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October 4, 2015

To: Ms. Jean Urquhart, MSP
Proposal of new law, [*Prostitution Law Reform \(Scotland\) Bill*](#)
Email: Jean.Urquhart.msp@scottish.parliament.uk
Room M3.20, Scottish Parliament, Edinburgh, EH99 1SP

Dear Ms. Jean Urquhart, MSP;

PROSTITUTION: A CONNECTION TO NON-STATE TORTURE, HUMAN TRAFFICKING, AND ORGANIZED CRIME. We write to express our professional knowledge that women who are in prostitution can have suffered sexualized non-State torture, beginning for some when they were little girls, within the context of family, and at the same time been trafficked for prostitution, and exploited in adult-child pedophilic crime scene pornography. For other women not prostituted by family members sexualized non-State torture victimization is perpetrated by pimps, buyers, groups that perpetrate gang rapes, and organized criminal gangs. It is a global fact that where demand for women in prostitution is created trafficking in persons occurs to supply the demand—predominately of women and girls.¹

For detailed information on non-State torture we suggest reading this our [Fact Sheet: Non-State Torture in the Private Sphere](#). We manage a website which is how women contact us, over 4000 to date, from industrialized countries mostly. For over 22 years we have worked specifically addressing non-State torture victimization of women. Although we are based in Canada, we have had prolonged contact with a Scottish woman who, in her efforts to heal, contacted us. She, like other women who contact us, reported a lack of non-State torture-informed resources. Women so harmed risk being pathologized, disbelieved, and marginalized, and meet with discrimination, stigmatization, and social exclusion when they try to disclose.

Countries are ignoring, are dismissive in law, and are socially silent in acknowledging that sexualized non-State torture occurs to women in the domestic or private sphere which includes

women in prostitution. The U.K., for instance, does not criminalize non-State torture. When non-State torture is not specifically criminalized there is no access to legal justice when subjected to torture by non-State actors, and thus, when speaking of human rights, there is a federal failure to uphold the human right not to be subjected to torture as defined in articles 2 and 5 of the United Nations Universal Declaration of Human Rights. Our years of experience tell us that sexualized non-State torture occurs in street prostitution as well as in-house prostitution. In Canada we have just enacted a new law entitled, *Protection of Communities and Exploited Persons Act*. It is a made in Canada Nordic Model. We gave expert [verbal testimony](#) and submitted briefs to both the [House of Commons](#) and [Senate](#) Standing Committees. We described the continuous harms endured by women in prostitution who are subjected to sexualized non-State torture; we also say girls in prostitution because many women were children when first in prostitution.

WILL THE PROPOSAL OF NEW LAW, [Prostitution Law Reform \(Scotland\) Bill](#) BUILD A WORLD OF EQUALITY FIT FOR ALL WOMEN AND GIRLS? Misnaming sexualized exploitation of women in prostitution as women’s work—as “sex work”—is about human right gender inequality and discrimination. It is now acknowledged that women are a specific global group that does not have equality ‘simply’ because they are women or girls. Human rights are missing when such fundamental inequality is what drives the selling and buying of women and of girls. Just several weeks ago when presenting at this [Choices](#) Conference, we had the opportunity to listen to Jonas Henriksson, Detective Sergeant, Metro/Serious Crime/Prostitution Unit, Region Stockholm, Sweden. He said that in their years of arresting buyers they have yet to arrest a woman for “buying sex”. In his presentation he confirmed that on a week day in Stockholm they may have about five women in prostitution and during the week-end 10 to 12. By decreasing demand Detective Sergeant Henriksson stated they decrease the environment in which organized human trafficking criminals operate because there is no money to be made by selling the “product”—the product being women or girls. His presentation does not indicate a failure of the Nordic Model as stated in the Forward section of the [Proposal of the new law, Prostitution Law Reform \(Scotland\) Bill](#).

Women’s poverty is also a common theme used to justify or normalize prostitution as work—as “sex work”—and as a necessity for women to feed their children versus speaking the truth that a root theme is abuse of male financial privilege. Are societies also agreeing that it is an acceptable norm for men to spend family income on buying women or girls who are in prostitution or forcedly prostituted. Children are also men’s responsibility. Using their wealth to improve the health and wellness of their children may be new thinking—this concept can be taught. Presently, this does not appear to be the case; men with children and families are buyers of women in prostitution. Research shows that paying women more and men less in regular jobs would harness the power of “womenomics” and benefit families and a whole

country.² This social condition is true in Scotland, “on average women working full-time in Scotland earned £95.60 per week less than men” in 2014.³

MISOGYNY, SEXISM, AND PROSTITUTION. “Men who buy sex have less empathy for women in prostitution than men who don’t buy sex . . . and view them as intrinsically different from other women” which led researchers to ask, “whether prostitution is a job or sexual abuse”. Their research findings supported “the view that prostitution is more like sexual abuse” and a “predatory crime”.⁴ Both groups of men in the research study—those that buy women in prostitution and those that do not—suggested that “jail time and public exposure are the most effective deterrents”.⁵ These men were from Boston. It is probably reasonable to suggest that Scottish men’s attitudes would be similar. And, at one time, I, Jeanne, worked in communicable disease control for STIs in Arctic Canada, far from Boston. The attitudes repeatedly witnessed were that women, young and old, who were vulnerable to sexualized exploitation, were objectified. Considering the position of both groups of men in the above study, women would be safer if men who buy women’s bodies are identified publically and jailed and women offered supportive exiting strategies, which appears to interest the majority of women. Patriarchal biases continue to let men “have their way”. This must stop if the human equality of all women and girls is ever to be achieved.

MISOPEDIA AND PROSTITUTION: QUESTIONS AND ANSWERS OF THE SERIOUS SUPPLY AND DEMAND RISK FOR CHILDREN. We posed six questions with answers to our Minister of Justice and other Members of Parliament concerning the risk to children that occurs when the supply and demand for women in prostitution is normalized as “sex work”; thus, providing an environment for pimps to function as business managers, as brothel managers. We pose these same questions and answers to you, including references to the New Zealand model which also poses risks to children.

1. Question: Does legalizing the prostitution of women protect the young from the buyers?

No, it does not. A slippery slope occurs in places where prostitution and legal brothels exist. For example, in the state of Victoria, Australia, where prostitution was legalized in 1984, Victoria is reported to have the largest child prostitution trade in comparison to other Australian states which have not legalized prostitution. Children so victimized can be younger than 10 years of age, and a legal brothel owner was jailed for perpetrating sexualized violence against a child.⁶ European countries—The Netherlands, Germany, Austria, Switzerland, Greece, Hungary, and Latvia—where prostitution is legal and supposedly regulated, insights suggest that girls, not only women, are criminally trafficked into these countries for prostitution.⁷ The Netherlands has become a source country for “sex tourists” seeking to inflict sexualized

violence against children who can be controlled by pimps, madams, and small networks.⁸ In Greece the suggested common age of child victims was 12, many are controlled by organised criminal networks.⁹ Organized crime related to the infliction of prostitution of children exists in all the other countries mentioned. In New Zealand laws decriminalizing prostitution occurred in 2003; in 2004 a brothel owner was charged for exploiting underage girls in her brothel.¹⁰ Media reports suggests New Zealand communities are now attempting to deal with attitudes and behaviours associated with the acceptance of prostitution, with police “turning a blind eye” to illegal underage exploitation and to parents who prostitute or pimp their children.¹¹ New Zealand’s legalization breaks down the barriers that can prevent a youth from entering prostitution; for instance, Lilly declared, “I would never have entered prostitution if it was illegal”.¹² When the New Zealand government asked ECPAT to study the sexualized prostitution of children, their ages began at 10 years, with 59 percent stating they had suffered prior sexualized abuse; in the Maori their rate of prior sexualized abuse was 74 percent.¹³ In other words, legalizing prostitution and brothels has not made children safe from exploitative sexualized prostitution. It can be stated that legalizing prostitution and brothels increases child prostitution, for instance, in an analysis of 150 countries that on average prostitution was/is legal there is an increase in exploitative sexualized human trafficking.¹⁴

2. Question: How young is young in the supply and demand chain of the prostituted?

It starts with infants. Infants who are victims of sexualized exploitation can be so young as to still have their umbilical cord clamps attached.¹⁵ In 2011, U.S. law enforcement officials turned over 22 million exploitative sexualized crime scene images known as “child pornography” to the International Center for Missing and Exploited Children; in their work 76 percent involved prepubescent children and one in 10 were infants or toddlers.¹⁶ In Canada, we have similar evidence. Between September 26, 2002, and March 31, 2009, Cybertip.ca examined websites hosting child exploitative sexualized crime scene images, of the 4,110 images 82.1 percent were of pre-pubescent children under 12 years of age, with the extreme sexualized violence inflicted against children under eight years old, 83 percent of the images were of the girl child, and images included infants and toddlers.¹⁷ In the U.K., Internet Watch Foundation reporting on 13,182 websites that contained child sexualized victimization images, 76 percent were of the girl child, 81 percent of the victimized children were aged 10 years or under, with three percent under aged two; 51 percent of the images were of rape or sexualized torture.¹⁸ Northern Canadian Aboriginal women, including Inuit women and children, who identified surviving sexualized exploitation, report family members, boyfriends, and friends as the exploiters.¹⁹ In the Canadian province of Manitoba, children as young as nine years are identified as suffering sexualized exploitative prostitution; the average age when adults were first exploited was stated to be 13 to 14 years.²⁰ In the New Zealand ECPAT study mentioned earlier, one girl

stated her father prostituted her when she was in primary school.²¹ This means that children were only in grades three to seven when prostituted! As previously stated, the women who share their non-State torture stories with us disclose being subjected to child crime scene pornography, and describe surviving sexualized torture beginning from their earliest of memories that, for some, extended into adulthood and being prostituted.

3. Question: Is there a demand for sexualized torture of the young?

Yes, there is. To answer this question we again draw on the supply and demand evidence exposed in child exploitative sexualized crime scene images which is commonly associated with the prostitution of children. It involves both exploiters and buyers who victimize children. Concern that there is an ever-increasing supply and demand is evidence, for example, in Germany where there was a 72 percent increase between 2000 and 2001, and where the prostitution of girls remains a serious reality.²² Some of these crime scene images involve torture including pedophilic sadistic snuff which means the child is murdered on film which is then sold.^{23,24} A Canadian research report on internet child exploitation identified images of pedophilic necrophilic violence.²⁵ Over twenty-two years of listening to women has exposed how they endured many acts of sexualized torture such as electric shocking in their vagina, being raped with guns, knives, and many other objects, being group/gang raped, being burnt, cut, tied down, impregnated and forcedly aborted, caged, whipped, beaten, and when children being taken to pedophilic “torture parties”; some also report being exposed to snuff. The list of atrocities inflicted was/is only limited by the ‘creative’ brutalities of the torturers, some who had “trained” their own children “to withstand torture” as one woman stated. The women speak of how they suffered being pimped, trafficked, prostituted, and exploited in their homes. It must not be assumed that in-house prostitution makes life or living safer—homes are known to be one of the most unsafe places for women and children of all ages.

4. Question: Who are the suppliers that meet the demand for the exploited prostituted young?

They are the known and the unknown. They can be parent(s), other intergenerational relatives, boyfriends, others known or trusted, pimps, pornographers, human traffickers, drug dealers, gangs or rings, people in authority. They gather benefits including financially from exploiting the very young. A recent study in Kentucky revealed family were the predominate exploiters of their children into prostitution and pornography.²⁶ Recorded are tragic accounts of, for example, a young woman who at age five years was rented out by her mother for drug money and who at 11 years ran away from home into the control of a pimp;²⁷ or, as previously mentioned the New Zealand little girl who was groomed and exploited by her father. A RCMP report suggests that in Canada exploitation is often linked to organized criminal activities and

internet recruitment of underage girls.²⁸ It appears the families of the women who speak to us of non-State torture exploitation have not drawn the attention of police—why not? A detective in a Toronto sex crime unit stated that 90 percent of the adult-child crime scene pornography recovered is made in the U.K., U.S., Canada, and first-world countries and is inter-familial.²⁹ Our experience suggests that such violent family systems hold attitudes and behaviours that are misogynistically discriminatory, oppressive, and objectify and commodify girls while teaching little boys to be violent, forcing them to sexually rape female siblings or other young children. Children forced to sexually violate each other is revealed in the Canadian cybertip!ca report.³⁰ Developing a socio-legal culture that supports misogynistic attitudes associated with legalizing prostitution and brothels is akin to reinforcing the attitudes of such exploiters, families, gang, or rings; such attitudes also reinforces their criminal behaviours.

5. Question: How many exploitative rapes does a child need to suffer?

One rape is supposed to be illegal. If at an average age of 13 years a girl can be forced to endure being raped—prostituted—by 10 to 12 men a day this means by the time she reaches the ‘legal’ age of 18 she will have endured 17,800 rapes plus other acts of violence that can be manifestations of torture.³¹ From professional experience working with women tortured since early childhood, we estimate for a woman who cannot escape until age 20 years she will have endured at least over 24,000 torture rapes. These repetitive rapes are a pattern of life-threatening human right destruction that must not be minimized to sexual assaults or when the girl is of ‘legal’ age to be considered that she has chosen to be in prostitution or to be identified as in the job of “sex work”.

6. Question: What social and legal attitudes can develop which normalize exploitive sexualized torture?

Exposing a Canadian perspective: Is it a Scottish one? According to a response received from Statistics Canada when asked how they tracked sexualized torture perpetrated by a private individual(s)—non-State actors—their response was to explain that;

It is just *regular torture* [emphasis added] between two individuals and called non-state actor torture. This is usually charged instead as assault (level 2 or 3) with intent, and the torture element often comes out at the trial stage (re: motive) and believe it or not there are all kinds of implications and exceptions for S&M (re: consent to torture); (email communication, July 27, 2009).

In other words, if torture victimization occurs it can be sexualized as sadomasochism (S&M) and normalized or misnamed as an assault which invisibilizes the life-threatening torture suffered.

When asked what would happen if this same legal perspective was applied to an underage exploited child there was no response. Evidence that very young children suffer sexualized torture now exists, including in the U.K. and the torture they endure is described using S&M words such as “bondage”.³² If this is all a child knows in relational connection with adults, there is ample evidence to acknowledge that many, when of ‘legal’ age, enter prostitution or what is being renamed as “sex work” because it is relationally familiar.

IN CONCLUSION: From our global perspective, willful gender based discrimination exists and is ignored in the discussions and decisions of nations that support legalizing or decriminalizing the supply and demand for adult women in prostitution and brothels. Making such decisions willfully also ignores the significant and destructive impact this can have on the supply and demand for the prostituted young—predominately for the girl child of all ages. Girls of all ages must depend on non-perpetrating adults to create a world—a community of equality—fit for them to grow up in.

We write this letter in support of Scottish women, of ALL women, whose efforts are to put an end to the national and international prostitution of women and girls as being “sex work”. They are asking that a Nordic Model approach be used as it is the best intervention to date that utilizes the fundamental working principle that supporting prostitution is about supporting women’s and girl’s human inequality. It acknowledges that the fundamental human inequality of women and girls of all ages has made them products that are bought and sold. Women and girls of all ages are not products—they are persons.

Respectfully submitted via email,

Jeanne Sarson and Linda MacDonald

Endnotes

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