requests that sexual services be provided by someone with a particular protected characteristic such as age, nationality, or ethnicity as a “genuine occupational requirement”, could result in similar demands made by users of other services, particularly health and social care, and have serious implications for the operation of the 2010 Act itself.