Written evidence submitted by Joseph Giacopazzi

This submission is offered in a personal capacity only, although I am a Local Authority Councillor sitting on my Council’s Community Safety Committee. It is in this capacity that I have been involved in discussions on sex work with the Council’s Chief Social Worker and representatives of the Police at the level of Chief Superintendent. I am retired from two careers, one in Law and the other in business. I am a father and a grandfather.

Summary

The Law of England and Scotland has traditionally tolerated prostitution, a reflexion of our pragmatism and liberal values. Robust laws have long existed to protect the young and vulnerable from sexual exploitation whether through trafficking, procuring or pimping. Public soliciting and kerb crawling are illegal. The Law is evidence based, recognising the impossibility of abolishing prostitution; a pragmatic approach, not a dogmatic one.

At the urging of groups motivated by religious belief or feminist ideology, the commercial purchase of sex was criminalised in 1999 in Sweden, a country with a historical intolerance of prostitution. Ostensibly the law aimed to enhance the safety of sex work. The true agenda was its abolition. While accurate and unbiased information on outcomes is hard to come by, it is certain that prostitution continues in Sweden. The situation of sex workers has been eroded, with the safety of remaining street prostitutes compromised as their marginalisation increases. Indoor sex workers are harassed by the Police, evicted by landlords and even have their children removed by social services.

Despite the failure of the ‘Swedish model’, it continues to be championed by churches and by feminist groups; indeed, it is claimed as a success. Under the guise of equality, abolition has been presented as the politically correct choice, finding support in the European Parliament and some Local Authorities.

The aim of Parliament should be to protect vulnerable, marginalised groups in society and improve lives, not to promote the subjective ethical opinions of articulate, proselytising minorities. Criminalisation of sex work will not result in its disappearance; it will only give the Police an unachievable aim while making the lives of sex workers worse.

The Committee should reject the adoption of the Swedish model. It should urgently consider measures to enhance the safety of sex workers by allowing up to three women to offer services from the same premises. Consideration should be given to strengthening Police enforcement powers against pimps and human traffickers.

1. ‘Whether criminal sanctions in relation to prostitution should continue to fall more heavily on those who sell sex, rather than those who buy it’.

This is itself a contentious statement since the sale of sex is, and always has been, a legal activity for both buyer and seller when conducted within the parameters of English (and
Scots) criminal law. Only under the Street Offences Act 1959, is a prostitute criminalised for openly loitering and soliciting for sex. Sanctions exist for clients of sex workers who ‘kerb crawl’; a level playing field, one might think.

Further offences involving the operation of brothels, human trafficking, child sexual exploitation, living off immoral earnings and procurement of women, are all aimed, not at prostitutes, but at those who exploit them. It is therefore difficult to accept the opening line from the Terms of Reference at face value. Reading between the lines, it seems that the Committee is seeking to debate the so called ‘Swedish model’ enshrined in the Kvinnofrid law.

Kvinnofrid means ‘the protection of women’. While no conscionable person could argue against the ostensible aim of a law to protect the vulnerable, the actual results after sixteen years of operation would require rigorous scrutiny before legislators considered its adoption in a UK context. In actuality the Kvinnofrid law was never evidence based; it was the product of pressure from feminist groups using general aversion to street prostitution to bolster support for the measure in Parliament. The law criminalised the purchaser, rather than the provider of sexual services and was proposed as a measure to eliminate demand while improving the conditions of sex workers.

The introduction of a similar law in England would require a different rational since street prostitution has been illegal since 1959. Street based prostitutes are now very much in the minority of sex workers. As is universally known, the majority of sex workers now operate discretely from residential premises, advertising their services on internet sites and fixing availability and times of meetings by mobile phone. This is internet based prostitution; ‘escorting’.

2. Support for the current law of England rests on the belief that two consenting adults have a perfect right to engage in sexual relations in private, whether or not for payment and that the State should have no locus to interfere in such a transaction.

This approach accepts the inevitability of the oldest profession, while passing no moral or ethical judgement. Damaging aspects of prostitution are addressed by the well-established legislation referred to in paragraph 1 above i.e. relating to pimping, human trafficking, child exploitation or procurement. This approach, rooted in English common sense, seeks a non-judgemental and practical treatment of commercial sex; an approach implying a belief that the sale of sexual services is a job like any other. It allows adults to be responsible for their own behaviour, keeping the Government out of the bedroom.

3. The mainspring for the creation of the Swedish model, and the desire for its dissemination, is an ideological one. The law was motivated by belief, followed by justification. It is not empirically based.

It is unsurprising that the Kvinnofrid law should have been framed in Sweden, with its well documented history of hostility to prostitution since the 17th century, where the pillorying and whipping of prostitutes the common punishment for any form of sexual relations not approved of by society. Today the movement against prostitution is based not directly on
religious belief but on feminist ideology which holds that any form of exchange of sexual relations for money is ‘incompatible with a social order embracing gender equality’. This has now evolved to the stage where, in a remarkably idiosyncratic use of language, a consensual sexual act involving payment is routinely described as ‘violence against women’. It is not immediately obvious how a consensual act can simultaneously be described as violence.

4. In arguing its case against prostitution, the feminist movement, realising the weakness of relying on an ethical or ideological basis in addressing a secular, liberal society, has sought to bolster its position by reverting to unproven claims. Unsubstantiated statistics are used; sex work is conflated with drug addiction, paedophilia and human trafficking. The waters are deliberately muddied.

One often made and contentious claim by abolitionists is that most prostitutes enter the trade at thirteen or fourteen years of age; or that they were themselves abused as children. Many of the claims are forensically examined by Dr Brooke Magnanti in her book ‘The Sex Myth’ and dismissed as baseless. In 2009, one MP claimed to parliament that 25,000 women were trafficked into the UK as sex slaves. When challenged on ‘Newsnight’ he admitted that he had no firm sources, but had ‘read it in the Daily Mirror’. Dr. Magnati, a PhD trained in statistics, estimated the true number to be around 1,500.

One conclusion which might be drawn from the widespread dissemination of disinformation by what might loosely be described as a union of evangelical Christians with feminist campaigners, is not any real desire to improve the situation of sex workers, but to abolish all prostitution for purely ideological or ‘moral’ reasons.

5. Has the Kvinnofrid law achieved its aim of abolishing prostitution? Unsurprisingly, the answer depends who is answering the question.

With the passing of the law the Swedish Government allocated funding for extra police patrols of red light areas. Street prostitution diminished as it did in the UK following introduction of the Street Offences Act; tellingly, it did not disappear altogether. The most desperate women, generally ones with problems of addiction, continue to engage in sex work under less safe conditions. In 2010 a report to the Justice Minister Beatrice Ask suggested that street prostitution had halved. At the same time, the amount of prostitution at indoor locations increased, a trend which has continued throughout many European countries with the rise of internet based escorting.

Overall, while the percentage of men using prostitutes in Sweden is much lower than in the UK, evidence suggests that this is in line with historical trends in that country, rather than confirming the success of the Kvinnofrid law. Interestingly, figures from the National Police Board of Sweden indicate that the number of Thai massage parlours in Stockholm, generally regarded as places where sex is sold, increased from 90 in 2009, to 250 in 2012.
Anyone entering ‘Escorts Stockholm’ in their search engine will see the large number of escort agencies advertising women for prostitution. One, www.cityoflove.com boasts 1085 women with 44 pages of photographs and descriptions.

The Swedish authorities continue to claim the success of their model abroad, while privately expressing doubts at home. One thing seems certain; anyone seeking the company of a sex worker in Stockholm would have no difficulty finding one.

6. Has the Swedish model succeed in its ostensible aim of protecting women?

While the law was disingenuously promoted as measure to protect women, the true agenda was always to abolish sex work by stopping demand. Unsurprisingly the welfare of sex workers was never a material consideration. Indeed, while it is not a criminal offence for a woman to offer sex for sale (just as in England and Scotland) the Swedish Police and civil authorities use other laws against sex workers-

   a) Removal of child custody; Petite Jasmine was a prostitute, custody of whose children was awarded to her violent partner. At a meeting called by social services, he stabbed her to death.
   b) At the instigation of the police and authorities, sex workers are routinely evicted from their rented homes when used for sex work. In Norway hoteliers are obliged by the Police to evict prostitutes even in the middle of the night often in freezing temperatures with no concerns for their safety.
   c) Sex workers can be put under surveillance with their telephones tapped; low level harassment.
   d) Swedish social workers working with prostitutes, unlike UK counterparts, do not issue condoms as this is seen as contravening the spirit of the law. This clearly contradicts W.H.O guidance.

Moreover, the remaining street prostitutes, most of whom have drug addiction issues, become less discriminating when vetting clients, as there is now a sense of urgency in completing roadside negotiations.


In its assertion that prostitution is ‘violence against women’, the CPS has lapsed from the language of the law and adopted the language of feminist ideology. There is, of course, no legal basis for the assertion since any sexual interaction between adults cannot per se be an automatic violence where consent is given.

It is surprising and disappointing that a Government service tasked with prosecuting offenders to the extent of the law ordained by Parliament should have, without any form of democratic accountability, stated public disapproval of a legal activity. This is no more than politically correct judgement values being introduced by stealth.

8. Would the criminalisation of the clients of sex workers in England and Scotland help or hinder the fight against human trafficking?
As in the course of prostitution behind closed doors no offence is currently committed by either party, the Police have no locus to become involved and can target resources on the real criminals; pimps and gangs bringing women into the country for the purpose of prostitution. If the law were changed, criminalising punters, the Police would be legally obliged to detect and prosecute them, in addition to continuing their efforts against traffickers and pimps. A vastly increased workload would require a corresponding increase in resources from the Government to enable the Police to fulfil their additional duties. At a time of austerity, could such expenditure be justified in terms of cost and benefit? If substantial additional resources were not made available, Parliament would have added a new offence to the statute book; one which could not be effectively prosecuted. This situation would not encourage respect for the law.

9. Arguably current English law governing prostitution strikes a balance enabling consenting adults to engage in sexual activity for payment, while attempting to offer sex workers protection from exploitation by pimps and human traffickers. What further steps could the Government take to enhance the protection of sex workers? Government should enhance the protection and safety of workers in every sphere of employment, including sex work. In pursuing this aim, it should revisit the definition of what constitutes a brothel. The current definition covers the situation where two or more sex workers share premises for the purposes of selling sexual services. As sharing premises is illegal, most escorts work alone, isolating them and increasing their vulnerability. The number of sex workers should be limited to, say, three, to avoid nuisance to neighbours while preventing the creation of German style ‘mega brothels’ which have fuelled a market for Eastern European women. The New Zealand model is claimed as a successful reform; the Committee might consider its operation and its adoption

Edinburgh City Council, recognising the dangers faced by street based sex workers, has long tolerated the existence of ‘saunas’ which are de facto brothels. Sensibly, these were licensed by the Council. Only with the creation of Police Scotland did these premises come under the scrutiny of the new police force as it sought to introduce Strathclyde style policing to the rest of the country. In so doing, Police Scotland earned the opprobrium of the majority of the Edinburgh public and of commentators. There have been no more ‘raids’.


Given the recent introduction of this legislation, there can be limited data on which to evaluate its efficacy. The intention of the legislation was to tackle the problem by holding large companies accountable for any part of their supply chain relying on trafficked labour.

As is well documented, one MP wished to add an amendment to the bill aiming to criminalise the purchase of sex. John McDonnell MP argued against the ban citing, inter alia, the lack of evidence for any correlation between the Swedish ban on the sale of sex and any reduction in the number of sex workers and punters. As the Rev Andrew Dotchin, said ‘I oppose clauses on prostitution in the Modern Slavery Bill which would make the purchase of sex illegal. Criminalising clients does not stop prostitution, nor does it stop the
criminalisation of women. It drives prostitution further underground, making it more dangerous and stigmatising for women’.

11. ‘Measures to assist women in leaving prostitution’.

The inclusion of this line in the terms of the Committee’s reference presupposes that women are ‘trapped’ in their way of life, unable to leave it. There is an inherent and patronising assumption that sex workers lack free will. It further presupposes that women must want to give up sex work. Most people would not wish to become sex workers, nor would they wish it for their families. However, it must be recognised that in the absence of coercion, women and men do make an active choice to become sex workers, mostly motivated by financial reward. Some embark on sex work with the short term aim of funding university studies, particularly since the introduction of tuition fees; others may be saving to finance a business venture. Many use the income from sex work to supplement their salary from their full time occupation or to buy luxuries; a very few to fund addiction. Over fifty per cent of UK sex workers are thought to be single mothers who find sex work a flexible way of accommodating remunerative sex work and child minding duties.

In evidence of the foregoing, I would direct the Committee to the work of Dr, Graham Scambler, Professor of Sociology at UCL and in particular his papers of 2007 and 2008 wherein he comments on the typology of sex workers.

I would urge the Committee to examine the contents of the website [www.saafe.info](http://www.saafe.info) a site catering for sex workers. The many blog entries by escorts give an insight into their lives and will prove illuminating to anyone holding preconceptions about sex workers, how they operate and, crucially, how they view moves to outlaw their livelihood. The website, created by working escorts, gives advice to women wishing to become escorts on how to stay safe.

12. ‘Discouraging demand which drives commercial sexual exploitation’.

The wording presupposes sex work is by its nature ‘exploitative’ and betrays the opinions of the person framing it. It is a morally loaded statement implying that even consensual sexual acts between adults are automatically ‘exploitative’ if payment is involved.

Given that laws to eliminate prostitution in various countries have signally failed e.g. America or Sweden, the question becomes how best to manage it. In criminalising it, other harmful consequences are created; what is need is to make sex work as well regulated and as safe as possible for all parties.

13. Will male sex work also be made illegal?

If the justification for criminalising the purchase of sex is that it is based on gender inequality, logically there can be no question of banning commercial sex between consenting males. However, this in itself infringes ideas of equality between the sexes! Also, how would transgender men be viewed? As male, in which case they could continue to sell sex; or as female, in which they could not? The Swedish model avoids the question by not addressing it.