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Models on the Move: The Mobilities of Swedish and Dutch Sex Work Policies

L McMenzie

PhD

2021

Models on the Move: The Mobilities of Swedish and Dutch Sex Work Policies

Laura McMenzie

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the requirements of the University of
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Abstract

Policies, ideas and models related to sex work move between places. Yet there has been little academic attention paid to such mobilities. This thesis attends to this gap by drawing on and extending a policy mobilities approach – incorporating the concepts of mobilities, mutation, assemblages, learning, educating, showcasing, immobilities and gender – to uncover the processes through which sex work policies become mobile models. It focuses on the example of the Swedish and Dutch models of sex work regulation and their reception in the UK (including England, Wales, Scotland and Northern Ireland). Methodologically, it uses a qualitative approach drawing on documentary analysis and semi-structured interviews which were undertaken with key stakeholders including, state officials, consultants, academics, activists, and NGOs.

Empirically, the thesis demonstrates that both models have been widely discussed in policy, NGO and academic circles in the UK, with much learning and educating done about both models. The models have been accompanied by a range of ‘study aids’ – including conferences and fact-finding trips – as well as advocates and critics. Despite its flaws, the Swedish model has gained significantly more traction in the UK than its Dutch model ‘rival’. Conversely, while there is some evidence of local-to-local learning between the UK and the Netherlands, the Dutch model has been positioned by many as a lesson in ‘worst practice’, effectively immobilising its movement to the UK.

The thesis has shown that the issue of gender runs behind the two models and their messages, messengers and the mediums through which they are advocated or critiqued. The thesis demonstrates that while a policy mobilities approach is important to the study of policies on the move, it must take seriously the issue of gender.

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Author's declaration

Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas and contributions from the work of others.

Any ethical clearance for the research presented in this thesis has been approved. Approval has been sought and granted by the Faculty Ethics Committee on the 30th November 2016.

I declare that the Word Count of this Thesis is: 83,069

Name: Laura McMenzie

Date: 01/03/2021

Chapter One: Introduction

1.1 “The Tide is Turning”

In May 2004, Julie Bindel – a British radical feminist writer, recognised globally for her activism around the sex industry – wrote an article for *The Guardian* titled ‘Streets Apart’. Bindel opens it in a striking manner, by listing the names of the victims of the so-called ‘Camden Ripper’ who murdered three sex workers in 2002. She uses this as a segue, highlighting the need for policy reform to tackle violence in the sex industry in the UK. As Bindel notes, policy reform has historically – and continues to be – hotly debated where the exchange of sex for money is concerned.

An intriguing element of Bindel’s article are the references to policy approaches elsewhere. Here, she focusses almost exclusively on two countries who had recently made legislative changes of their own: Sweden and the Netherlands. Indeed, the Streets Apart title of the article appears to be in reference to the diverging policies coming from Sweden and the Netherlands. Bindel (2004, n.p.) argues that “supporters of legalisation often cite Holland as a shining example”. Reasoning that this acclaim is misplaced, Bindel instead draws attention to the perceived failings of the legalisation approach to sex work regulation in the Netherlands, particularly, she argues, in its inability to tackle human trafficking. Bindel juxtaposes this with Sweden’s approach, which criminalises the purchaser of sex but not the seller. This approach, she argues, has been effective in reducing trafficking and sex work. Continuing to endorse Sweden’s approach, Bindel also brings attention to the Swedish state’s goal of transporting their approach to other jurisdictions; initially to neighbouring countries including Denmark and Finland, but also further afield in order to bring “the issue of abuse within prostitution” to the global political agenda (n.p.).

It is not surprising that in 2004 Bindel concentrated on these two sex work policy approaches, as she notes in the article, these were the countries that the UK Home Office looked closely at during their much-publicised consultation paper – *Paying the Price: A Consultation on Prostitution* – in the same year. Fast forward to 2017 and Bindel was still doing something similar in her book: *The Pimping of Prostitution: Abolishing the Sex Work Myth*. Within the book, Bindel notes that many countries – including Scotland, England and Wales – are at a crossroads regarding the governing of sex work and are under increasing pressure from key stakeholders to

either criminalise clients or remove all criminal sanctions surrounding sex work. Here, Bindel again reduces the sex work policy debate to two models – “The Nordic Model” and “legalisation/decriminalisation”. Putting aside her problematic conflation of legalisation and decriminalisation (for now), the Netherlands is again used by Bindel as an example of legalisation, which she argues has been “an unmitigated disaster” (p. xxxi) and New Zealand is offered as the example of decriminalisation, which is also framed as a failure. Bindel mockingly suggests that the New Zealand model is as “useful as a burst condom” (2017, n.p.) In contrast, Bindel staunchly promotes the Nordic model to sex work throughout the book and cites several countries that have adopted this approach in some way. These countries include Norway, Iceland, Canada, South Korea, Ireland, Northern Ireland and France. “[T]he tide is turning”, according to Bindel (2017, p. 335), as more countries adopt this approach to sex work regulation. Indeed, it is evident that this approach – originating from Sweden – has travelled.

This opening vignette speaks to two issues: first, the desire by a range of actors, within and beyond the state, to look to places elsewhere for solutions and inspiration, and second, the seemingly central role that Sweden and the Netherlands have within many sex work policy prescriptions in the UK. Before we venture further into these two issues, it is worth briefly overviewing the two approaches or, as they are often referred to, models. The Netherlands has gained notoriety world-wide for its liberal approach to a number of policy areas, including sex work, with Amsterdam’s De Wallen Red Light District (RLD) attracting significant tourist and media attention (see for example, Daily Mail, 2008; Williams, 2017; Boffey, 2021). Following concerns over the tolerated but illegal sex work industry, the Dutch government lifted the ban on brothels in October 2000 (Outshoorn, 2004). Broadly recognised as a legalised framework, it is now legal to sell or purchase sex in the Netherlands, although there are several regulations around this. Sweden, on the other hand, is recognised as the first country to tackle the demand side of sex work by criminalising the purchase of sex through the Sex Purchase Act (*Sexköpslagen*, 1999). The Swedish Government did this as part of a violence against women’s bill, positioning sex work as violence against women and an obstacle to gender equality. These policy models have become a mainstay in UK policy debates but how and why this is so remains unclear.

1.2 Research Objectives

This thesis, therefore, critically examines the circulation of the Swedish and Dutch sex work policy models and their reception within the UK. As such, the thesis has four key objectives:

- (1) To explore the evolution of sex work policy in Sweden and the Netherlands.
- (2) To explore how Swedish and Dutch sex work policies have been framed as international policy models.
- (3) To explore if and how these policy models have influenced policy and practice across the UK (i.e. England and Wales, Scotland and Northern Ireland).
- (4) To explore the role of gender in the movement of the Swedish and Dutch sex work policy models to the UK.

These objectives have been developed through a thorough examination of the literature exploring sex work and policy mobilities. A qualitative methodology was used to collect the data required to formulate a response to these objectives, drawing on (a) semi-structured interviews with policy-makers, activists, police representatives, practitioners, and academics, and (b) analysis of policy documents, websites, social media, material published by non-governmental organisations (NGOs), presentations and speeches. The methodology will be further detailed and reflected on in Chapter Four.

1.3 A Brief Introduction to Sex Work Discourse

Feminist understandings of sex work can be extremely polarised; therefore, it is useful to briefly introduce the discourse and dialogue that surrounds policy debates. Typically, discourse surrounding sex work is shaped by two important feminist positions, which reflect broader feminist debates surrounding sexuality – known by some as the ‘sex wars’ (Chapkis, 1997). Firstly, there are those – predominantly made up of radical feminists – who frame sex work as violence against women and advocate for a shift in focus on to the demand side of sex work. This can include those who organise it, but mainly their attention is on the purchasers of sex. Secondly, there are those – often identified as sex positive or liberal feminists – who position sex work as a form of legitimate labour and advocate for the removal of

criminal sanctions and a focus on sex worker rights. One thing that unites these competing positions is the view that law or policy reform is an important part of the answer to the issue (Scoular, 2015). Although I am aware that defining the debate in this binary way can be problematic – and risks adding to the widening divide in sex work policy discussions – it would be foolish to ignore its significance in understanding what influences policy debates in the UK and beyond. Therefore, while recognising the nuances within the debate, these definitions make an important contribution to this thesis, which will be explored much further in the literature review (Chapter Three).

Furthermore, it is important to recognise here that the type of language and the terminology used by the opposing feminist groups is revealing of their ideological positions. For example, radical feminists typically use ‘prostituted women’ and liberal feminists/sex positivists typically use ‘sex work’. To offer a broad definition, sex work typically refers to the sale of sexual services for payment. That said, the term sex work can encompass a host of services – such as stripping, porn, camming, phone-sex, BDSM (Bondage and discipline, dominance and submission, sadism and masochism), and peep shows. For the purposes of this thesis, however, the term will be in reference to the work that is typically referred to as prostitution – the sale of sexual services for payment. Indeed, historically the sale of sexual services for payment has been called prostitution and this term continues to be used to this day, particularly in legal definitions. However, there has been increased recognition that this term carries a lot of stigma – largely due to its dual use as a definition of a profession, but also because it is suggestive of a denigrated ‘social category’ (Bindman, 1997, n.p.) Indeed, Lister highlights that the word prostitute is “burdened with considerable historical and cultural baggage” (2017, n.p.), which is why it is not surprising that those in the industry chose to campaign for a change in language. Consequentially, there has been a shift away from using the term ‘prostitution’ and towards using the term ‘sex work’ – evident in academic publications, media, and government documents etc. As mentioned above, the term ‘prostituted women’ is also prominent in debates. This somewhat loaded term is used by those who position people (predominantly women) involved in the sex industry as victims. This position is firmly contested by many in the industry for removing sex workers’ agency and demonising all purchasers of sex and third parties (Sanders *et al.*, 2009). For this reason, this thesis will use the term ‘sex work’ throughout, unless quoting directly.

1.4 Advancing Academic Knowledge

There is a wealth of academic research on sex work and ample attention has been given to the policies and regulatory methods used to govern sex work. This is unsurprising perhaps given that Wagenaar *et al.* (2017 p. 5) notes “prostitution as a social phenomenon cannot be seen apart from efforts of authorities to prohibit, contain or regulate it”. Consequentially, academics have explored the formation, implementation and impact of sex work policy. Policy is significant within the literature, with explorations often being contentious, critical and persistent in seeking to evaluate the impact of many regulatory models on sex work (see Wagenaar, 2006; Phoenix, 2007; Agustín, 2008; Abel *et al.*, 2010; Sullivan, 2010; Weitzer, 2012; Wagenaar *et al.*, 2017).

A dominant feature of debates about governing sex work – often in conjunction with the regulatory models – are references to other places and policy models that can/should be emulated elsewhere, as Bindel’s article and book demonstrate. Of course, inspiration can come from a variety of geographical places, but there are several places of note that are often used as exemplars in sex work policy debates including Sweden, the Netherlands, Germany, Nevada in the USA, and New Zealand. Each of these places – alongside others – have been positioned as ‘successful’ or ‘unsuccessful’, and as ‘good practice’ or ‘bad practice’ by various actors, with the aforementioned feminist positions underpinning these regulatory models. Despite widespread acknowledgement of this, there has been little attempt in the academic literature to understand the circulation of sex work policy models. This gap in the literature is surprising given the vast amount of research analysing and evaluating different governing approaches, along with a growing number of stakeholders arguing ‘for’ or ‘against’ policy emulation. Kingston and Thomas (2018) have explored the adoption of the so-called ‘Nordic model’ in other jurisdictions by drawing on existing literature within political science on policy transfer. However, this is predominantly utilised as a means to critique the adoption of the Nordic model and the disparities in practice and implementation, as opposed to exploring the factors involved in the movement and mobilities of policy. There remains a noticeable absence of any empirical exploration into the international circulation of sex work policy, which this thesis seeks to rectify. This will be achieved by looking

at the movement and mobilities of sex work policy models, specifically the Swedish and Dutch models within the context of the UK.

The strategy of drawing on, emulating, and learning from policy models elsewhere is not uncommon in contemporary policy making; in fact, it is rather typical. With increasing global, interconnected learning streams – advanced by technology and the growing ease of travel (outside of the current pandemic) – alongside mounting pressure on policymakers to speedily implement best-practice policies, emulation is somewhat unsurprising. To make sense of this phenomenon and its impact on the policymaking landscape, scholars in the field of political science have researched policy diffusion, policy learning and notably policy transfer (see Dolowitz and Marsh, 2000; Benson and Jordan, 2011). Criminologists have also sought to understand the movement of criminal justice policy, including policies on probation (Canton, 2006; Vanstone, 2008; McFarlane and Canton, 2014), electronic tagging (Nellis, 2000; Jones and Newburn, 2007), victim impact statements (Wemmers, 2005), preventative orders (Ogg, 2015), football banning orders (Hamilton-Smith and Hopkins, 2012), and violence against women (Walklate and Fitz-Gibbon, 2018). These studies predominantly draw on the policy transfer literature within political science, with the exception of Newburn *et al.* (2017) who recently advocated for a noticeably different approach to studying the movement of criminal justice policy. Taking inspiration from a growing body of work originating in the field of human geography termed ‘policy mobilities’ (McCann, 2008), this approach seeks to “explore the processes, practices and resources brought together to construct, mobilize and territorialize policy knowledge” (Baker and Termenos, 2015 p. 825).

Newburn *et al.* (2017) have drawn on a number of aspects of the policy mobilities approach, focussing specifically on mutation – how policies change as they travel from one jurisdiction to another – and assemblages – the bringing together of parts from near and far. However, there are other features of the policy mobilities approach that would enhance criminological research into the movement of policy. This includes a focus on the role of learning, educating and promotion, as well as a better understanding of policy immobilities – why some policies do not travel – all of which will be explored further in the upcoming literature chapter (Chapter Two). Additionally, despite a recognition of the role of gender in policy-making (see Kathlene, 1995), attention on gender is noticeably lacking in studies concerned with policies that move. Sex work, in particular, is gendered; it therefore seems

inconceivable to ignore the significance of gender in policy mobilities – this is therefore a key area this research addresses.

Consequently, this thesis therefore makes four contributions to academic knowledge: (1) it provides the first empirical study into sex work policy mobilities, (2) offers a framework in order to enhance future criminological studies on policies that move (3) builds on geography-led policy mobilities research by providing an example of two competing policy models, and (4) enhances policy mobilities research by focussing on the role of gender.

1.5 Thesis outline

The thesis is structured henceforth as follows:

Chapter two reviews existing literature on the study of policy mobilities. Specifically, it considers the policy transfer literature developed by political scientists and often drawn on by criminologists, as well as the geography-led policy mobilities approach, which this thesis draws on and contributes to.

Chapter three reviews existing literature on gender, feminism, policy-making and sex work. It considers the often-competing, philosophical discourses on sex work, with a focus on the role of feminism and gender. The chapter concludes with a theoretical framework which will inform the empirical analysis.

Chapter four sets out the research design and the methodological approaches informing this thesis. It will also justify the methods used to collect and analyse data, including the practical and ethical considerations.

Chapter five analyses the approaches to sex work regulation in both Sweden and the Netherlands. It will attend to the research objective of understanding the evolution of these policy models and their place within international trends.

Chapter six focuses on the governance of sex work in the UK. It explores historical and contemporary regulatory approaches to sex work across the differing jurisdictions (England and Wales, Scotland and Northern Ireland) in order to contextualise the UK within international policy debates.

Chapter seven is the first empirical chapter. Here, findings from data analysis concentrate on the key actors involved in mobilising the Swedish and Dutch policy models, paying attention to methods of showcasing and educating.

Chapter eight is the second empirical chapter. Here, attention turns to tracing aspects of the Swedish and Dutch policy models within the context of the UK. Specifically, what has or has not been emulated and how the policies mutate as they move.

Chapter nine is the concluding chapter, which clearly outlines the key findings and overall themes from the research in relation to the stated research objectives. It also presents recommendations for future research.

Chapter Two: Criminological Policy Mobilities

2.1 Introduction

“The policy world seems to be one in constant motion. In a figurative sense, policy-makers seem to be under increasing pressure to ‘get a move on’ – to keep up with the latest trends and ‘hot’ ideas that sweep into their offices, to convert those ideas into locally – appropriate ‘solutions’, and ‘roll them out’, thus making the most of them before the next trend emerges” (McCann and Ward 2010 p. 175).

What McCann and Ward (2010) highlight here is the realities of the contemporary policy-making landscape, one which is shaped by fast-paced decision making and increased dissatisfaction. It is therefore not surprising that policymakers are searching elsewhere for ‘best practice’ solutions to facilitate them in this process. Although this is not a new phenomenon, a growing number of scholars have turned their attention to how policymakers are learning from the experiences of places elsewhere. The circulation of policy has been explored by a number of disciplines, however most notable of these is a body of work developed by political scientists in the 1990s, who – building on earlier work on policy diffusion and lesson drawing – sought to understand what they call ‘policy transfer’ (e.g. Dolowitz and Marsh, 2000; Benson and Jordan, 2011). Adding to – but often in critique of – the policy transfer approach is the human geography led ‘policy mobilities’ approach (e.g. McCann and Ward, 2013; Peck and Theodore, 2015; Temenos *et al.*, 2018). Although disagreeing in many aspects, both approaches concern themselves with how, why, where and when policies move from place to place.

Criminologists have added to this body of work, analysing the circulation of criminal justice ideas, institutions, policies and models. However, most of these studies have had limited engagement with the conceptual offerings from either the policy transfer or policy mobilities literature. That said, there are a small number of criminologists who have chosen to utilise the conceptual tools developed by political scientists such as Dolowitz and Marsh, and have explicitly drawn on these within their own work (Newburn and Jones, 2002, 2007; Canton, 2006; McFarlane and Canton 2014; Ogg, 2015). The work by policy mobilities scholars has been largely left untouched by criminologists until more recently. In 2017 criminologists Newburn and Jones, teamed up with Blaustein, and stepped away from the policy transfer literature they had once relied on in earlier work (Newburn and Jones, 2002, 2007). Instead, they draw inspiration from the policy mobilities literature, arguing that it offers a more

nuanced approach to the study of policy circulation (Newburn *et al.*, 2017), and others have followed suit (Méndez Beck and Jaffe, 2019). This chapter will highlight the usefulness of a policy mobilities approach to the study of criminal justice policy as outlined by Newburn *et al.* (2017). Furthermore, it will expand on this by drawing on number of conceptual tools developed by policy mobilities scholars of which criminologist are yet to utilise.

This chapter will begin by looking at the 'orthodox' political science led policy transfer literature, notably looking at the work of Dolowitz and Marsh (2000). It will then explore how this approach has been drawn on by a number of criminological studies on penal policy transfer. The next section will look at how criminologists have moved on from this approach and have begun to draw on a policy mobilities approach – albeit in a limited way – looking particularly at the concepts of mobilities, assemblages and policy levels. The final section of the chapter examines three policy mobilities issues that have informed this thesis, of which criminologists will benefit from engaging with more: (1) learning and educating, (2) showcasing and (3) policy failure, barriers to transfer and immobilities.

2.2 Criminological Research and Policy Transfer

This section will explore the political science led policy transfer literature and how it has been utilised by a number of criminologists studying policy circulation. Policy transfer as a concept became of interest to political scientists in the 1990s, when a number of scholars turned their attention to:

“[The] process by which knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system” (Dolowitz and Marsh, 2000 p. 5).

This line of inquiry has had different points of focus and used varied terminology i.e. lesson-drawing (Rose, 1991; Stone, 2001), policy convergence (Fink, 2013), and policy diffusion (Walker, 1969; Simmons and Elkins, 2004).

The transfer of policy from one jurisdiction to another has proliferated over the years, this can be partly attributed to effects of globalisation, such as developments in information and technology and the global economic system. In 2000, Dolowitz foresaw that instances of policy transfer would only continue to increase as

information becomes easier to obtain regarding how things are done elsewhere. Furthermore, he notes, the development of international organisations, such as the European Union, the World Bank and the International Monetary Fund (IMF) increasingly play a part in policy making. These organisations often advocate, if not enforce, certain policies across a range of countries, often accelerating policy transfer (Dolowitz and Marsh 2000). Dolowitz and Marsh (2000) recognised that despite the acknowledgement – across a number of disciplines – that policy transfer is worth exploring, there had not yet been any real explanation of the processes involved or any conceptual framework offered. They therefore advocate that scholars draw on their self-titled ‘Dolowitz and Marsh Model’ (1996) which focuses on six questions:

- (1) Why do actors engage in policy transfer?*
- (2) Who are the key actors involved in the policy transfer policy?*
- (3) What is transferred?*
- (4) From where are lessons drawn?*
- (5) What are the different degrees of transfer?*
- (6) What restricts or facilitates the policy transfer process?*

Building on their work in 1996, Dolowitz and Marsh (2000) add a seventh question: *How is the process of policy transfer related to policy “success” or policy “failure”?* A breakdown of the framework can be seen in the table below (see Table 2.1).

Table 2.1 'A policy transfer framework'

Why Transfer? Continuum Want To... Have To			Who Is Involved in Transfer?	What Is Transferred?	From Where			Degrees of Transfer	Constraints on Transfer	How To Demonstrate Policy Transfer	How Transfer leads to Policy Failure
Voluntary	Mixtures	Coercive			Past	Within-a Nation	Cross-National				
Lesson Drawing (Perfect Rationality)	Lesson Drawing (Bounded Rationality)	Direct Imposition	Elected Officials	Policies (Goals) (content) (instruments)	Internal	State Governments	International Organizations	Copying	Policy Complexity (Newspaper) (Magazine) (TV) (Radio)	Media	Uniformed Transfer
	International Pressures		Bureaucrats Civil Servants	Programs	Global	City Governments	Regional State Local Governments	Emulation	Past Policies	Reports	Incomplete Transfer
	(Image) (Consensus) (Perceptions) Externalities	Pressure Groups	Institutions			Local Authorities		Mixtures	Structural Institutional Feasibility	Conferences (Commissioned) (uncommissioned)	Inappropriate Transfer
	Conditionality	Political Parties	Ideologies					Inspiration	(Ideology) (cultural proximity) (technology) (economic) (bureaucratic) Language	Meetings/ Visits	
	(Loans) (Conditions Attached to Business Activity)										
	Obligations	Policy Entrepreneurs/ Experts	Attitudes/ Cultural Values							Statements (written) (verbal)	
			Consultants Think Tanks Transnational Corporations Supranational Institutions	Negative Lessons			Past Relations				

Source: Dolowitz and Marsh (2000, p. 9).

An important element of their framework worth mentioning here is the notion of voluntary and coercive transfer. Dolowitz and Marsh (2000) note that when policies are drawn on from elsewhere there can often be a coercive element to it, that the decision to adopt policies may not be entirely by choice. To help explain voluntary and coercive policy transfer Dolowitz and Marsh (2000) offer a continuum (see figure 2.1).

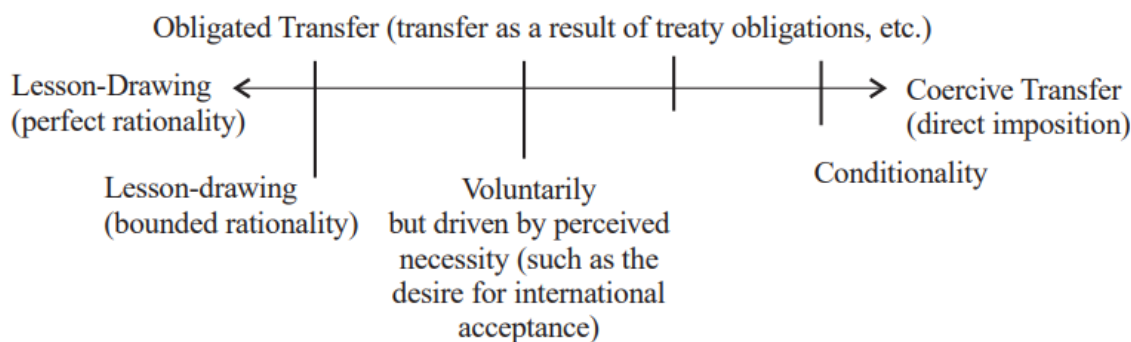


Figure 2.1 From lesson-drawing to coercive transfer

Source: Dolowitz and Marsh (2000, p. 13).

The continuum provides categories for researchers to consider in their empirical work. A purely voluntary policy transfer would be where actors make a 'rational' and 'conscious' decision to borrow policies from other jurisdictions (Dolowitz, 2000). An example of coercive transfer would be when powerful states or international organisations, such as the World Bank, impose particular policies on nation states. Stone (2010) notes that these international pressures are often directed at developing countries and facilitated by state actors. While state actors' decisions are more likely to be influenced by coercive elements, Stone (2010) found that for non-state actors, policy transfer was more likely to be decided through persuasion or voluntary modes. However, the continuum provided by Dolowitz and Marsh in Figure 2.1 acknowledges that often policy transfer can have both voluntary and coercive elements. A policy may have begun as voluntary but over time developed into a more coercive process, and of course some elements of coercion are more subtle than others. For example, states may engage in policy transfer due to perceived international pressures, that although may not be a direct imposition, hold some weight in the decision-making process. This was what Dolowitz (2000) found when studying the adoption of American style workfare – a set of conditions attached to receiving welfare benefits that the state believe will increase welfare recipients' chances of employment (for example, undergoing training, work experience or rehabilitation). Initially adopted by the UK, other European countries began to follow suit, and while Belgium appeared to do this voluntarily, Norway's choice to engage in policy transfer was heavily influenced by their perception that they were falling behind an international trend.

Intrinsically linked to the notion of coercive transfer is the concept of power. While there can be varying definitions of power, Giddens and Sutton (2017, p.234) offer a working definition as "the ability of some individuals, groups and communities to get their own way, or to achieve their goals, against challenges and resistance from those who are opposed to them". The *actual* or *perceived* power of key actors, networks, institutions and organisations is therefore significant in why some policies move, and others do not. Ellison (2017) argues that different forms of power can play different functions in the processes of policy transfer and draws our attention to three important types of power. Firstly, *power as mutual influence*, primarily embodied in learning between Western nations by 'equals', where there is a mutual understanding that policies can be improved and where contextual agendas, trends, and forms of persuasion can influence policy transfer. Second, *power as weighted*

bargaining – where regional, national, and international actors (such as the United Nations) exercise their substantive power to promote, negotiate and influence ‘unequal’ policy actors. Finally – echoing Dolowitz and Marsh – *power as coercion*, where the consequences of not adopting a policy can leave governments with little choice but to implement them.

It is the work of Dolowitz and Marsh as well as other political scientists that has largely influenced the relatively small but growing number of studies by criminologists into the circulation of criminal justice policy, ideas and models. Indeed, as Newburn *et al.* (2017) note, criminologists have tended to be more concerned with critiquing policy ‘outcomes’ rather than their formation and circulation. They therefore reason that:

“[i]f criminology is to become more than a ‘counsel of despair’, systematic empirical study of the policy formation process – including the ways in which cross-national influences work to shape crime policy – is a pre-requisite for identifying opportunities to bring about social change” (Newburn *et al.*, 2017, p.3).

In other words, rather than relying on studies regarding which policy is ‘good’ or ‘bad’, criminologists studying penal policy would benefit from considering how and why particular policies ‘take off’, while others do not. As well as gaining a better understanding about what happens to policies during this process. In doing so, this may uncover potential opportunities for policy growth and change. Nevertheless, there are some criminological studies that do look at this phenomenon, including research on probation (Canton, 2006; Vanstone, 2008; McFarlane and Canton, 2014), victim impact statements (Wemmers, 2005), preventive orders (Ogg, 2015), football banning orders (Hamilton-Smith and Hopkins, 2012), electronic tagging (Nellis, 2000; Jones and Newburn, 2007), community policing and crime prevention (Steinberg, 2011), and Alcohol Abstinence Monitoring Requirements (Bainbridge, 2019, 2020).

Geographically, early work on the movement of criminal justice policies has been dominated by studies focussing on the movement of policy from the US to the UK (Nellis, 2000; Jones and Newburn, 2007). Newburn and Jones (2007), for example, explore a number of criminal justice policies and practices moving from the US to the UK, including ‘zero tolerance policing’ (ZTP) – the strict policing of minor crimes and incivilities – ‘three strikes sentencing’ (TSS) – mandatory life sentences upon the conviction of a third violent/sexual offence – and the privatisation of corrections. Their monograph *Policy Transfer and Criminal Justice: Exploring US Influence over*

British Crime Control Policy includes a chapter on the policy transfer literature that informed their research on three key aspects of the criminal justice system (policing, sentencing and corrections) (Newburn and Jones, 2017). They draw on policy transfer work by Dolowitz and Marsh (2000), Evans and Davies (1999), Smith (2004), and Bennett (1991), among others, to inform their research. In doing so, Newburn and Jones (2007) considered:

- (1) If there was any evidence of a transfer from the USA to the UK, particularly looking at timings of policy developments as well as similarities in policies.
- (2) The key policy actors who facilitate policy transfer and their motivations.
- (3) The process and nature of policy transfer, looking at the evidence that knowledge was transferred from one place to another.
- (4) The limitations to policy transfer, particularly looking at how domestic influences may have resisted and reformed initial policy ideas.

Newburn and Jones (2007) note that of all the criminal justice policy 'imports' to come from the US to the UK, it is ZTP that is probably the best known. This can largely be attributed to the most discernible element of the policy to cross over the Atlantic: terminology. For Newburn (2002), in many cases terminology is more impactful than the policy transfer itself. The term 'zero tolerance' is well known within the criminal justice field, and is a term used within many jurisdictions. That said, it is important to acknowledge that the level of impact of ZTP can vary from area to area, force to force. For example, in the UK Detective Superintendent Ray Mallon of Cleveland Police appeared to fully embrace ZTP, believing that a focus on petty crime would bring down overall crime rates. Whereas other forces, such as the Metropolitan Police, implemented strategies to 'clean up' areas by focusing on minor crimes as much as major, however they did not explicitly label this 'zero tolerance' (Newburn and Jones, 2007). This aspect of policy transfer would appear to coincide with what Evans and Davies' (1999) term 'soft transfer'. Evans and Davies (1999) highlight a distinction between 'soft' transfer, which is the transfer of ideas, attitudes, rhetoric and concepts, and 'hard' transfer, which refers to the transfer of actual programmes and policy implementation.

Newburn and Jones (2007) found that out of the three US penal policies they explored – TSS and mandatory sentencing, privatisation, and 'zero ZTP – the latter appears to have made the greatest influence on UK policy-makers. Indeed, they found that there was explicit efforts from the UK to import US style ZTP strategies

into policy developments. This was evident through extensive transatlantic connections during policy developments, including visits to New York City by politicians, police officers and civil servants from the UK. It was also ZTP that evidenced a significant push to transfer the policy elsewhere, with founders Bratton and Giuliani expressively trying to export their ideas and innovations to the UK and elsewhere. That said, in terms of policy transfer, a more concrete manifestation of policy transfer – an example of ‘hard transfer’ – was found in the privatisation of prisons. For ZTP and mandatory minimum sentencing, however, it was more of a convergence – similarities in social structures, political processes, and policy – than an actual transfer. As Newburn and Jones (2007) note, they only found evidence of the ‘soft transfer’ of ideas, symbols and rhetoric.

Another criminal justice policy transfer explored, again from the US to the UK, is that of electronic monitoring, often referred to as ‘tagging’ or ‘house arrest’ (Nellis, 2000; Nellis and Bungerfeldt, 2013; Nellis; 2014). Nellis (2000) investigates the transfer of electronic monitoring, developed originally in the US during the 1980s, to England and Wales. Other countries including Sweden and the Netherlands were also interested in the concept of electronic monitoring, sending government delegates stateside to learn more about it. However, Nellis (2014) notes that different jurisdictions came to different conclusions regarding the approach, and those who adopted it have implemented it in contrasting ways. The *practice* of electronic monitoring was implemented in England and Wales in 1989 and they were the fourth to adopt some form of electronic monitoring (Nellis, 2000). The journey of electronic monitoring across the Atlantic was not a smooth one; when it was first introduced in England it was met with a lot of scepticism from the general public. Interestingly – despite pressure groups and government officials having looked to American policy for guidance – it was in fact the ‘Americanness’ of electronic monitoring that sparked people’s scepticism, particularly regarding a perceived incompatibility of US style surveillance with the caring responsibilities of probation (Nellis and Bungerfeldt, 2013). That said, the implementation of electronic monitoring was arguably only made possible due to the US providing proof that it was indeed possible. Therefore, supporters of this approach had no other option but to seek lessons stateside (Nellis, 2000).

Nellis (2000) concluded that policy transfer from the US to the UK did occur in the instance of electronic monitoring and describes the transfer as voluntary rather than coercive. Lending itself to a policy transfer approach, he concludes that “it was clear,

partly because there was no single American model to transfer, that only ‘degrees of transfer’ had occurred; ‘inspiration’ and ‘emulation’ were better terms than ‘copying’ to describe the type of transfer that has taken place” (ibid, p. 115). He also notes that although it appears that transfer has occurred on the surface, there are several factors that may not have been possible to see, including the global influence of commercial organisations who are involved in crime control. On that note, Nellis (2000) discovered – during the second trial of electronic monitoring in England – that the electronic monitoring contracts were given to Securico for the Manchester and Reading areas. Interestingly Securico’s equipment was supplied by On-Guard Plus, a subsidiary of the American Digital Products Corporation. This clearly demonstrates the benefits of policy transfer for US stakeholders and helps explain why these corporations were involved in funding conferences – with the purpose of sharing knowledge about electronic monitoring and ultimately supporting its transfer to England.

It appears that transatlantic policy transfers, or the “Anglo-American convergence” seem to dominate the policy transfer literature (Muncie 2005 p. 41), and this would certainly seem to be the case within criminology. Of course, it cannot be denied that there are several American policies and practices that appear to have been transferred to the UK including: zero tolerance policing, electronic tagging, curfews, mandatory minimum sentences, the naming and shaming of young offenders, private prisons, drug czars, community courts (Muncie, 2005), and more recently Alcohol Abstinence Monitoring Requirements (Bainbridge, 2019, 2020). Garland (2001 p. 202) notes that America and Britain have “structural similarities that mark their social, political, and penological trajectories”. These similarities are evident in their responses to crime, which has an emphasis on punishment and exclusion. As noted earlier, despite these similarities Newburn and Jones (2007) found that most of these policy transfers from the US to the UK were in the form of ‘soft’ transfers of idea, symbols and rhetoric as opposed to a concrete manifestation. That said, these ‘soft’ transfers are not unimportant – and as part of a broader punitive turn – have had practical implications in the UK, evidenced by harsher sentences and an increased prison population (Newburn and Jones, 2007). The transfer of policy from the US to the UK can be found across a range of policy areas, which Dolowitz *et al.* (1999) attribute to a shared commitment to neo-liberalism. However, this reliance on transatlantic policy transfer risks overlooking the movement of policy from and to another jurisdiction. This is one of a number of critiques that can be found regarding

the policy transfer approach. The next section will explore how a policy mobilities approach to studying travelling criminal justice policies may offer a more nuanced understanding of this phenomena.

2.3 Towards Criminological Policy Mobilities

While it is clearly beneficial to explore the movement of policy from place to place, the policy transfer approach has come under a substantial amount of critique, notably from geographers who have developed a different approach to the field (e.g. Peck and Theodore, 2001; McCann and Ward, 2012). McCann and Ward (2012) highlight four key issues with the policy transfer approach: (1) too much of a focus on *agents* and little on *agency*; (2) too much focus on the national scale and little on the local or urban; (3) the implicit literalism of the term 'transfer'; and (4) the assumption that transfer actors are rational actors making rational decisions on the best policy. In order to overcome these limitations, scholars developed a different approach. The policy mobilities approach, coined by McCann (2008), is a geography led approach which calls for a multi-disciplinary and more nuanced understanding of this phenomena. Acknowledging these limitations and recognising that a policy mobilities approach is a better way of studying the movement of criminal justice policy, Newburn, Jones and Blaustein (2017) published an article in *Theoretical Criminology* calling for a move away from policy transfer and toward a policy mobilities approach. They note that while some of the above criticism of the policy transfer approach may be over-stated, they agree that a policy mobilities approach offers a more advanced view, which better captures the complexities of the policy process. In advocating for penal policy mobilities research, they state that it provides a "conceptual advance by pointing to the need for more subtle tools for the analysis of policy development and movement" (Newburn *et al.*, 2017, p.12).

Following in their footsteps, Méndez Beck and Jaffe (2018) also draw on the policy mobilities literature to explore the movement of community policing from the United States to inner-city neighbourhoods in Kingston, Jamaica. While they focus significantly less on the policy mobilities approach than Newburn *et al.* (2017), they have clearly drawn on aspects of the policy mobilities literature to facilitate their analysis. Notably, they have explored how policy mutates as it travels, resulting in community policing policies that originated in the US, manifesting in significantly different ways in inner-city neighbourhoods in Kingston, Jamaica. Méndez Beck and

Jaffe (2018) note although bilateral and multilateral aid organisations promote the use of a community policing model in Jamaica, in reality, this American model was contested and modified as it travelled to Kingston. They argue that caution should be given when proposing policy models developed in the Global-North to be implemented in the Global-South. They reason that an integral difference in context between the United States and Jamaica is the role of gangs in governing and policing inner cities of Jamaica, which is why they suggest a different model of community policing to that operating in the United States (Méndez Beck and Jaffe, 2018).

While Méndez Beck and Jaffe (2018) have clearly drawn on some of the policy mobilities approach in their work, there are of course other aspects they have not opted to draw on. Making use of ‘some’ aspects of a mobilities approach is not unusual, as Peck and Theodore (2015, p. 5) highlight, “a mobilities approach resembles a rolling conversation rather than a coherent paradigm”. Nevertheless, it is possible to draw on several key themes within the literature. Newburn *et al.* (2017) for example, identify two aspects of the policy mobilities approach that they believe can facilitate our understanding of criminal justice policies on the move: *mobilities* and *assemblages*. Additionally, they believe that these concepts should be complemented by a careful attention to what they term *policy levels*, each of these aspects will be explored here and utilised throughout the thesis.

2.3.1 *Mobilities and Assemblages*

The movement away from policy ‘transfer’ to policy ‘mobilities’ was not solely for a separation of approaches through terminology, but also to move away from the perceived flatness of the term ‘transfer’. To imply that something can be transferred whole from one jurisdiction to another is one dimensional and over simplified. A mobilities approach, however, goes further than the simple transfer of policy and recognises that policy is a complex social construction and can only be understood by studying its ‘internal’ characteristics *vis-à-vis* its ‘external’ relations (McCann and Ward 2013). This approach is inspired by wider literature on mobilities, which pays attention to the numerous processes of mobility as a means to better understand the social world (see for example, Urry, 2007). It therefore holds the view that mobile polices “are not simply travelling across a landscape – they are remaking this landscape, and they are contributing to the interpenetration of distant policymaking sites” (Peck and Theodore, 2010, p. 170).

Linked to this, is the concept of policy models – that is, packaged policies that are presented as ‘best practice’ models that can (allegedly) slide easily into different jurisdictions. Temenos and McCann throw caution to the assumption that certain policies are “naturally or unproblematically good or ‘best’”; rather they note it is important to recognise that policies do not “move around in some abstract sense but that *people move them around* for particular purpose” (2013 p. 344, emphasis in original). Therefore, the movement of so-called ‘best practice’ policy models should be understood as a political, relational, power-laden practice (Temenos and McCann, 2013). Peck and Theodore (2010) warn that the adoption of some favoured policy models, which are perceived to be ‘successful’, can often run ahead of the evidence, and this is thought to be particularly the case when there is a strong ideological position. It is therefore possible that those who ‘talk the loudest’ regarding a particular policy – and have the power and resources to reach multiple audiences – are the ones who get the attention of policy-makers, regardless of evidence. Therefore, the policy mobilities literature concerns itself with the process of making ‘best practice’ models (modelling) as much as the characteristics of the models themselves, built on the underlying understanding that best practice models are a social construct (Moore, 2013). Indeed, policy mobilities – and policy transfer scholars alike – often identify elite policy actors for their role in assembling and facilitating these best-practice policy models. Although recent work by Baker *et al.* (2020) looking at harm reduction policies, suggests complimenting this with a focus on non-elite actors who – through acts of disobedience, cooperation and convergence – play a part in policy-making and therefore policy mobilities.

Central to a policy mobilities approach is the recognition that policies are continuously in motion, mutating and adapting across time and space, exacerbated by an acceleration in the policy-making process. Peck and Theodore (2015) term this ‘fast policy’ and highlight that the policy-making process becomes a lot quicker when learning curves are shortened through best practice literature, ready-made models, and authorised policy designs, formulations and expertise. Robinson (2015) highlights that when policy circulates at this pace, it can often be taken up so easily that its origins are already forgotten. Indeed, ‘best practice’ models are often presented as successful quick fixes that are easily transferable into any jurisdiction, however in reality this can often be a very misleading rhetoric (Peck and Theodore, 2015). Therefore, policies on the move – whether intentional or not – are ever-mutating, so much so that by the time they have reached their ‘arrival destination’,

the policy may bear only a symbolic connection to the 'original' policy model (Noble, 2019).

Another aspect to the policy mobilities approach highlighted by Newburn *et al.* (2017) is the concept of assemblages. Adopted by a number of policy mobilities scholars (e.g. Prince, 2010; McCann, 2011; Baker and McGuirk, 2017; Affolderback, 2019; Savage, 2020), the concept of assemblages is deemed to be a useful conceptual lens in order to understand policy mobilities. First developed by Deleuze and Guattari (1987), an assemblage can be understood as something that is temporarily brought together, into temporary coherence – such as policy. McCann and Ward (2013, p. 8) usefully summarise an assemblage approach:

“Policies...are not only local constructions; neither are they entirely extra-local impositions on a locality. Rather, policies and governance practices are gatherings, or relational assemblages of elements and resources – fixed and mobile pieces of expertise, regulation, institutional capacities, etc. – from close and far away. They are assembled in particular ways and for particular purposes... This concept [of assemblage] is helpful as a frame for policy studies because it emphasises [...] that policies are not internally coherent, stable 'things' but must be understood as social processes”.

These processes therefore mean that policies are constantly in the process of coming together, just as they are always potentially being pulled apart and brought together again. This concept is useful in exploring the aligning of divergent socio-political landscapes, how policies are interpreted in differing jurisdictions, as well as understanding the formation of new policies that have a local identity and territory, whilst simultaneously being a global assemblage (Prince, 2010).

Despite a notable increase in popularity, an assemblage approach can be understood in diverging ways and, as Savage (2020, p. 319) notes, “sometimes lacks conceptual strength and explanatory power”. Savage (2020) therefore offers three core foundations to inform a shared understanding of an assemblage approach. First, *relations of exteriority and emergence* – which Savage notes is the understanding of the relationship between parts and wholes, whilst recognising that the properties of the whole are dependent on “a diverse range of *potential* component parts (e.g., laws, actors, organisations, technologies of governance, accountability and processes, etc.) that must be harnessed and arranged together in a way that encourages the policy to serve its intended functions and operate in specific ways” (2020, p. 322). The methods in which these components are brought

together, he argues, “will determine the properties and effects of any given policy or agenda; and if the very same components were arranged differently, or new components were introduced or excluded, then different properties and effects would be produced” (Savage, 2020, p. 322). Second, *heterogeneity, relationality and flux* – which refer to how components are “strategically arranged with the view of forming an apparatus of governing” (Savage, 2020, p. 325). Echoing Li (2007), Savage highlights that although this involves an “alignment of heterogeneous parts”, this does not necessarily point to a coherent, singular rationality (2020. p. 325). Finally, *attention to power, politics and agency* – here Savage problematises typical notions of power and argues that an assemblage approach views power “not as one solid or stable thing, but as an always temporary and contingent arrangement of forces that can *splinter off* in different directions, have different directions, have different impacts in different contexts, and can be directed towards particular ends, but can never be fully contained” (2020, p. 329, emphasis in original).

2.3.2 Policy Levels

As mentioned earlier, Newburn *et al.* (2017) have merged aspects of a policy mobilities approach with their earlier work on policy transfer. In terms of policy transfer, they continue to value the concept of policy levels when analysing the movement of policy from one jurisdiction to another. They argue that most studies on policy transfer/mobilities fail to question what is understood to be ‘policy’. Central to this, is identifying what exactly is and is not being mobilised and emulated and has its roots in Evans and Davies (1999) notion of ‘soft’ and ‘hard’ transfer. For Newburn and Jones, there needs to be a differentiation between the softer elements of emulation (policy ideas, symbols and rhetoric), the harder, more concrete elements (policy content and instruments) as well as “the more practical applications of policy in terms of its *implementation* by practitioners and professionals” (2007, p. 23, emphasis in original). While acknowledging that notions of assemblage may encompass these three policy levels, Newburn *et al.* (2017) note that it is important to spell these out in order to not over-simplify the mobility of policy and to make clear distinctions about what is being analysed.

In drawing on a *mobilities, assemblages and policy levels* approach, Newburn *et al.* (2017) analyse the mobility of three strike sentencing from the US. Through a mobilities approach they could recognise that it was not a simple export and import of TSS, but more so an emulation of 'getting tough' rhetoric and the adoption of mandatory sentences more generally – signifying more movement in terms of policy ideas, symbols and rhetoric than policy content, instruments or implementation. They argue that due to differing cultural, political and legal practices the TSS 'policies' that emerged across the UK varied significantly. Importantly, these variations can also be found within nation states, with differences being apparent across the US itself. Some of the differences they identified include, (1) which offences carried the mandatory minimum sentence, (2) the number of previous offences required to trigger a mandatory minimum sentence, and (3) under which circumstances should a penalty be imposed. They conclude that, "these and other differences reflected the variable nature of the policy assemblages which came together to shape the nature and timing of the local manifestations of these ideas" (p. 16).

2.4 Extending Criminological Policy Mobilities

While the work of Newburn *et al.* (2017) has highlighted a number of useful aspects of the policy mobilities literature, there are some concepts that would complement these in future explorations into the movement of criminal justice policies, and will therefore be utilised in this research. The four key areas of expansion that will be explored are: (1) *learning and educating*; (2) *showcasing*; (3) *policy failure, barriers to transfer and immobilities*, and (4) *gendering policy mobilities*. The issue of gender has yet to be considered in the policy mobilities literature and will be explored further in the next chapter; here, however, we will explore the first three areas of expansion which have been drawn on in the geographical policy mobilities literature but have yet to be drawn on in the criminological policy mobilities/policy transfer literature. These, as I shall argue, compliment the focus on mobilities, assemblages and policy levels within a policy mobilities approach.

2.4.1. Learning and Educating

The first area of expansion offered here is learning and educating, which has been acknowledged by some policy mobilities scholars as an area to consider when exploring how policies move from place to place. Learning can be understood as “a knowledge acquisition process” (Dunlop, 2009 p. 296), while educating can be defined as “the steering of learning towards particular desirable ends, which are defined differently in different societies, cultures and contexts” (de Oliveira and Ahenakew, 2013, p. 233). Learning and educating are closely connected everyday activities which are structured by power relations (McFarlane, 2011). They can take many forms across varying sites and situations, directly and indirectly, formally and informally, and help to form policy knowledge and shape understandings of which policies are successful and/or transferable. Of course, policy actors play an important role as learners and educators, however, McCann (2008) develops on this through what he terms ‘informational infrastructures’, which help shape the knowledge about particular policies. In defining informational infrastructures McCann (2008, p. 12) notes:

“while [...] experts clearly play a powerful role in shaping policy mobilities, their ability to do so is mediated and facilitated by a set of informational infrastructures – institutions, events, and technologies that, in various ways, frame and package knowledge about best policy practices, successful cities, and cutting-edge ideas, and then present that information to specific audiences”.

Therefore, attention must be paid to these varying informational infrastructures in order to fully understand how policy knowledge is shared and the ways in which policymakers consider and select policies.

McCann (2011) later builds on his definition of informational infrastructures and identifies four distinct but related groups that play a part in framing the knowledge of policy actors: educators and trainers, professional organizations, supralocal policy organisations, and the popular media. Educators and trainers, McCann (2011) argues, frame knowledge about policy practice and direct audience’s attention towards noteworthy policy models that they have collated information on. Furthermore, they determine what is constituted as a ‘good’ or ‘bad’ example of policy expertise, which frames students’ knowledge and position. One key aspect that separates them from other key actors is how they ‘credentialise’ their version of expertise in the form of degrees and diplomas (McCann, 2011). Therefore, research of individuals and small groups of academics can hold significant weight, with their work further legitimising certain policy models and/or sparking interest in policy

mobilisation. Professional organisations also play a role in shaping the knowledge of policy actors, through their “awards, conferences, workshops, field trips, professional publications, websites and email lists” (McCann, 2011 p. 114). Supralocal policy organisations can also influence policy knowledge – such as the United Nations Human Settlement Programmes – by performing a “clearinghouse function”, where they legitimise certain models from certain places through awards, reports and on decisions about where to hold particular conferences.

Two facets within informational infrastructures that have been of particular interest to policy mobilities scholars are study tours and conferences. These are organised and attended by various stakeholders often including state officials who frequently coordinate fact-finding trips and topical conferences. Conferences are a good example of the spaces in which learning and educating occur and therefore have become the focus of some policy mobilities research. For Cook and Ward (2012) conferences are an arena for what they term “trans-urban policy pipelines – the formation of relationships over distance as a means of comparing, educating and learning about experiences of other cities” (ibid, p. 139). Temonos (2016, p. 124) notes that conferences can be understood as “‘convergence space’: temporary events with lasting material effects”. Here, knowledge is exchanged, legitimised, and produced. Conferences bring together various resources and interest groups into a particular time and place, as well as facilitating the negotiation of place-specific ideologies. Temonos (2016) highlights how conferences are an assemblage, they bring together people that may not have met otherwise yet are drawn together by a collective interest, goal, or vision. This can far exceed the conference itself; conferences can build on each other, they add to and sustain a movement of policy mobilisation. Increasingly, conferences are reaching wider audiences through live streaming, recordings and the distribution of other materials. While face-to-face learning is still favourable, developments in distance learning mean it is not necessarily essential anymore (Andersson and Cook, 2019). Nevertheless, the experience of being there, face-to-face, is not only desired but helps embed knowledge about particular ideas, policies and practice (Temenos, 2016).

In addition to recognising the role of conferences in facilitating policy mobilities, scholars have also drawn attention to the importance of the conference location (McCann, 2008; Temonos, 2016; Andersson and Cook, 2019). This is important for several reasons, with the site selection process being both political and practical (Temonos, 2016). For example, the location of a conference can shape which cities

are worth learning from or which cities are open to learning. Therefore, site selection can work as a tool in uplifting or grounding particular policy ideas. Of course, this is also likely to be constrained by the actors and institutions involved in organising the event (Andersson and Cook, 2019). Practically speaking, the location of a conference will also need to be considered in terms of accessibility, appropriability, as well as popularity. Andersson and Cook (2019), highlight how actors are more likely to attend an event if the location is an attractive destination to visit.

Study tours – or policy tourism – is another informational infrastructure event that has been identified as something of significance in the process of policy mobilities. Study tours are defined by Temenos and McCann (2013, p. 349) as an event by which “local policy actors travel elsewhere to see, first-hand, the implementation and consequences of particular policies and to learn directly from those involved in their development and implementation”. González (2011) notes that there has been an increased flow of policy tourists since the turn of the century – coinciding with the era of ‘evidence-based policy’, as well as a notable reduction in flight costs. For Baker and McGuirk (2018) study-tours can act as an escape from mundane and constrained work environments, can assist in developing associated bonds between the tourists and their hosts, can help verify prior information regarding policy and practice, and legitimise policy decisions and positions.

Cook and Andersson (2018) add to this by usefully highlighting six key points regarding policy tourism found in the literature. First, they note that study tours are ‘advantageous’, as not only do they offer first-hand insight, but they “can facilitate social bonding – between delegates or between delegates and hosts – and they can help stimulate a consensus among delegates on certain policy prescriptions” (ibid. p. 113). Second, while advantageous, they highlight that study-tours are limited, they can be resource intensive as well as costly. Indeed, the media will often report how these trips – or ‘jollies’ and ‘jaunts’ – are an unnecessary drain on the public purse (Cook, 2008; Baker and McGuirk, 2018). Third – and adding to these concerns – study tours do not necessarily equate to policy emulation. Delegates may be unimpressed with what they see/hear/experience, or they may return home and receive substantial resistance to policy adoption. Fourth, Cook and Andersson (2018, p. 114), draw attention to how learning during study-tours “does not always flow in a unilateral direction – transmitted from hosts to visitors – but can involve hosts learning from visitors”. Fifth, study-tours do not solely focus on learning and rather a host of activities may be experienced during the trip – such as leisure or

other work activities. Finally, and importantly, where to visit – and the people and places within this – is a highly selective process for those engaging in study-tours (Cook and Andersson, 2018).

Empirically, McCann (2008) demonstrates the varying informational infrastructures that facilitated the movement of Vancouver's 'four pillar' drug strategy and how other cities across the globe have learned from, and in some cases adopted some form of their harm reduction model. Specifically, he notes the role of professional organisations and popular media in helping frame the debate and spreading stories of policy expertise. In particular, the International Harm Reduction Association (who discuss harm reduction approaches to drug use with health and policy professionals), the police, and activists – among others. They facilitated Vancouver's involvement in global discussions on harm reduction policy through their journal (*International Journal of Drug Policy*), website, annual conferences, public dialogue, workshops and field trips (McCann, 2008). By 2006, Vancouver was hosting the International Harm Reduction Association conference, McCann (2008) notes that this is important as there is kudos in hosting such a conference, implying that the host city is worthy of attention and emulation. As well as professional organisations, McCann highlights that informational infrastructures – including supranational institutions, the global 'awards industry' and popular media – "frame, translate, and legitimise their claims of truth, efficacy, and global applicability" (2013, p. 9). In the context of Vancouver's drug strategy, McCann (2008) discovered several influences from popular media, including a documentary film *Fix: The Story of an Addicted City* (Wild 2012), which documents the campaign for a new drug policy in Vancouver. Across Canada, the documentary drew large audiences and sold out in some locations. The film therefore formed the basis of policy tours around the country by advocates of the Vancouver model.

When considering the informational infrastructures that facilitate policy mobilities, it is important to note that the circulation of policy knowledge is an – arguably growing – business. Cook and Ward (2012) note that conferences, media, workshops, study tours; and online materials such as blogs, websites and e-mail help facilitate the circulation of knowledge around 'good' or 'best' practice. They highlight that due to the increase of activities around making policies mobile, there has been an increase in demand for these types of agents. Therefore, new inter-government agencies, think tanks and consultancies have been formed to meet this demand. "This makes it more possible and, in some cases, more probable, that policies will be

reconstructed as models through the labour of those in the policy mobility ‘business’ or ‘industry’” (Cook and Ward, 2012 p. 140).

2.4.2. *Showcasing*

Another useful concept within the policy mobilities literature is showcasing (McCann, 2013; Cook, 2018). This refers to the ways in which local policy actors showcase their work and locality to audiences elsewhere, often drawing on wider informational infrastructures as previously discussed. Cook (2018) notes that showcasing is akin to educating, where policy actors may engage with practices such as writing about policies in magazines or newspapers, providing materials for exhibitions, speaking at conferences, and hosting study tours. Once again focusing on Vancouver’s drug strategy, McCann (2013) notes that elite policy actors were not only drawing on ideas from elsewhere, but also sought to promote their policies and themselves to an international audience. He argues that the ‘supply’ side of policy mobilities – promoting success stories and hosting events (e.g. study tours and conferences) – is as important as the ‘demand’ side of policy mobilities – learning, visiting and emulating. Therefore, the supply side warrants further investigation by scholars interested in policy emulation. Related to this, is what McCann terms ‘policy boosterism’. This is “the active promotion of locally developed and/or locally successful policies, programs, or practices across wider geographical fields” (2013, p. 9). Indeed, the showcasing and promotion of ‘best practice’ policy models by policy actors is often done in a competitive and ‘boosterist’ way (McCann, 2013; Affolderbach *et al.*, 2019).

Why, then, do policy actors engage in this? Of course, these promotional activities are likely to be conducted in order to improve governance globally, however McCann (2013) highlights that there are other related drivers to showcasing and policy boosterism. For example, the movement of policy can improve the reputation and image of the policy model, the policy actors involved in its development and the jurisdiction the policy came from. He also argues that there is a level of satisfaction in reaching communities across the globe with ‘your’ policy model (McCann, 2013). Similarly, Cook (2018) – while acknowledging the difficulty in ascertaining this answer – offers some insight through his research on the suburban development Vällingby in Stockholm. He notes that ‘showcasers’ may have been driven by

“professional camaraderie”, believing that engaging with interested parties was the right thing to do (Cook, 2018, p. 330). It is also likely that actors were flattered by the interest, as well as being keen to build and maintain contacts/relationships. Furthermore, Cook (2018) notes, that by engaging in such activities, policy actors were in control of what story interested parties received regarding their work. Finally, it is almost impossible to ignore that – even if not a primary incentive – there is often financial gain to these showcasing activities.

While it is clearly important to consider the ‘supply side’ to policy mobilities, this should not be at the expense of considering the ‘demand side’. Attention to this can help explain why policy-makers actively search for best practice policies from elsewhere, or can at least help us understand the reasons why some are more receptive to policy emulation than others. Some of these motivations may be due to the time restraint to policy making, with greater demands being placed upon policymakers. Add the increasing tightening of budgets, and the pressure to figure out ‘what works’ is amplified. However, similar to ‘supply side’ policy boosterism, the actors involved in the ‘demand side’ also often have the belief that these policies, programs and practices from elsewhere may be the best solution for their locality. Therefore, it is important to look at how the supply and demand side of policy mobilities interact in order to uncover why particular policies are circulating (McCann, 2013).

2.4.3 Policy Failure, Barriers to Transfer and Immobilities

The final area of expansion is concerning issues around policy failure and policy immobilities. Indeed, there has been a growing interest by policy mobilities scholars as to why some policies do not move, and how lessons are often drawn from policy failures. Lovell (2017a, p. 4) labels this the “underbelly of policy transfer and mobility”, noting that the majority of policy mobilities research has neglected this area of study. She notes that policy mobilities research has mainly been concerned with successful policies, ‘best practice’ policies and policies that do work, with little attention being paid to policy failures, ‘worst practice’ policies and policies that have not worked. Stein *et al.* (2017) describe this as ‘success bias’ and call for a more thorough analysis of the failures, resistance and the contradictions surrounding policy emulation. For McCann and Ward (2015), there needs to be some reflection

on the key 'dualisms' within policy mobilities research – success/failure, presences/absence and mobilities/immobilities – of which they note are mutually constitutive, arguing that even the most mobile of policies will have elements of immobility. They, like Lovell, note a distinct absence in the literature regarding this and call for more attention to be given to the complexities of mobility and immobility. This is likely to enrich our understanding of other areas – for instance, policy levels, where an attention to the elements of a policy that have not been made mobile will help differentiate the elements that have been made mobile. Although there is an increased call for scholars to focus on policy immobilities, what this constitutes is unclear. Does this mean policies which are successful but are not recognised elsewhere, or is this regarding policies that have failed, or possibly a mix of both? Furthermore, what, in that case is being made mobile?

These are issues that Lovell (2017b) notes in an attempt to unpack and theorise policy failure and immobility. Lovell (2017b) became interested in 'worst practice' policy when she conducted research on smart grid experiments in Australia. She discovered through interviews that a lot of policy making actions had been motivated by a will to avoid 'doing a Victoria', which referred to the Advanced Metering Structure (AMI) implemented in Victoria in 2009-13. This had received a lot of negative attention due to high costs and low benefits, which had resulted in it becoming a negative policy lesson influencing policy decisions across Australia. Lovell notes the "Advanced Metering Infrastructure program [...] has predominantly travelled discursively – as a *story* of policy failure" (2017a, p.325, emphasis in original). Similar to successful policy stories, Lovell notes that only fragments of the program were mobilised in the story telling – specifically the negative aspects, what went wrong, whereas the more positive aspects were left out of the story. The addition of an alternative solution, in the form of a voluntary market model in New Zealand, enables and somewhat encourages the framing of AMI as a failure.

McClellan and Borén (2015) have also looked at policy immobilities in their research into sustainability initiatives, which unearthed some interesting findings regarding various constraints and barriers to its mobility, particularly into local contexts. Looking at the Capital Regional District in British Columbia Canada, they identified four broad barriers to the transfer of sustainability programs. First, they note that the region is fragmented with 13 municipalities in a small area which resulted in a high degree of competitiveness and rivalry between municipalities and, in turn, an unwillingness to learn from one another. A second barrier, they note, is that despite

a desire for sustainability initiatives, if there are low levels of dissatisfaction, there consequently will be no real push or demand for change, without this pressure policy implementation is unlikely. The third barrier is that policy interaction is difficult; sharing policy 'models' is in theory beneficial, but municipalities then have to adapt this model to fit in to their context which is often a difficult task, one they may not be keen to take on. Finally, sharing and adopting policy ideas from other municipalities is time-consuming and costly, and with tightening restraints on resources and increasing pressures, issues like sustainability are not prioritised, as one of their respondents noted, "the stuff that gets left behind is the bigger picture" (p. 1500). McClean and Borén note that understanding these barriers and why some policies do not move is imperative, as they believe that increased policy mobility in this area can facilitate the introduction of more comprehensive approaches to sustainability. This thinking, of course, can be applied to other policy areas.

2.5 Conclusion

This chapter has highlighted that the analysis of policies on the move is an important area of study for criminologists and one with multiple approaches. In the brief outline of the policy transfer literature, key authors such as Dolowitz and Marsh have provided questions and categories that assist in the research process of policies that have travelled from one place to another. Studies within criminal justice policy have highlighted a tendency to focus more on their impact as opposed to the processes of their formation including learning from elsewhere. That said, a growing number of criminologists are interested in the circulation of penal policy. While the majority of these scholars have not engaged explicitly with the varying conceptual tools on offer, those who have rely heavily on the policy transfer literature.

Subsequently, scholars have begun to highlight the limits to a policy transfer approach and have called for future studies into criminal justice policies to adopt a policy mobilities approach, with which this thesis concurs (Newburn *et al.*, 2017; Méndez Beck and Jaffe, 2018). Newburn *et al.* (2017) have noted that the political science led policy transfer approach – although useful in parts and worthy of recognition for highlighting the importance of this area of study – can be problematic in capturing the complexities of policy circulation. Scholars within the geography led policy mobilities approach, in critique of the policy transfer literature, have questioned the value of a set of questions and have identified four key issues:

agents over agency, inherent nationalism, implicit literalism and agent rationalism (as I have discussed earlier in this chapter). Rather than work within the confines of the policy transfer approach they have sought instead to develop a more complex and inclusive approach in the form of policy mobilities. Newburn *et al.* (2017) have highlighted two main concepts within the policy mobilities approach worth utilising: mobilities and assemblages, which they argue provides a better understanding of this phenomenon. In tandem with these concepts, they argue for a focus on policy levels, a concept Jones and Newburn introduced in 2007 and have built on a decade later.

Crucially, this chapter demonstrates that although criminologists have acknowledged the usefulness of some of the key concepts of the policy mobilities approach (mobilities, assemblages and policy levels), there are other *complimentary* areas of study that help us understand policy mobilities better: learning and educating, showcasing, and policy immobilities/failure. Scholars have highlighted that policy mobilities is facilitated by modes of learning and educating, particularly useful here has been McCann's notion of informational infrastructures. I argue that criminological studies would benefit from a focus on how policy actors actively showcase and promote their best practice policy model, with an aim to export this to other jurisdictions. Furthermore, I suggest that future criminological studies would benefit from an attention to policy immobilities and failure, and how this is constitutive with policy mobilities.

This research will, therefore, build on criminological understandings of policy mobilities and apply this to the mobility/immobility of sex work policy. The next chapter will explore the fourth and final area of expansion, *gender*, which arguably plays a significant role in policymaking yet neither the policy transfer not the policy mobilities literature has explored this. It will situate gender in relation to the regulatory approaches to sex work and their gendered philosophical underpinnings.

Chapter 3: Gender & Sex Work: Political Philosophy and Policy

3.1 Introduction

Over the last couple of decades, gender has earned a firm place within the global political agenda, with a common understanding that all states should be striving for gender equality. Indeed, the United Nations Secretary-General António Guterres argues that gender equality is “...the greatest human rights challenge in our world” (n.d., n.p.). Central to this, is the recognition that more women need to be in positions of decision-making power as well as the need for policies to reflect the needs and rights of women. Feminist activists have played a central role in campaigning for these changes and have been key in facilitating a range of policy changes, including developments in sex work policy (Wylie, 2017).

Although sex work is frequently referred to as the ‘oldest profession’, it is often considered to be a deviant form of behaviour, operating outside of social (hetero)norms. Sex work continues to be a topic that generates strong and divisive opinion amongst academics, feminists, politicians and the public, across local, national and global scales. Sex work is a topic that is deeply controversial, highly moralised and consistently questioned. Debates are dominated by discussions around gender, with sex work being understood as a female dominated profession which for some – predominantly radical feminists – requires a gendered perspective on policy (Bindel, 2017). It is therefore no surprise that feminist debates are central to sex work policy discussions. There is, however, no consensus – amongst feminists and other stakeholders – as to the best way to regulate this phenomenon. This is despite many attempts to theorise sex work (see Barry, 1984; Walkowitz, 1980; Dworkin, 1981; Høigård *et al.*, 1992; Pheterson, 1986; Jeffries, 1997; O’Connell Davidson, 1998; O’Neil 2001; Outshoon, 2004; Ditmore, 2011) and evaluate the different regulatory approaches towards it (see Wagenaar, 2006; Phoenix, 2007; Agustín, 2008; Abel *et al.*, 2010; Sullivan, 2010; Weitzer, 2012; Wagenaar *et al.*, 2017).

To better understand these intersecting issues, this chapter is split into two main sections. The first section will explore gender and feminism. In particular, it will demonstrate the importance of gender, explore the role of gender in politics and policy-making, and consider how feminist activists have engaged in policy debates. As briefly mentioned in the previous chapter, the role of gender in policy-making has

largely been ignored by policy transfer/mobilities scholars but is an important factor to consider when analysing policy-making and policy circulation. The second section will explore sex work and the varying philosophical approaches to it – in particular, the differing feminist perspectives on sex work. Central to debates on the best way to regulate sex work, are questions as to whether sex work should be understood as a legitimate form of work – akin to other forms of labour – or whether it should be better understood as a form of violence against women and another barrier to achieving a gender equal society. These differing ideologies are important as they underpin the various positions on sex work policy and consequently the regulatory approaches that are implemented. Although regulatory approaches will differ from jurisdiction to jurisdiction, there are a number of similarities of which academics – amongst others – have tried to categorise. This section will therefore utilise five key regulatory approaches that can be found across the literature, drawing on Smith and Mac’s (2018) categorisation: (1) full criminalisation, (2) the Swedish model, (3) partial criminalisation, (4) regulationism, and (5) decriminalisation.

3.2 Gender, Policy-making and Feminist Activism

3.2.1 Gender and Feminism

Gender is now an everyday term and a one that frequents sociological enquiry, but what is gender? For Bradley (1996, p. 205), “[g]ender refers to the varied and complex arrangements between men and women, encompassing the organisations of reproduction, the sexual division of labour and cultural definitions of femininity and masculinity”. However, as gender has become an increasing area of focus in contemporary society, definitions and ways of understanding it have evolved too. Shepherd contends “everyone has a theory of gender” (2015, p. 25), and gender has become a highly contested and evolving concept. In particular, there has traditionally been a conflation of the terms gender and sex (the latter meaning a person’s biological sex, which is typically dictated by their genitalia) despite there being significant differences. For some, gender should be understood as a social construct – one that is defined by societal norms and attitudes (Posey, 2016). However, although not a new phenomenon, there has been increased recognition that gender should be understood in terms of a person’s self-identity. In this sense, gender should be understood on a spectrum, far removed from binary definitions of

male and female. *Some* of these identities include, trans-gender, non-binary, cis-gender, agender, and intersex (see Vaid-Menon, 2020; Amnesty International, 2020). Academic enquiry (particularly within social sciences and the humanities) pays particular attention to gender, and has courses dedicated to its study i.e., Gender Studies. Central to gender studies is the acknowledgement that there is a divide in terms of how different genders are positioned within society. In particular, there has been increasing recognition of the various inequalities that women face within society and demands for this to change (Bradley, 2013). Of course, these inequalities extend and are often significantly worse for trans and non-binary people (Vaid-Menon, 2020). However, whilst acknowledging gender diversity, it should be noted that the gendered discussions throughout this thesis often focus on the predominantly binary understandings of gender which dominate sex work discourse (for a discussion on gender non-conforming sex workers see Jones, 2020).

Gender inequality is defined by Young *et al.* (1994, p. 55) as “the departure from parity in the representation of women and men in key dimensions of social life”. During the equal opportunities’ revolution in the latter half of the 20th century, the gender pay gap and elimination of gender segregation of jobs were important indicators of gender equality within the labour market. However, such policies have more recently been viewed as out-of-date and redundant. Academic research, including cross-national comparative studies, have highlighted a number of issues with this. For example, countries, such as Portugal and Spain, may indeed have a smaller gender pay gap, however Hakim (2004) notes that they had some of the lowest levels of female employment. Furthermore, it has become increasingly evident that gender equality can mean different things to different people in different contexts, as Hakim (2007) questions, are all women benefitting from these changes?

In a similar way to gender – and for the most part in tandem with it – feminism has also become a highly contested term and one with numerous definitions. Humm (1992, p. 1) states that feminism “can stand for a belief in sexual equality combined with a commitment to eradicate sexist domination and to transform society”. However, what sexual or gender equality means, and the methods needed to eradicate it can differ greatly depending on the feminist position. These differences can be, and have been, interpreted in a number of ways by radical feminism, Marxist feminism, liberal feminism, and intersectional feminism, for example. These four

feminist perspectives will be explored later in the chapter in reference to their position towards sex work, but it is worth briefly outlining them one-by-one here.

Let's begin with radical feminism. Abbott *et al.* (2005, p. 34 emphasis added) argue that "the central tenet of radical feminism is that gender inequalities are the outcome of an autonomous system of patriarchy and are the *primary* form of social inequality". Therefore, radical feminist's primary focus is on women's equality, they state that patriarchy – a socio-cultural system that oppresses women through male domination – is so deeply imbedded in society that women themselves perpetuate men's control over their bodies. In order to overcome this, radical feminists believe that women need to create their own 'truths', highlighting that the current, male dominated, system dismisses women's culture, knowledge and lived experience. A key element of radical feminism is the recognition of the universality of women's subordination, that despite geographical location, class, race or ethnicity, a common thread for all women is their oppression, reasoning that male domination is the leading oppressor. This has led to some criticism of radical feminists for ignoring the complexities of women's experiences, and how they may be affected by these other factors and how patriarchy will take different forms depending on them (Abbott *et al.*, 2005).

Marxist feminism has developed out of a perceived failure of traditional Marxist theory, which "needs to be developed in order to explain why women are excluded from the public sphere and are the main unpaid workers in the domestic sphere" (Abbott *et al.*, 2005, p. 36). Indeed, Marx's class-centric theory alone fails to recognise that women suffer misogynistic oppression under a capitalist society, specifically in terms of domestic labour reproduction and consumption. Traditional Marxist theory also fails to recognise that women's oppression was there before capitalism and would still exist should capitalism be dismantled. However, Marxist feminism has been criticised for not understanding the broader patriarchal relationships outside of a capitalist setting and – similar to radical feminists – is far removed from women's everyday lives (Abbott *et al.*, 2005).

Liberal feminism is arguably the more 'mainstream' form of feminism, which stems from broader liberal thinking around opportunity and equality. In contrast to radical feminism, liberal feminists stress that men and women are the same and should be treated as such. Therefore, in order to achieve equality, women need to be given the same opportunities and the same rights as men (Abbott *et al.*, 2005). Liberal

feminism has had a significant impact on feminism and has helped challenge certain laws and practices that discriminate against women. That said, liberal feminists have been criticised for not explaining women's inequality and its structural beginnings, but instead they simply describe and challenge it. Furthermore, it is argued, they do not challenge 'malestream' views, but rather blindly accept men's values as human values (Abbott *et al.*, 2005).

Intersectional feminism has developed from an understanding that "all inequality is not created equal" (Crenshaw, 2020 n.p.). It emphasises how social, political and economic forces interact, therefore shaping different experiences and consequently different solutions for women (Whittier, 2016). When considering issues around gender, intersectional feminists acknowledge that this cannot be separated from other forms of oppression – such as that shaped by sexuality, class, race and ethnicity – resulting in qualitatively different experiences (Crenshaw, 1991). Whittier (2016) highlights that immigrant women, for example, are more vulnerable to domestic and sexual violence due to their immigration status, their lack of access to state social and legal systems, language barriers, financial ambiguity and a dependence on their husbands. Like other perspectives, intersectional feminism has been subject to criticism, with some arguing that it creates additional hierarchies between women (Gerassi, 2015), arguably risking the power of a collective women's movement if these hierarchies do not work together.

These feminist positions not only influence debates around gender but, as I will detail later in this chapter, they play a dominant role in the ideologies that underpin sex work policy debates.

3.2.2 Feminising Politics and Policy-making

The idea of feminising policy-making is part of a wider call for gendered politics, whereby it has been increasingly recognised that there should be better representation of women within political institutions, and within decision making sites (Annesley, 2010). The latter fits into one of the two dimensions to what Lovenduski (2005) refers to as the feminising of politics: (1) the integration of women into political institutions and processes, and (2) the integration of women's concerns into the mainstream political agenda. No doubt the extent to which this has been achieved by nation states will also impact the policy mobilities process. Squires (2007) notes

that nearly every country has pledged to support gender-balanced decision-making; to facilitate this many countries have opted for gender quotas – a quantitative tool to measure and ensure better gender representation. These quotas typically require more – often a particular percentage of – female candidates in positions of power. In 2018, the Fawcett Society published data on the representation of women in politics, business, and the media, which highlighted the imbalance that remains between men and women in positions of power in the UK. They call for quotas to be introduced in order to address this disparity (Topping, 2018). Bush and Zetterberg (2020) note that gender quotas are considered to be one of the most significant developments in politics over the last thirty years, with over 100 countries adopting them in some form. Of course, there are those who are critical of this approach, deeming it unfair and in direct conflict with the notion of equal opportunities. Specifically, criticism comes from men who feel they may be better suited for the position, but also from some feminists who believe that gender quotas do not empower women. There are also questions raised around the effectiveness of simply having more women within decision-making positions. For example, Kathlene (1995) explored the differing views that women and men within policy-making positions had on offenders. She found that men and woman displayed disparate views when it came to offenders, with women recognising the social context of offender's behaviours, while men placed the blame on the individual who they viewed to have chosen a life of crime, indeed their policy proposals reflected this. Crucially, however, the male dominated policies had a much better chance of being passed. This would suggest that even when women are in decision-making positions, it is often the male dominated view that carries the most influence in policy-making decisions, suggesting that there is a need for greater gender mainstreaming efforts.

In regard to policy mobilities, the role of gender has been largely overlooked within the literature. One study that considers the role of gender comes from Kuhlmann and Annandale (2012) who explore the emulation of gender mainstreaming policy initiatives in healthcare. 'Gender mainstreaming' is where gender issues are channelled in to the 'mainstream' of institutional activities and normative policies (Bianchi, 2016). This has become significant focus within gender equality initiatives – which seeks to integrate gender into all policies and programmes, so that before decisions are enacted, the possible impact for both men and women are assessed (United Nations, 1995). Through this study, Kuhlmann and Annandale (2012) found

that feminists or ‘women-friendly’ actors who held leading positions were central in facilitating policy mobility – demonstrating the importance of a focus on gender. That said, Kuhlmann and Annandale were looking at the movement of policy programmes specifically about gender; therefore, it is not surprising that they considered the role of gender in its emulation. Similar to non-gender specific policy-making studies, the policy mobilities literature would benefit from a focus on gender across *all* policy fields – a gender mainstreaming of policy mobilities research. Furthermore, this should be inclusive of all genders, as the (lack of) representation of trans and non-binary people in decision-making positions should not be overlooked.

3.2.3 Feminist Activism

Of all the social movements that have campaigned – and continue to campaign – for social change, it is the ‘Women’s Movement’ that is frequently viewed as the most successful (Squires, 2007). Particularly noteworthy in the Western context has been the role of feminist activists in apprehending the right for women to vote. However, feminist activists have been at the centre of many policy changes, including policies on abortion, domestic violence, women’s health, criminal justice proceedings, and employment rights. Evan (2016, p. 91) states that “feminist activism is creative, diverse and committed to the wider social justice project”. Through her research on feminist activism in the UK and the US, Evans highlights three key areas of oppression that feminist activists continue to fight against: (1) neoliberalism, (2) violence against women, and (3) state control of women’s bodies. The latter is worth exploring here as it has strong links to the policing of sex workers’ bodies – a topic that will be discussed in more detail later on in this chapter. A number of scholars have explored this issue (see for example, the special edition of *Women & Criminal Justice* edited by Meda Chesney Lind, 2017) with Quinlin (2017) noting that while the policing of women’s bodies can be traced as far back as the pre-Enlightenment witch trials, it continues to manifest itself in various ways across the globe. Central to this is the policing of women’s sexuality and women’s reproductive rights, with views often reflecting religious and moral positions, which filter through to legislation. Some examples of how women’s bodies are controlled across the globe include restrictions and judgment surrounding how they dress, the indecent exposure of the female breast, forced pregnancy tests given to women in

the military, forced caesareans, and legislation around abortion rights (McClellan, 2012).

With such staggering issues to contend with, how then, do feminist activists influence policy-making? Hawkesworth (2018) notes that in line with a more general trend – where non-state actors play a growing role in global politics – feminist activists have been intrinsic in establishing a feminist global agenda. Although it is worth mentioning here that despite appearing to be a rather recent development, there are feminist historians who have traced feminist activism as far back as the 15th century and indeed throw caution to the assumption that the progress made is irreversible (Hawkesworth, 2018). That said, feminist activists have played a growing role in legal reform. One such example can be found in the National Abortion Campaign (NAC). Formed in 1975, the NAC comprised of over 800 organisations and individual members, making it Britain's largest and most successful pro-choice campaign (Hohmeyer, 1995). The NAC primarily fought to protect the 1967 Abortion Act – which legalised abortion – from persistent attempts to overturn or amend it. They campaigned at a grass-roots level, whereby they raised awareness, protested, and sought to influence public opinion. In 2003, NAC merged with the Abortion Law Reform Association to make Abortion Rights. They – and other feminist activists – have continued to campaign in this area, recently playing an important role in repealing the 8th amendment in Ireland which outlawed abortions (Abortion Rights, 2014). In order to increase influence within the political arena, feminist activists often consult with state actors, and lobby Members of Parliament, in order to influence their opinion or highlight issues that warrant political attention.

Despite collective progress, there has been increased scepticism regarding representation within mainstream feminist activism. For instance, gender mainstreaming policies have been criticised for representing a single gender perspective based on Western, heterosexist norms (True and Parisi, 2013). This has led to calls for gender-as-intersectionality, which recognises the diverse experiences of all women (True and Parisi, 2013). Indeed, there have been attempts to incorporate gender, sexuality, class, race and ethnicity into the policy-making process, as well as increased efforts in understanding how these intersect. However, some organisations and actors have struggled with this, due to consistent issues in defining gender through social terms. That said, where some have failed to incorporate a more inclusive approach to policy, feminist activists have been

adaptive and – despite differences in feminist thought – many have worked towards identifying a common ground within the movement and have conscientiously reframed certain issues in order to achieve specific goals. For example, those protesting against anti-abortion groups in the UK have shifted away from choice and towards reproductive justice. This approach continues to focus on abortion and contraceptive rights, but also pays attention to wider issues around physical health, mental health, and well-being. This type of framing arguably strengthens the movement by covering issues that represent more women and therefore engaging a diverse number of activists (True and Parisi, 2013). Of course, this could also be viewed as an unnecessary compromise. Furthermore, there are some issues where a feminist common ground is significantly more difficult to ascertain than others – for example, sex work.

3.3 The Political Philosophy of Sex Work

“[T]he prostitute has been the target of moral opprobrium, lambasted as personification of both female oppression and social vice. She is at once diseased and immoral, treated by both legislation and society as the lumpenproletariat: more deviant and less valuable than even the lower-class citizen” (Baker, 2012 p. 88).

The subject of sex work is one that ignites curiosity, passion and fierce debate, with no subject dividing feminists more. This section will explore some of the philosophical approaches to sex work, which underpin the regulatory approaches explored in the next section. Approaches explored here include public nuisance discourse, radical feminism, liberal feminism, Marxist feminism, and intersectional feminism. Additionally, it will reveal the central role that gender plays in philosophical and political debates on sex work, further demonstrating the need for a gendered approach to researching the mobilities of sex work policy. Although gender plays a significant role in many philosophical positions, not all positions are gendered, at least not on the surface.

An example of this would be the public nuisance discourse. The public nuisance discourse positions sex work as a private matter and, as such, the state should only intervene when it becomes a public nuisance (Kantola and Squires 2004). It does not concern itself too much with whether sex work is right or wrong but believes that when it comes to the public sphere, some control is warranted. Although those using a public nuisance discourse may not claim to be concerned with morality, Campbell

(2015) notes that it is the perceived immorality of sex work that has created the perception that it is harmful and offensive to the public. Sex work can be deemed a public nuisance for a number of reasons, which may include: the traffic caused by kerb crawlers; litter and other evidence that sex work has taken place; and community fears of crimes being committed against 'innocent' women – those who do not sell sex – in the area (Kantola and Squires, 2004). A public nuisance ideology concerns itself with visible and audible manifestations of sex work and therefore it favours regulation that focuses on street-based sex work (Kantola and Squires, 2004; Campbell, 2015)

Despite being presented as gender neutral, a public nuisance discourse and its related policy prescriptions often manifest in very gendered ways. For example, laws put in place to deter sex work on the streets can include criminalising sex workers for selling their services and their clients for kerb crawling. However, Shaver (1993, cited in Jeffrey, 2004) notes that it is disproportionately the female sex workers that are targeted by the police. The idea that sex work warrants criminalisation in the public sphere is entrenched in ideas around female morality. Campbell (2015) highlights that a public nuisance discourse strips sex workers of their citizenship as they are not viewed as members of the community, rather they are reduced to objects who are simply a nuisance to society. Therefore, the punitive treatment and displacement of female sex workers is often perceived to be a small price to pay to restore social order (Hubbard, 1999). There are, of course, discourses that explicitly link sex work to gender – notably, strands of feminism –which will be explored now.

3.3.1 Feminist Sex Wars

Sex work divides feminism. In what Chapkis (1997) dubbed the 'sex wars', feminists have been divided regarding a number of sexual practices including pornography and other forms of sex work and are predominantly split between whether these acts are signs of domination or liberation (Showden, 2016). These two sides have dominated debates surrounding sex work – their key arguments will be reflected here.

3.3.1.1 *The Radical Feminist Approach*

When discussing a radical feminist approach to sex work, it is only right to acknowledge that not everyone who identifies as a radical feminist may hold the same view on sex work, indeed opinions can vary within radical feminism and often this can be dependent on the issue at hand – which has led to subcategories such as Sex Workers Exclusionary Radical Feminists (SWERFS) (Harris, 2015). Broadly speaking, radical feminists use the term ‘prostituted’, are anti-sex work, and position sex work as men’s violence against women, regardless of their consent. The role of gender is central to this position, with radical feminists viewing sex work as “the absolute embodiment of patriarchal male privilege” (Kesler, 2002, p. 19). As Levy and Jakobsson (2014) note, radical feminists believe that ‘prostituted women’ – to use Jeffrey’s (1997, p. 5) terminology – are so damaged from the abuse that is sex work that they could not possibly have full capacity to give consent; the notions of consent and agency being a “fantasy of privilege” (Mackinnon, 2011, p. 291). Radical feminists prefer such terms as ‘prostituted’ as they believe that there is no choice for those engaged in sex work, but rather they are victims who are ‘prostituted’ by ‘pimps’ and ‘traffickers’. The quotation marks are necessary here to highlight the differences in language, as for some a ‘pimp’ may be better described as a ‘manager’, a view held by other feminist positions, which we will discuss later on in the chapter. Radical feminists choose this type of language intentionally to represent their view on the industry, which they believe to be intrinsically violent and that sex within this setting is not traditional sex but rather an abusive and degrading type of sex (Raymond, 2004). However, some radical feminists go further to suggest that any act of sex, paid or otherwise, is male domination (O’Neill, 2001).

One of the key issues with this ideology is that it portrays sex work as being exclusively a male client with a female sex worker. It rarely acknowledges that men buy sex from men (Scott and Minichiello, 2014), women buy sex from men, and women buy sex from women (Kingston *et al.*, 2020). Much of the policy discourse is driven by a heteronormative view of sex work that overlooks the idea that sex can be transacted between people embodying multiple and diverse genders. This narrow view is problematic, as, for example, Bryce *et al.* (2015) highlight, male and trans sex workers are particularly vulnerable when it comes to violence and criminality; indeed, as argued elsewhere, policy and law has the power to shape sex workers experiences of violence (Krüsi *et al.*, 2014; Levy, 2015; Smith and Mac,

2018). Research by Lyons *et al.* (2017) highlights how violence experienced by trans sex workers in Vancouver, Canada – where clients are criminalised like in Sweden – is shaped by both transphobia and criminalisation. Bryce *et al.* (2015) also note that lack of queer voices in policy debates further marginalises sex workers. This is again noted by Laing *et al.* (2015) and other contributors to their volume *Queer Sex Work*; it is an important issue of concern for scholars, practitioners and sex workers alike. These authors argue that sex work policy discourse requires a queer theoretical lens to progress in such a way that reflects the vast diversity of the sex industry.

Despite this, the heteronormative views of radical feminists remain central to debates on the regulation of sex work, predominantly calling for an abolitionist approach to legislation, which seeks to end its practice (Bindel, 2017). Later in the chapter, we will discuss the differing regulatory approaches in more detail, but essentially radical feminists call for the criminalisation of (male) clients. They believe this regulatory approach to be crucial in moving the onus away from the 'prostituted woman' who they believe to be the victim, and on to the male purchaser of sex who they deem the perpetrator of violence against women. The ultimate goal is to end the practice of all sex work – including pornography – globally, something they believe to be key in achieving gender equality (Whisnant and Sparks, 2004). While criminalising clients is the favoured regulatory approach, legalisation is deemed to be the worst. For radical feminists, the legalisation or decriminalisation of sex work is simply "patriarchal governments acting in the interest of male citizens" (Jeffreys 2009, p. 177) where "women and girls are just one among an infinite number of highly saleable items" (Ekberg, 2004, p. 1187). Radical feminists believe that jurisdictions legalising sex work are sending the wrong message, claiming that:

"any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men" (Ekberg, 2004, p. 1189).

They, therefore, condemn any form of legalisation, and while they support the decriminalisation of sex workers, they do not support full decriminalisation, believing some criminalisation to be necessary in order to protect women. This view is not without its criticism, for example Weitzer (2012) believes this position – which he labels the 'oppression paradigm' – is moralistic and one-dimensional, ignoring the diversity within the sex industry and denying sex workers their agency by labelling them victims and survivors. Furthermore, Weitzer (2012) believes that activists and

scholars who support this ideology tend to be selective in their analysis of their own data.

A key issue for radical feminists is trafficking for the purpose of sexual exploitation, which is often given a substantial amount of attention during debates (Szörényi, 2014). For them, sex work and trafficking are intrinsically linked; they argue that you cannot address one without the other. To try to separate the two, they claim, would be to create a false line between victims and those who choose to be in the sex industry; they are *all* victims (Farley, 2009). Radical feminists argue that by recognising this link, governments can better legislate against sex trafficking and focus more on the demand side of sex work (Farley, 2009). Raymond (2004) notes that legislation has historically focused on the supply side to trafficking – i.e. those involved in organised crime – whereas the demand side has largely been ignored. They conclude that the male buyer of ‘prostituted’ women should be the focus of legislation to combat trafficking, which has been one of the driving forces to the criminalisation of clients in several countries. For example, Skilbrei (2012) notes that the criminalisation of clients in Norway was driven by feminist activism which conflated trafficking and sex work, framing sex work as a violence against women issue.

There are many influential organisations who support this view. These include the Coalition Against Trafficking in Women (CATW) who campaign for the criminalisation of clients in order to end demand and stop trafficking for sexual exploitation (CATW, 2011). However, organisations such as Anti-Slavery argue that to suggest that sex work is uniquely exploitative, delegitimises the severity of other forms of forced labour (Kinnell, 1999, cited in Munro, 2005). Furthermore, the Global Alliance Against Trafficking in Women (GATW) note that conflating sex work and trafficking discriminates against sex work as a legitimate form of labour. Despite these criticisms, the legitimacy of sex work continues to be brought into debates on trafficking, for example, O’Brien (2015) highlights that during deliberations for the UN protocol on trafficking, the continuous questioning of sex work as a legitimate form of labour dominated debates to an extent that it threatened to undermine the creation of the protocol.

3.3.1.2 The Liberal Feminist Approach

In contrast to radical feminists, liberal feminists – again broadly speaking – position sex work as a legitimate form of labour where the majority of those working in the sex industry are there of their own free will. Furthermore, some have highlighted that some sex workers enjoy their job and can often find their work empowering (Weitzer, 2012). The ‘empowerment paradigm’ – as Weitzer describes it – recognises that sex work can provide independence, economic wealth and sexual liberation. This position – often referred to as sex-positivist, sex-radical or pro-prostitution – celebrates sex work as a form of sexual expression and a nonconformist symbol that challenges heteronormative – and hypocritical – sexual norms (Smith and Mac, 2018). Furthermore, this view believes that the harms associated with sex work are not intrinsic, rather they are due to bad laws and ‘whore stigma’ (Weitzer, 2012). To a certain extent, liberal feminists call for sex work to be treated in the same manner as other businesses and sex workers afforded labour rights like any other worker. However, some have acknowledged that due to the nature of sex work and the sex industry, this is a job that cannot be treated exactly like any other business (Scoular, 2015). Another distinction between radical feminism and liberal feminism worth mentioning here is their views on clients, unlike radical feminists – who position all clients as deviants – liberal feminists do not condemn clients of sexual services (Valadier, 2018). Contrary to radical feminists, liberal feminists do not view sex workers as selling their ‘body’ but selling their services (Sloan and Wahab, 2000). They therefore advocate for women’s choice in what they do with their bodies (Valadier, 2018). Consequently, they demand ‘rights not rescue’, a common phrase amongst sex workers and activists (see for example, Arnott and Crago, 2009).

In the late 80s and early 90s, some feminist scholars turned their attention to sex work, believing that no feminist can call themselves such if they ignore the rights of arguably the most marginalised women in society. They called for a feminism that includes all women, a feminism that recognises the struggle of sex workers as a struggle for all women, and a feminism that is part of sex work reform (see Pheterson, 1989; Hobson, 1990). Therefore, liberal feminism has played a huge part in the sex workers rights movement, which has highlighted sex workers agency and provided an alternative to the victim narrative provided by radical feminist abolitionists (Scoular, 2015). Various sex worker organisations across the globe have campaigned for sex worker rights, including the French Collective of Prostitutes (FCA). The FCA was launched shortly after 150 women protested in Lyon during 1975 in response to the police’s failure to investigate the unsolved

murders of a number of local sex workers, as well as the police increasingly targeting sex workers with arrest and fines (Scoular, 2015). The FCA campaigned for sex workers to have the same rights as any other French citizen, demanding welfare rights, pensions, and a non-punitive tax system. This protest is viewed as a defining moment in the sex worker movement, despite only lasting a week (Scoular, 2015). An organisation based in San Francisco called Call Off Your Tired Old Ethics (COYTOE) has also contributed greatly to the sex workers' rights movement. COYOTE was formed in 1973 and "sought to challenge dominant associations of prostitutes with deviancy, victimisation and disease", which was rife in political and feminist debates at the time (Scoular, 2015, p. 90). The notion of work is important to COYOTE, who make a clear distinction between voluntary and forced prostitution. They believe that when sex work is voluntary it should be phrased as 'work' like any other job. This change in language can help change people's attitudes towards sex work and can also contribute to sex workers' civil rights. They highlight that sex workers should have the right to choose sex work as an occupation as well as having the right not to suffer public harassment such as violence, rape, stigma or be denied health care or alternative job opportunities and that they should be granted protection from the law like any other citizen (Jenness, 1990).

Liberal feminism and the sex workers' rights movement can be linked to both legalisation and decriminalisation frameworks, which we will discuss later in the chapter. For example, the law reform in New Zealand, which decriminalised sex work in 2003, was heavily influenced by the New Zealand Prostitutes Collective (NZPC). Previous to this, the HIV epidemic and the subsequent treatment of sex workers motivated the NZPC to take action, they secured funding from the Ministry of Health to target populations at risk in preventing the spread of HIV, however this public health move clashed with law enforcement attempts to tackle sex work using safe sex materials such as large amounts of condoms as evidence for arrest. The NZPC continued to contribute to public health knowledge despite the illegal status of sex work, as well as facilitating multiple pieces of academic research, which included projects exploring the lived experiences of sex workers and clients. This led to a strong relationship with scholars by the end of the 1990s, who joined them in advocating for the decriminalisation of prostitution (Harrington, 2012).

Unlike radical feminists, liberal feminists do not believe trafficking and sex work are intrinsically linked; rather they believe that there needs to be a separation between trafficking and migrating for labour (Sanders *et al.*, 2009). They believe it is wrong

to identify a migrant as a trafficking victim just because they have chosen to work in the sex industry. However, it is argued that this trafficking discourse – which depicts every migrant in the sex industry as a victim – is still the dominating narrative when it comes to women crossing borders (Agnes, 2008). This is despite the acknowledgement of internal trafficking which recognises that trafficking is not simply about people moving across borders but more to do with coercion and deception (Lee, 2011). Agnes (2008) argues that the image of the trafficking victim needs to be conceptually reworked. Anti-trafficking NGOs have used this narrative in order to gain government attention to their initiatives. However, in doing so, they have created a simplistic image of the trafficking victim, ignoring the complexities of migrant women’s agendas and experiences (Agnes, 2008). Andrijasevic and Mai (2016, p. 1) note that:

“[t]his process of reduction and simplification of migrant lives and labouring subjectivities in public debates and media representations should be seen as part and parcel of the deep social transformations brought about by the globalisation of neoliberal ideologies and policies from the global North”.

The sex trafficking debate can therefore be understood as an oversimplified attempt in understanding the deeply complex reality of migrant sex workers lives, which may or may not have elements of coercion.

For those who have a more liberal feminist outlook, there is a recognition that people migrate to work in the sex industry for a variety of reasons. Mai (2012) notes that those who migrate are usually looking for a better life than they are able to achieve at home due to factors such as: sexuality, gender, ethnic and racial discrimination; outbreaks of war; family/relationship problems; parental deaths; and lack of opportunities of advancement. Mai (2012, p. 111-112) notes that:

“the socio-economic and cultural circumstances of migrants range from relative privilege to poverty, while their family backgrounds vary from the most de-structured and ‘problematic’ to very stable”.

Mai (2012) also highlights that for those who choose to migrate, the sex industry is an everyday opportunity. Agnes (2008) stresses the importance of acknowledging that migrants and even those trafficked into sex work do demonstrate agency and decision-making abilities that assist in their own and their family’s survival. Moreover, they often negotiate the terms of their movement and are involved in the planning of their migration (Agustín 2005). Maher *et al.* (2015) note that people’s interest in identifying instances of exploitation – and legislating against this – often trumps sex worker rights, such as their right to health. Furthermore, the anti-

trafficking rhetoric is favourable for policy-makers as it provides an 'official' risk factor that can be utilised to stop those positioned as undesirable outsiders from migrating. Although not disagreeing with liberal feminists' overall position on trafficking and migration, Agustín (2005) believes that – along with radical feminists – liberal feminists fail to recognise the practical issues that migrant women face in order to survive and succeed.

Radical feminists, unsurprisingly, are the biggest critics of liberal feminism. They dispute the notion of sexual liberation and believe that this is simply pandering to the needs of men (Smith and Mac, 2018). They question notions of choice, reasoning that most individuals entering sex work are often already stigmatised, marginalised, already have criminal records, are drug users, and/or have been institutionalised at some point in their life. As such, it is not a case of 'free choice' but a lack of choice that leads women into sex work (Matthews, 2008). However, liberal feminists would highlight that these factors limit a person's choice to enter many lines of work, yet these industries are not criminalised. Concerns over free choice therefore only appear to be reserved for the sex industry and are used to justify abolitionist laws that criminalise the consumer, and arguably further marginalise and stigmatise sex workers (Levy, 2015). The sex worker as victim narrative that drives such criminalisation has been accused of causing further poverty through unemployment as well as causing the industry to go further underground creating more dangerous conditions, and leaving sex workers in the same, if not worse, position than they were before entering the industry.

3.3.1.3 Overcoming the Stalemate: Marxist Feminism and Intersectional Feminism

There has been an increasing uneasiness with the rigidity and polarity of the two dominant feminist camps discussed above. “[A]ccording to current orthodoxy”, Scoular (2015, p.1-2, emphasis in original) notes, “prostitution can only ever be *either* the epitome of modern-day slavery *or* the expression of a fundamental human right, of sexual freedom and economic liberty – but never both”. Smith and Mac (2018, p. 11, emphasis in original) highlight that both positions are preoccupied with “*sex as symbol*”, neglecting to consider what material changes can be made to improve the lives of sex workers. There are those seeking to overcome this stalemate – whose position falls somewhere in-between these views – believing that both narratives have some truth and that pragmatic solutions should be made, whilst

still acknowledging and challenging the broader structural issues women in sex work face.

Marxist feminism has played a limited role within the sex work debates. However, it has become an alternative lens for scholars to consider sex work. For example, Cruz (2018) reasons that a Marxist feminist position has allowed for a better understanding of migrant sex workers; one that is far removed from the traditional liberal understanding that the majority of migrant sex workers are free and have freely chosen to migrate or move elsewhere to work in the industry, without being coerced or exploited. Rather, a Marxist feminist position argues that the liberal position overestimates the level of freedom migrant sex workers have. Instead, Cruz argues, that migrant sex workers face a range of 'unfree' labour practices, which limit their control over their working conditions – an extreme example of this would be trafficking. Therefore, Cruz proposes that:

“unfree and ‘free’ (sexual) labour exists on a continuum of capitalist relations of (re)production, which are not purely economic; they are gendered, racial, and legal and mediate micro instances and experiences of coercion, abuse, and exploitation in the migratory process, sexual labour process, and lives of migrant sex workers” (2018, p. 67).

This position recognises that some women may choose to be sex workers, while simultaneously understanding that women's choice can be limited in a patriarchal, capitalist society. Relatedly, Berg (2013, p. 694) highlights that “commercial sex exchange is not exploitative because of anything unique to sex; it is exploitative because it is labour under capitalism”. In this sense, those who claim that people in the sex industry are coerced are technically not wrong, according to a Marxist feminist perspective, because labour itself *is* coercion.

Intersectional feminism is another perspective that has a growing voice in the sex work debate. Again, falling somewhere in-between the dominant camps, intersectional feminists highlight that the experiences of sex workers cannot be understood through gender alone (Gerassi, 2015). An intersectional perspective to sex work can facilitate a better understanding of the differing impact of sex work practices and policies depending on factors such as race, class, ethnicity, sexuality, amongst others. This is important, as backgrounds and experiences of sex workers are diverse, as sex worker activist Pussy Willow notes:

“sex work is really something that is intersectional, sex work enables those that are disabled, single mothers, transgender, migrants, and even those with mental health issues, to work and support their families independently. I

believe that if you care about marginalised groups, and claim to be feminist or an ally or just support these groups, you should support sex worker rights”. (cited in Southcott, 2020 n.p.).

Consequently, sex worker’s rights intersect with a number of other social movements – such as LGBTQ+ rights, migrant rights, workers’ rights, health rights, and of course women’s rights. The International Committee on the Rights of Sex Workers in Europe (ICRSE) argue that “feminism needs sex workers and sex workers need feminism”, calling for sex worker activists to incorporate these other social movements into their activism, and equally for other social movements to incorporate sex work into their activism (ICRSE, 2016 p. 1). However, attempts to overcome the stalemate continue to be fraught with issues, as recent articles by Benoit *et al.* (2019) and Moran and Farley (2019) demonstrate. Both accounts highlight a need to recognise the intersecting issues of sex, race and class, but through vastly different theoretical and conceptual lenses, and with conflicting evidence.

3.3.2 Regulatory Strategies

Finding a coherent way of categorising the differing approaches to the regulation of sex work is no easy task. Scholars have provided a number of different categories, using various terminology and often these can be conflated with philosophical approaches – such as ‘criminalisation’ and ‘prohibitionism’. Here, I draw on Smith and Mac (2018) in using the following categories: (1) full criminalisation (2) the Swedish model, (3) partial criminalisation, (4) regulationism and (5) decriminalisation. It is worth acknowledging here the limitation to categorising policy regimes in this way, as several scholars have highlighted that such categories fail to recognise the complexity and multi-scalar character of sex work policy (see also Agustín, 2008; Phoenix, 2009; Scoular, 2010; Wagenaar *et al.*, 2013; Skilbrei and Holmström 2014; Östergren, 2017; Wagenaar, 2018). Nevertheless, such categories are central to sex work policy debates and therefore it is important to understand them for the chapters to come.

(1) Full Criminalisation

Criminalisation, by definition, is turning an activity into an illegal act. Broadly speaking, Phoenix (2007, p. 7) argues that the criminalisation of sex work “aims to repress and prohibit prostitution, defining it as a criminal justice problem akin to

other ‘petty’ criminalities and incivilities”. As sex work is a term that can be used for a host of activities, it is unsurprising that the criminalising of sex work can manifest in several different forms. Full criminalisation usually encompasses a number of different criminal laws that target those involved in sex work, including those selling sexual services, those purchasing sexual service, and those who are commonly referred to as ‘third parties’ who facilitate this exchange – including managers, landlords, advertisers and drivers. Countries who operate a full criminalisation regime include: South Africa, Kenya, Uganda, Pakistan, Russia, Iran, China, and (most of) the United States (Smith and Mac, 2018).

The United States provides a useful example of criminalisation with almost every state following this approach, with the exception of Nevada where sex work is regulated in various counties which allow (some) brothels. In most states, the seller and the client are criminalised, however police resources often focus on the female seller, who is arrested, punished and encouraged to leave the sex industry (Ditmore, 2010). Tactics used to enforce criminalisation in the US often come in the form of entrapment, where police pose as buyers in order to arrest those offering sexual services. The methods of punishment and prevention for clients include revoking driving licences, impounding cars and sending clients to ‘John Schools’, in order to rehabilitate them (Ditmore, 2010).

Full criminalisation is widely criticised, not at least because on the ground the implementation of such policies usually involves primarily targeting those who sell sex (Phoenix, 2007). Interestingly, the condemnation of this approach is something that unites *most* feminists, although this is often over shown by debates regarding the alternative regulatory approaches. The gender disparity found in full criminalisation regimes highlights its foundations which are entrenched in Judeo-Christianity and patriarchal norms (Mathieson *et al.*, 2015). Smith and Mac (2018) further contend that policy implementation is racist, with black women being far more likely to be arrested for sex work than their white counterparts, and more likely to receive harsher charges. This style of governance seeks to remove sex work from society, yet the prolific nature of the sex industry in the US provides clear evidence of the failure of full criminalisation (Matthews, 2008).

Despite the apparent failure of criminalisation, there have been increased efforts to criminalise the industry further in the United States. Due to increased concerns over trafficking and ‘sexual slavery’, criminalisation efforts have been expanded to wider

parts of the sex industry including strip clubs and pornography in what Weitzer (2010) terms, a ‘moral crusade’. In 2018, this manifested in the censoring of online advertising platforms – of which sex workers rely heavily on – in order to curb instances of exploitation. The Stop Enabling Sex Traffickers Act and the Fight Online Trafficking Act (SESTA-FOSTA) introduces legislation where online platforms such as craigslist have now become responsible parties if users advertise sex work, resulting in a lot of these platforms closing personal ads on their websites. Smith and Mac (2018) note that despite SESTA-FOSTA being introduced to tackle trafficking, they have had the opposite effect, as without advertising, sex workers are in a more vulnerable position to would be exploiters.

Full criminalisation, of course, impacts sex workers through arrests, imprisonment, criminal records, and fines, which create a revolving door that forces sex workers – who may find getting a job difficult due to criminal records – back on the street in order to pay their fines and survive (Phoenix, 2008). Smith and Mac (2018, p. 115-116) note that despite a widespread understanding that full criminalisation is a “brutal, clumsy, unjust system”, there are those who seek to put a “progressive gloss” on it, by suggesting that jail can be a tool to protect victims from ‘abusive pimps’ and encourage sex workers to change their lifestyle. This victim-centred spin on criminalisation fails to recognise how “criminalisation helps to structure patterns of violence against sex workers” (Scoular, 2015, p. 99). Moreover, the lawful treatment of sex workers by police – including arrests, stop and frisk, and intimate searches – can arguably be understood as violence against women in itself, something that has been overlooked by many feminists (Smith and Mac, 2018).

(2) *Swedish Model*

As mentioned earlier, there has been an increasing push for the focus of criminalisation to fall on the clients of sex workers. Sweden – which, of course, is central to this thesis and will be explored much further in Chapter Five – was the first country to criminalise the purchase of sex in 1999. Brought in as part of the Women’s Peace Bill (*Kvinnofrid*) – and influenced by a radical feminist ideology – Sweden criminalised the purchase of sex but not the sale of sex in a move to increase gender equality and stop abuses to ‘socially deprived’ women (Waltman, 2011b, p. 137).

The ‘Swedish model’ as it is often called – but also the Nordic model, Sex Purchase Law, *Sexköpslagen* and ‘End Demand’ – criminalises the purchase of sex and third

parties, whilst not criminalising the sex worker (Smith and Mac, 2018). This position is legitimised through framing all sex workers as victims, despite a wealth of evidence that demonstrates the contrary (Levy, 2015). Therefore, part of the 'model' includes support for women who are in the industry to leave. While believing the criminalisation of sex workers to be unjust, the Swedish government believe that some form of criminalisation is necessary in order to send a strong message to the public that buying sex is wrong. In support of the model, radical feminist Catherine MacKinnon writes:

“Against his demand to buy her for sex, this [Swedish] law says she is not for sale, or rent. Eliminating her criminality raises her status; criminalizing him lowers his privilege” (2011, p. 301).

In 2009, Norway followed in the footsteps of Sweden and also criminalised the purchase of sex. However, they went a step further by also making it an offence for Norwegian residents to purchase sex abroad. Prior to this legal change, Norway's approach could be better described as partial criminalisation, with the selling and purchasing of sex being legal, but acts around it – such as soliciting and 'pimping' – being criminalised. However, during the early 2000s concerns regarding visible forms of sex work – in particular Nigerian street-based sex work – and trafficking, aligned with ideological debates which positioned sex work as violence against women, which led to increased pressures for politicians to make legislative changes (Skilbrei 2012). Jahensen (2008, in Skilbrei, 2012) argues that it was the growing concerns surrounding trafficking that influenced the decision to criminalise clients in Norway the most, with the belief that by reducing the demand, this would in turn impact the flow of women being trafficked into the country to meet the demand.

Arguably, the criminalising of clients in the name of helping trafficking victims is a risky approach, as clients of sex workers may be in the best position to identify instances of abuse, yet far less likely to report this if they are criminalised themselves (Dodillet and Östergen, 2011). Furthermore, critics have noted that in states where clients are criminalised, sex workers have been forced further underground into more exploitative settings (Levy, 2015). Consequently – in what may be a well-meaning attempt to protect sex workers – criminalising their clients results in less choice in who sex workers see but does not erase their want or need to participate in sex work. This situation is particularly dangerous for street sex workers who have little time to negotiate and, potentially a limited choice of clientele (Levy, 2015). Criminalising clients has led to a reduction in prices and has resulted

in some sex workers having to accept clients who are under the influence of drug and/or alcohol, who are violent or who refuse to wear a condom. This legislation has therefore contributed to an increase in violence against women as well as an increased risk of infectious disease (Levy, 2015; NSW, 2015).

(3) Partial Criminalisation

One of the distinguishing characteristics that separates full and partial criminalisation is that the act of selling or buying sex is not criminalised rather there are a number of related activities that are criminalised (Smith and Mac, 2018). For example, in England and Wales the sale and purchase of sex is not criminalised, however, there are host of activities surrounding it that are – such as soliciting on the street or working with another sex worker in a ‘brothel’. Generally speaking, criminalisation often targets the undesirable, unwanted, and visible aspects of the sex industry, and therefore concentrates on suppression and surveillance. Influenced by a public nuisance ideology, this approach positions sex work as a social issue that is accepted as long as it remains private and hidden from the rest of society (Matthews, 2008). Consequently, this approach often centres on controlling visible forms of sex work within urban spaces. This approach will often seek to separate the state from sex work, believing it to be a choice for consenting adults. However, the state will then intervene if these “morally offensive” acts spill over into the public sphere (Mathieu, 2004, p. 154). Governments who adopt this position often take a pragmatic approach to sex work, recognising it as a ‘social fact’ while simultaneously seeking to ‘manage’ the problematic aspects of the trade (Scoular, 2015). Regulatory methods can target all parties involved in sex work; however, predominantly the burden of responsibility has traditionally fallen on the seller of sex or third parties. That said, there have been increasing moves within partially criminalised frameworks to introduce new strategies to utilise existing legislation in order to target the purchasers of sex (Matthews, 2008).

For many, partial criminalisation is problematic due to “the dubious distinction of making it legal to ‘be’ a prostitute but next to impossible to actually engage in prostitution-related activity” (Jeffreys, 2004, p. 82). This quagmire was challenged in *Canada v. Bedford* in 2014, where three sex workers – Terri-Jean Bedford, Amy Lebovitch, and Valerie Scott – went to the highest Canadian court to challenge three pieces of legislation that are important elements in a partially criminalised

framework. These are (1) keeping or being found in a bawdy house; (2) living on the avails of prostitution; and (3) communicating in public for the purpose of prostitution. Bedford, Lebovitch and Scott argued that the laws violated their Charter Rights as Canadian citizens (see Sampson, 2014). They were successful in their challenge, which was a huge victory for civil rights and the rights of sex workers. However, on the back of this momentous victory, the Canadian government opted to introduce new legislation to criminalise the purchase of sex and retained many of the existing penalties for sex workers (Smith and Mac, 2018).

Interestingly, Canada is not alone in a move away from partial criminalisation to criminalising the purchase of sex. Prior to legislative changes in 2014 to criminalise the purchase of sex, Northern Ireland had a similar system of partial criminalisation, France did too before they criminalised the purchase of sex in 2016. A partial criminalisation approach remains in England, Wales, and Scotland and this framework will be explored further in Chapter Six.

(4) Regulationism

Regulationism – which is also often referred to as legalisation or licensing – describes the removal of most, if not all, criminal justice sanctions surrounding the purchase and sale of sex. Smith and Mac (2018, p. 176) define regulationism as:

“a legal model that heavily regulates a legal strand of the sex industry while continuing to criminalise workers who can’t or won’t comply with various bureaucratic requirements, such as mandatory health testing, employment in certain venues, or registering publicly as a prostitute”.

The idea is that through legalising sex work, sex workers can receive contractual rights like in other professions and the state is able to monitor and improve working conditions (Phoenix, 2009). However, the term ‘legalising’ can often be misleading and may only refer to the removal of some criminal sanctions surrounding sex work, for example brothel keeping or third-party involvement (Jeffreys, 2009). Rather, legalisation often means introducing strict measures which permits *some* sex work in specific contexts. These measures, Smith and Mac (2018) argue, are not introduced with the wellbeing of sex workers in mind; instead, they are used to further control and restrict sex workers’ lives. Broadly speaking, while sex work activities may be legal, there are a multitude of regulations surrounding them which makes it difficult to sell/buy sex legally. These may include, requiring sex workers to

register with local authorities, requiring sex workers to have medical exams, licensing and vetting business owners, property inspections, and specialised taxes for the sex industry (Weitzer, 2010). Subsequently, this creates a two-tiered system which legalises some sex work and criminalises the rest. As such, sex workers who are not able or willing to meet the legal threshold, fall into the illegal sector. This is often the case for the most marginalised in society such as migrant sex workers.

For advocates of this approach, one of its most favourable aspects – and one that distinguishes it from other approaches – is the recognition that sex work is a legal profession, that sex work is work. In Germany – through the Prostitution Act 2002 – the working conditions of sex workers now fall under the remit of employment law (Phoenix, 2009). Therefore, any contractual agreement they make with employers can be legally forced through the civil courts. Despite being viewed as a legal profession, however, there are differences to how it is regulated. For example, in Germany sex work is taxed at a higher rate than other occupations and sex work is not advertised in the job centre nor is it a job that those on state benefit are required to take (Phoenix, 2009). Furthermore, central laws manifest themselves differently across local municipalities who retain the right to zone areas in which sex work is allowed. For example, sex work is forbidden in most areas of Munich, is permitted in most areas of Berlin, whereas Hamburg has designated zones with specific timeframes where sex work is permitted (Phoenix, 2009). For some, the positive of legalisation is that it can bring a change in societal attitudes toward sex work and a reduction in stigma. Indeed, Germany has seen a shift in attitude over the years: in 1981, 42 percent of resident included in the survey believed that sex work could ‘never be justified’, reducing to 33 percent in 1999, and reducing once more to 24 percent in 2005 after legalisation (Weitzer, 2012).

Despite some positives, a regulationist framework has its pitfalls. For example, in some regulationist frameworks, administrative legislation for the sex industry is a ‘specialist provision’ and is thus distinct from other forms of labour. Maher *et al.* (2013, p. 109) note that in Victoria, Australia, “the simultaneous creation of a specific licensing system that is solely applicable to the sex industry, and the mobilization of multiple agencies with fragmentary responsibilities, reflects ambivalence about the legitimacy of sex work business”. Of course, any attempt to legalise a ‘vice’ comes with a host of problems and challenges for state officials to overcome (Weitzer, 2012). This can often result in regulatory legislation being continually reworked – added, removed, altered – highlighting that the regulationist process is not a clear

'solution' to sex work. Adding critique more than caution, radical feminists contest legalisation. Positioning all sex work as violence against women, radical feminist view state attempts to regulate the industry makes governments nothing but "pimps and procurers in the global sex industry" (Jeffreys, 2009, p. 17). Furthermore, they argue, legalisation "fosters a flourishing multi-billion-dollar underground industry that triggers market-driven battles for the cheapest sex, with or without the use of condoms, demanding a flowing supply of young, trafficked women" (Bien-Aime, 2014, n.p.). Although Weitzer (2012) argues that these prohibitionist claims or 'myths' are often unfounded. He warns against such generalisations, reasoning that the impact of legalised regimes can vary greatly from place to place.

(5) Decriminalisation

Decriminalisation involves the removal of criminal laws prohibiting sex work or sex work-related activities, such as brothel keeping. Under decriminalisation the sale of sex is still subject to labour law; however, sex work is not subject to a special provision, criminal or otherwise (Phoenix, 2009). What constitutes decriminalisation, much like the other regulatory approaches, can vary. Added to this, legalisation and decriminalisation are often conflated. Nevertheless, this approach is favoured by many sex workers and sex worker organisations as they believe it protects the human rights and citizenship of sex workers (Abel, 2014).

In a distinct move away from a long standing partially criminalised approach to sex work – and following decades of lobbying by the New Zealand Prostitutes Collective (NZPC) among other advocates – New Zealand became the first country to decriminalise sex work through the Prostitution Reform Act (PRA) 2003. The PRA removed all criminal laws on sex work and afforded sex workers with the same rights as other professions (Abel *et al.*, 2010). This move was in order to allow sex workers to make their own choices within a free market setting. Underpinned by a liberal feminist perspective, concerns about sex work centred around public health, safety and human rights. Through decriminalising sex work, New Zealand sought to empower sex workers and decrease the social stigma surrounding the industry, consequently, re-integrating sex workers into wider society (Scoular, 2015).

The New Zealand model of decriminalisation has come under substantial critique by those seeking to abolish sex work, who declare this approach a failure. However, Armstrong (2020) highlights that these claims are unsubstantiated. Rather, she highlights, that these narratives regarding the New Zealand model are often vague,

strategic stories, that claim to tell the ‘truth’ about decriminalisation yet provide no evidence. Despite this lack of substantial evidence, these narratives sow doubt in people’s minds and often confirm what they already believe about sex work – that it is harmful.

As the PRA was introduced in New Zealand in 2003, there were concerns that decriminalisation would increase the number of brothels in New Zealand and that cases of human trafficking would escalate substantially. However, the Prostitution Law Review Committee (2008) found five years after its implementation, that PRA had been effective in its purpose and those fears anticipated by opponents had not been experienced. Furthermore, an independent review by the Christchurch School of Medicine found that 90 percent of sex workers believe the law reform had provided them with employment, health and safety, and legal rights. Furthermore, 57 percent believed police attitudes had dramatically improved and 64 percent found it easier to refuse clients since PRA was introduced (Crichton, 2015). In interviews with over 80 stakeholders across New Zealand, Mossman (2010) notes that those who were dissatisfied with decriminalisation tend to be brothel operators who were struggling with operational changes post-PRA and those who oppose decriminalisation for ideological reasons. Mossman (2010) also found that the majority of those interviewed who were satisfied with decriminalisation were sex workers, those working with sex workers, and other workers within the industry. However, like other sex work policies, the PRA is ‘no silver bullet’ and excludes some sex workers (Smith and Mac, 2018). Specifically, migrants who are on a temporary visa risk deportation if they work in the sex industry, including operating or investing in a sex work establishment – a move once again brought forward in order to address trafficking concerns (Benoit *et al.*, 2019).

Weitzer (2012) argues that decriminalisation should be coupled with some form of regulation, otherwise sex workers will be at risk. For example, in Daulatoia, Bangladesh, where sex work is predominately unregulated, sex workers can apply for ‘permission’ to sell sex once over the age of 18, but other than this they are left to their own devices. This, Weitzer (2012) argues, leaves them vulnerable to exploitation, abuse and violence from third-parties and clients. Furthermore, in favour of legalisation over decriminalisation he notes that legalisation “involves great control and thus offers both a practical and a symbolic dividend” (Weitzer 2012, p. 77). Another criticism highlighted about decriminalisation is that it does not end stigma towards sex workers, indeed Smith and Mac (2018, p. 191) note that

decriminalisation cannot address the “matrix of oppression” that contributes to issues around sex work. That said, they contend decriminalisation is the legislative approach that can provide immediate, material safety to current sex workers. Moreover, Abel and Fitzgerald (2010) found from their research on stigma in New Zealand, that while decriminalisation may not remove stigma, they found that decriminalisation offered sex workers legal, employment, health, and safety rights which had assisted them in their resistance of stigma.

3.4 Conclusion

This chapter has explored the significance of gender within global politics, policy-making and sex work. Gender equality is now understood to be a crucial part of any political agenda with increasing recognition that issues around gender should be a thread through mainstream policies. Feminist activists have played a continuous and growing role within policy-making and, although not without critique, they have been instrumental in fighting for policy reform and more equal gender representation within the political arena. Recognising the role of gender within policy-making is crucial to this research, not at least due to the heavily gendered debates surrounding sex work and its regulation.

Sex work is a unique topic of inquiry, surrounded by often polarised views on its morality and its governance. Often these views are entrenched in ideas around women’s sexuality, women’s abuse and feminist positions. These ideological approaches must not be understated as they can play a significant role in policy implementation, regardless of the laws available. An important aspect of the governance of sex work is in understanding how the impact of differing ideologies and attitudes have changed over time, and consequently the regulatory approaches they underpin. The varying regulatory approaches discussed in this chapter have consistently been criticised and scrutinised, often due to these ideological differences. What is striking throughout the literature, however, is the apparent failings of most approaches in governing sex work. In analysing the varying regulatory approaches across Europe Wagenaar notes that “in terms of effectiveness and human rights, the regulation of prostitution is to a greater or lesser extent a failure in almost all European countries” (2018, p. 1). However, what appears to be a favoured approach – or at the very least the lesser of many evils – is the decriminalisation of sex work. Although not without its critics, this approach

is favoured by sex workers and advocates who are pushing for the adoption of this approach internationally (Smith and Mac, 2018).

What is clear here, then, is that there is no universal way of regulating sex work, and that sex work remains to be controversial – dividing academics, feminists, and politicians, amongst others. Furthermore, where there are those who seek to end this long-standing profession, no legal framework has been successful in eradicating sex work. This means that the ‘solution’ to this ‘problem’ continues to be debated, with the best policy approach being consistently sought. Yet, Wagenaar *et al.* (2017, p. 3) throws caution to these supposed solutions, noting that “what looks good and morally just on paper has concrete, real-world consequences once policy is operationalised and implemented”. In particular, they note that these policy ‘packages’ have real life consequences for lived experiences of sex workers, and that every form of regulation shapes these experiences and the sex market within that jurisdiction. As discussed in the previous chapter, some policy ‘models’ gain traction more than others and sex work policy is no exception to this. It is therefore important to consider the role of gender, feminism, ideologies and regulatory approaches towards sex workers to better understand the movement of particular sex work policy models. The following chapter will outline the methodological approaches used to explore this and the overall research design. However, before moving on and in summary of the literature on policy mobilities, gender and sex work, I will end this chapter by pin-pointing the seven concepts that form part of my revised policy mobilities framework which will be used to understand the circulation of sex work policy models:

- (1) *Gender* – acknowledging and paying attention to the role of gender in policy-making and policy-circulation.
- (2) *Mobilities* – attention to how policies are made mobile and are moved around for a particular purpose.
- (3) *Assemblages* – attention to how policy is the bringing together of local and extra local elements and therefore in transition policies will mutate.
- (4) *Policy levels* – analysing the varying degrees of policy mobilities, what has actually been emulated.
- (5) *Learning and educating* – attention to the sites of learning and educating and how these are facilitated by informational infrastructures.

- (6) *Showcasing* – attention to how sites promote their policy models to an international audience.
- (7) *Policy immobilities* – recognising the limits to policy mobility and why some policies are not made mobile and fail to ‘land’ elsewhere.

Chapter Four: Capturing Sex Work Policies on the Move

4.1 Introduction

The previous two chapters have focussed on the literature of several different yet related issues: policy mobilities, gender, feminism and sex work. This chapter will turn to the methodological considerations that have underpinned this PhD research project. As outlined in the introduction to this thesis, the overall aim is to explore the mobility of sex work policy – focusing specifically on four key objectives:

- (1) To explore the evolution of sex work policy in Sweden and the Netherlands.
- (2) To explore how Swedish and Dutch sex work policies have been framed as international policy models.
- (3) To explore if and how these policy models have influenced policy and practice across the UK (i.e. England and Wales, Scotland and Northern Ireland).
- (4) To explore the role of gender in the movement of the Swedish and Dutch sex work policy models to the UK.

This chapter will outline how this was achieved using a combination of documentary materials and semi-structured interviews. In short, a range of documentary materials were collected, including policy documents, websites, leaflets, newspaper articles, and social media posts. Following this, 25 interviews were conducted – face-to-face, via video link and over the telephone – with a range of key stakeholders, including political representatives, activists, police representatives and academics in Sweden, the Netherlands and the UK.

The chapter is structured as follows; section 4.2 will outline the use of a case study method – an approach that is not uncommon within policy mobilities studies. Section 4.3 will demonstrate how the research methodology has been influenced by approaches within the field of policy mobilities – notably McCann and Ward's (2012) notion of 'studying through' the sites and situations of policymaking. Section 4.4 will outline the methods used for this research, including the collection of data through documentary materials and semi-structured interviews, and the use of discourse analysis. Section 4.5 will explore the ethical considerations of the study, a vital part of any research. Finally, section 4.6 will consider the practical implications of research, exploring issues around gaining access and researcher positionality.

4.2 Case Study Selection

As discussed in Chapter Three, debates around sex work policy are deeply divided with differing opinions on what is ‘best practice’. Regulatory approaches often correlate with broader debates on whether sex work is a form violence against women, or whether it is a form of legitimate labour. These debates have been well documented over time – including a wealth of research on policy and practice – yet there is a notable absence of research into why particular sex work policy models are mobilised. Consequently, there is no standard methodological approach used for exploring sex work policies that are ‘moved’ from place to place. The policy mobilities literature does however offer some guidance on the best way to explore this phenomenon. Indeed, a number of policy mobilities scholars have successfully produced data and theoretical frameworks through the use of case studies. For example, McCann (2008) focussed on the mobility of Vancouver’s ‘four pillar’ drug strategy; Cook and Ward (2012) looked at the attempted movement of Business Improvement Districts to Sweden; and Peck and Theodore (2015) whose book *Fast Policy: Experimental Statecraft at the Threshold of Neoliberalism*, explored the policy mobilities of two policy fields – Conditional Cash Transfers, and Participatory Budgeting.

Thomas (2016, p. 23) offers a useful definition of a case study:

“Case Studies are analyses of persons, events, decisions, periods, projects, policies, institutions or other systems which are studied holistically by one or more methods. The case that is the subject of the inquiry will illuminate and explicate some analytical theme, or object”.

In social science research more generally, the case study has become an essential method of inquiry (Yin, 2018). Case study methodology is a flexible approach and one that lends itself to a multi methods approach, which was utilised here in order to get a holistic and more reliable picture. Another attractive element of a case study approach is that it allows for a more thorough and in-depth exploration of the topic through one or more examples. In this case, it was important to be able to use specific examples to understand why certain sex work policies appear to be travelling to other jurisdictions. Traditional case study methods have been concerned with what is known as ‘bounding the case’ (Yin, 2018 page) – the clarification of the scope of the case, such as time, geographical area, social group etc. However, this study resonates with Bartlett and Vavrus (2017), who problematise bounding due to narrow notions of culture, place and community.

Rather they argue that methodological efforts should be process-orientated, focussing on the tracing of social actors, relevant factors and features. They encourage the use of Comparative Case Study methods, which conceptualise context as something spatial and relational, and promotes “multi-sited fieldwork that studies through and across sites and scales” (Bartlett and Vavrus, 2017, p. 914). Therefore, while a case study of the Swedish and Dutch policy models and their influence within the context of the UK has been bounded to some degree – geographical location and timeframe – this research also acknowledges and pays attention to how these boundaries are constructed and, often, porous.

In order to narrow down the case study selection, I conducted an extensive search of both academic and non-academic literature on the topic of sex work policy and practice. As the previous chapter demonstrated, there are many ways to govern sex work policy across the globe. Ideological positions often align with particular regulatory approaches, which are exemplified using ‘best practice’ policy models from a number of nation states. Specifically, several policy changes at the turn of the century have become staple examples in sex work policy discussions – including those originating in Sweden, the Netherlands and New Zealand.

Before I present the reasons why Sweden and the Netherlands were selected as case studies, it is worth noting why New Zealand was not. The ‘New Zealand model’ gained notoriety in 2003 when sex work was decriminalised through the *Prostitution Reform Act*. As discussed in the previous chapter, this approach to sex work is increasingly considered to be ‘best practice’, particularly for sex workers (see for example SCOT-PEP, n.d.). Therefore, New Zealand was initially considered as a case study. However, it became evident that resource constraints would not support the field work necessary to gather crucial data. Furthermore, and arguably because of the geographical location of New Zealand, there is no concrete evidence of policy emulation in the UK – unlike, as I will detail, Sweden and the Netherlands. Nevertheless, this would certainly be an area for future research, particularly as the New Zealand model has continued to garner further support throughout the timeframe of my PhD studies.

The Swedish model has gained global attention for being a radical approach to sex work, when the Swedish government criminalised the purchase of sex in 1999. Similarly, the Dutch model has also garnered a lot of global attention, largely due to Amsterdam’s infamous RLD and the Lifting of the Ban on Brothels in 2000. Both of

these policy models are frequently referenced in the literature and are often scrutinised and pitted against one another (Bindel, 2004; Gender and politics, 2013; Goldberg, 2014). Scholars have often focused on evaluating these policy approaches in terms of their effectiveness and their impact – on the ground and beyond. These policy ‘models’ will be discussed further in the coming chapters, however what is important here is that while it has been identified and accepted that these policies are influencing policy elsewhere, there has been no research on the process of this. While Sweden and the Netherlands have been positioned as places worth learning from; other jurisdictions have been positioned as sites in need of educating. This includes the UK, which is a particularly useful case of learning from elsewhere. While often discussed as one jurisdiction during policy debates – particularly internationally – the devolution of powers has allowed for diverse responses to sex work in Northern Ireland, Scotland, and England and Wales. Consequently, the UK as a case study creates further opportunities to gain insight into the influence of Swedish and Dutch sex work policy in distinct but linked jurisdictions.

Furthermore, what was clear from the inception of this research was that there was *some* evidence that the UK has been influenced by policy and practice in Sweden and the Netherlands. For example, the criminalising of clients in Northern Ireland in 2015 was overtly inspired by the Swedish approach. As well as a proposed managed zone in the city of Liverpool, England in 2004, being modelled on ‘tippelzones’ operating in Utrecht, the Netherlands. However, the extent of this influence and the processes involved in policy circulation is yet to be explored. With a substantial amount of academic inquiry focussing on these models, and preliminary evidence revealing that these policies are central to UK debates, the Swedish and Dutch models make ideal case studies to use, in order to gain insight into sex work policy mobilities.

It is also worth acknowledging here that it would have been possible to use one case study to gain an understanding of sex work policy mobilities. For example, through the exploration of the adoption of the ‘Swedish model’ in Northern Ireland. However, with such a polarised topic and an aim of understanding both the mobilities and immobilities of sex work policy, the inclusion of two competing policy models provides a fuller picture of why some policy models move and others do not. Furthermore, as the preliminary evidence suggests, the Netherlands – where sex work is largely governed by municipalities – offers another dimension to the

research through an example of local level policy mobilities. This approach will also enrich policy mobilities research through exploring the influences of two competing policy models on national and regional policy and practice, something that is yet to be done by policy mobilities scholars.

4.3 ‘Studying Through’: Researching Policy Mobilities

As discussed in Chapter Two, policy mobilities scholars have highlighted a number of focus points for researchers interested in gaining a better understanding of policies on the move. However, despite these conceptual offerings and theoretical frameworks, there is not a standardised methodological approach for the study of policy mobilities. This is largely due to the complex nature of policy mobilities research and the various avenues that researchers can choose to explore. As Cochrane and Ward (2012, p. 7) note:

“the processes being analysed are much more fluid, defined through eddies and flows that move uncertainly and are defined in place as well as in and through networks; it is not easy to find straightforward ways of researching them”.

Jones *et al.* (2019) note that this lack of methodological direction is a contributing factor in the noticeable absence of such studies within the field of criminology. In an attempt to address these methodological uncertainties, policy mobilities scholars have offered useful reflections on the methodological challenges of studying policies on the move – see for example the special issue in *Environment and Planning A*, edited by Cochrane and Ward (2012). In this, scholars have attempted to unravel the methodological approaches that fit with this line of inquiry, including the thinking behind policy mobilities research and the techniques and methods that can be employed.

Before exploring the methods employed in this research, it is important to understand the ontological and epistemological foundations of a policy mobilities approach and how it differs from the orthodox policy transfer research. The policy transfer approach – originating in political science – comes from a positivist line of inquiry, one that concerns itself with ‘successful’ policies that are transferred from one jurisdiction to another, relatively intact and unscathed. This is seen to be facilitated by ‘rational’ actors who are making rational decisions based on what is ‘best’ or ‘good’ policy and practice. They pay little attention to the “social and

ideological contexts of the policy making process, to the politics of policy knowledge production, or the more indeterminate zones of policy implementation and practice” (Peck and Theodore, 2012, p. 23). Put simply, they struggle to truly conceptualize social processes, scale, space and – somewhat ironically – the political (Temenos and McCann, 2013).

Policy mobilities research, however, conceptualizes the policy making process as socially constructed and is “considerably more attentive to the socio-spatial context of policy making activities, and to the hybrid mutations of policy techniques and practices across dynamic institutional landscapes” (Peck and Theodore, 2015, p. 5). This line of thinking focuses on the construction of policies and how they are moved by particular people for a particular purpose, avoiding assumptions of rational decision making. Furthermore, it recognises that policies mutate as they move; they are assembled, disassembled and reassembled as they travel (McCann and Ward, 2012). As such, policy can be understood as both relational and territorial, mobile yet fixed (Cochrane and Ward, 2012). Temenos and McCann (2013, p. 345), drawing on Harvey (1982) and Massey (1991), argue that the “tension between policy as fixed, territorial, or place-specific, on the one hand, and dynamic, global, and relational on the other” is precisely what policy mobilities research should focus on. Sites of policy-making are understood as assemblages of knowledge, information, understandings, resources and materials from close by and further afield (McCann and Ward, 2012). Therefore, the overarching philosophy to a policy mobilities approach can be understood as social constructivist, which conceptualises the policy making process as a continuous flow of ideas, knowledge and practices which connect local actors, policies and practices with global circuits of policy knowledge as well as other local actors, policies and practices (Temenos and McCann, 2013).

Resolved on a social constructivist theoretical approach, there are a number of different methodologies one could use to explore policy mobilities. This research has drawn on the work of McCann and Ward’s (2012) notion of ‘studying through’ the sites and situations of policy making. Building on anthropological work, they identify two methodological components worth utilising (1) following, and (2) sites and situations.

First, they draw on Macus’ (1995) notion of ‘following’ as a research method, by encouraging researchers to follow the policies, people and places involved in policy

mobilities – literally where possible, figuratively when not. For Wood (2016), the concept of ‘following’ should be applied to people, materials and meetings. She notes that in a ‘mobile world’, methods should adapt to the transitory nature of learning, and as such we must follow the unpredictable threads, chains, paths and intersections that knowledge travels through. As it was not possible to literally follow the policies, people, places, and meetings for this research; the ‘following’ method was achieved through document analysis and semi-structured interviews. Consequently, the gathering of data was not linear; those considered to be ‘key’ people, materials, and meetings shifted throughout the data collection and analysis as new lines of inquiry were identified (more on this in section 4.4). However, it is important to note here that the ‘following’ method does have its limitations. For example, Weller (2017) has noted that this method may be ineffective in uncovering policy immobilities, which was highlighted in Chapter Two as a valuable point of focus for this research. Therefore, it was important to be aware of this in order to avoid falling into the trap of solely following the ‘success stories’. To overcome this, in ‘following’ the policies, people, places, materials, and meetings; close attention was given to identifying where and how policy emulation was stalled. Similarly, attention was given to what was *not* present in the documentary materials, at the meetings, and in the interviews.

The second component, to be coupled with ‘following’, is the study of sites and situations. For McCann and Ward (2012), situations of policy-making should be understood as relational and happening both within and outside policy actor sites, including those sites that are transitory and mobile. Drawing on the concept of assemblage, they call for an attentiveness to the multiple situations in which policy knowledge is assembled and made mobile, including conferences, workshops, seminars, site visits, guest lectures and fact-finding trips, amongst others. It is within these sites and situations, they reason, that the “past, present, and potential future of a policy can coexist” (McCann and Ward, 2012, p. 47). Here, they continue, “[p]ast ‘successes’, current ‘problems’, and future ‘scenarios’ are discussed comparatively, conditioning and shaping the paths or tracks along which policies will move” (McCann and Ward, 2012, p. 47). Therefore, attention to these ‘situations’ of learning and educating – even those that may not seem significant – were key to this study. Not only in identifying where, when, how and who, but also in understanding the ways in which these models are made sense of.

Studying through the sites and situations of policy making would benefit from ethnographic methods, and many policy mobilities researchers have highlighted the value of ethnographic work. For example, Baker and McQuirk (2017) note that ethnographic methods give an in-depth understanding to the situated contexts and can help overcome the limitations of other methodologies. And much like policy actors themselves, the researchers 'being there' (Cook and Ward, 2012) – at conferences, meetings and tours – can give insight into the flows of knowledge that would not be evident in documentary materials alone. That said, ethnographic methods are not always achievable, not at least due to time constraints, access and resources. What is promising, however, is that technology allows for researchers – amongst others – to virtually be there when physically unable. This has been useful for this research. For example, I was able to watch the oral evidence sessions for policy consultations through parliament.tv. This provided more insight into situations than solely reading transcripts, it unearthed the tensions in the room, the overall process, and the positioning of people, policies, and places.

Indeed, it is possible to utilise a host of methods to overcome not 'being there', McCann and Ward (2012) have offered a range of different techniques that can help in 'following' the policies, people and places involved in policy circulation, as well as gaining an insight into the 'situations' of policy making. The techniques that have been particularly useful for this research include:

- (1) tracing policy travels through documentary materials;
- (2) tracing and mapping the spread and mutation of policy models across space through documentary materials;
- (3) tracing and mapping the origins and spread of stories about places/policies in the professional and popular media;
- (4) working back to the exemplary places to understand the contexts in which the model developed and their view of its uptake elsewhere;
- (5) working forward to where the model is adopted (in a modified form) and the consequences of this adoption;
- (6) understanding popular understanding of and reaction to 'exemplary' status in policy-making circles (p. 48).

The key methods they suggest include ethnography, participant observations, questionnaires, mapping networks of knowledge, content analysis, interviews and documents. For this research, semi-structured interviews with key actors and documentary analysis were utilised – the coming section will explore this further.

4.4 Data Collection Method

As discussed above, there are number of methods that can be employed in order to satisfy the methodological aims of policy mobilities research. This section will outline the methods that were used to achieve the overall aim of understanding the mobility of sex work policy models from Sweden and the Netherlands. The research design drew on the concept of triangulation – “the combination of methodologies in the study of the same phenomenon” (Denzin, 1970, p. 291) – in order to achieve a robust set of data. Bowen (2009, p. 28) notes that triangulation is a more credible approach to research and that “by examining information collected through different methods, the researcher can corroborate findings across data sets and thus reduce the impact of potential biases that can exist in a single study”. In short, the methods of this research included collecting and analysing documentary materials, complimented by interviews with key policy actors – which included a period of fieldwork in Sweden and the Netherlands in 2017. This section begins by discussing the two methods utilised in this research – documentary analysis and interviews – and how these have been collected. Following this, I outline the use of discourse analysis to draw out the key findings from the data set.

4.4.1. Documentary Material

“Writing is as significant as speech in social action and the medium through which writing is carried should always be attended to. In everyday life, the form, the list, and the letter are, for example, as important as the verbal question, the verbal answer and the command” (Prior, 2003 p. 26).

The above quote stresses the importance of documentary materials in social research, with the study of documents being a field of inquiry in its own right. Documentary analysis is a qualitative research method, which through examination and interpretation seeks to garner meaning and understanding from text and images in documents – both printed and electronic (Bowen, 2009). For policy mobilities research, this significance is amplified, with documentary materials being central to the circulation of ideas, rhetoric, policy and practice. For this research, documentary materials played a dual role: first, they were important in providing the context of sex

work policy in these jurisdictions – as we will discuss in Chapters Five and Six; secondly, they are key in the policy-making process as they are tools used to share information on ‘best practice’ policy etc. These materials are significant in the circulation of sex work policy due to the information they share, which is often a particular ‘version’ of the policy they seek to promote or challenge. Therefore, these materials are central to uncovering why and how sex work policy ‘models’ are adopted and adapted elsewhere. These materials also document the meetings, conferences, and projects in an accessible and concise way, acting as aids in the circulation of policy knowledge, ideas and rhetoric (Wood, 2015).

As I embarked on the process of data collection, I was first of all trying to get some basic insight in to how the world, but in particular the UK, viewed the Swedish and the Dutch approaches to, or ‘models’ of, regulating sex work. Therefore, I began with some general internet searches around Swedish and Dutch sex work policy. While getting an international picture regarding these models, I also concentrated on these models in the context of the UK. It was evident from the beginning – due to the differences in governance – that the UK was to be split into three lines of inquiry: England and Wales, Scotland, and Northern Ireland. I began by entering a number of different terms into search engines in tandem with ‘prostitution’ and ‘sex work’. First, the terms were specific to the ‘Swedish model’, and ‘Dutch model’, then broadened to ‘Sweden’, ‘the Netherlands’, ‘Stockholm’, and ‘Amsterdam’. The search terms were chosen in order to find a range of materials discussing the Swedish and Dutch policy models and focussed on the period of 1999 to 2020. This is a significant time period due to a renewed interest within the UK towards sex work policy (see Phoenix and Oerton, 2005) and of course the introduction of substantial legislative changes in Sweden and the Netherlands. Through these initial searches, I was able to loosely map out the key actors, sites and situations related to the mobility of Swedish and Dutch sex work policies in the UK. There was a level of flexibility with this – as is necessary in order to study through the sites and situations of policy knowledge – and often materials led to the discovery of other relevant sources in a snowballing style (Naderifar *et al.*, 2017).

These initial searches helped trace the relevant people, places, debates and ‘informational infrastructures’ – as discussed in Chapter Two – to investigate further. Information gathered from these initial searches led to more specific searches for documentation around, for example, Liverpool’s connection with Utrecht or references to the ‘end demand’ approach. After initial searches and all (obvious)

sources were gathered I began to narrow this in to ‘key’ document/materials and ‘key’ actors. Sources continued to be gathered throughout the process, through recommendations – during interviews for example – and as new lines of inquiry became apparent. Table 4.1 illustrates some of the key documents sourced and some examples of these. It is worth noting here that searches were made in order to gather all the written responses to the key policy consultations in the UK between 1999 and 2020 regarding sex work. The written responses were obtained for the *Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill Northern Ireland (2015)* and the *Home Affairs Select Committee on Prostitution (2016)*. However, despite requests to both the Home Office and the Scottish Executive for the written responses to *Paying the Price (2004)* and *Being Outside (2004)* they were only able to provide a list of respondents as opposed to the content of these responses. Indeed, it is important to note that these searches could not possibly uncover *all* relevant materials, however data was collected to the point of saturation.

Table 4.1 Documentary materials sourced

Key documentary sources	Examples
Parliamentary transcripts (Hansard)	Home Affairs Select Committee. Oral evidence: Prostitution (2016)
Government policy documents and reports	<i>Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill Northern Ireland, 2015</i>
Newspaper reports	‘Legalising cannot cure the harm’ in <i>The Herald</i> newspaper (2006)
Websites	https://nordicmodelnow.org/
Social media sources	Twitter accounts of key actors, e.g. @PASunesson
Non-governmental organisations materials	<i>The Real Impact of the Swedish Model Advocacy Tool Kit</i> (NSWP, 2014)
Promotional material	Turn Off the Red Light call for action billboard
Presentations and speeches	Presentation on the <i>Sex Purchase Law</i> (Detective Inspector Simon Häggström, 2014)
Formally published works	Ekberg (2004); Bellis <i>et al.</i> (2006); Wijers (2017)

4.4.2. Interviewing

While the documents sourced were useful in tracing the flows of knowledge and the significance of key actors, places, and policy ideas and practice, they only provided a partial overview. Documentary materials cannot uncover what ‘goes on behind the

scenes'; rather, these materials show a polished version of policy discussions and knowledge sharing. They cannot show the disagreements, negotiations, compromises, brief conversations, and personal influences; instead they must demonstrate confident conclusions, clear decision-making, be concise and easily digestible. Therefore, documentary materials fail to truly demonstrate the messy process of policy-making and do not offer insight into the rationale of policy actors, particularly in a self-reflective manner – a gap interviews with policy actors can attempt to bridge.

Interviews have been referred to as the 'gold standard' of qualitative research (Barbour, 2008). There are a number of reasons why interviews are a favoured methodological approach – not least due to the flexibility of this research method and how it can easily be adapted. Qualitative interviews can provide detailed content and insight into the experiences of participant(s) in a setting where ideas can be explored further through probing questions (Harding, 2019). In order to attend to the research objectives, it was evident that interviews should be semi-structured. This allows for participants to share what they feel is relevant while maintaining some manner of structure, tailored to the research questions. Table 4.2 outlines the main topics discussed and questions posed with the participants based in Sweden, the Netherlands and the UK (which were tailored to the individuals being interviewed).

Table 4.2 Interview topics and questions

Interviewee site	Key interview topics and questions
Site of showcasing and educating (Sweden and the Netherlands)	<ul style="list-style-type: none"> • Background and job role. • Context of regulation, i.e. history of the legislative change and what it looks like now. • How is their work and the policy model promoted? • Who has contacted them from elsewhere to learn about the model? (their role, where they are from, how they got in touch) • Why is it important to promote the policy model?

	<ul style="list-style-type: none"> • How is it perceived overseas? Is the perception accurate? • How would you phrase this policy approach? i.e. Swedish model, Dutch model?
<p>Site of learning and adaptation (UK: England, Wales, Scotland and Northern Ireland)</p>	<ul style="list-style-type: none"> • Background and job role. • When and how did they become involved in sex work policy? • Did you look elsewhere to learn about their policies? Where? Why those places? • Have you corresponded with these countries? How? Where? • Have you visited any of these places? Where? Who did you meet with? • What are the successes of these policies? • What are the problems? What are the barriers to adoption?

Semi-structured interviews are not uncommon in policy mobilities research as they provide insight into participant’s interpretations, experiences, and how they apply meaning to the information they receive and share. This approach allowed a great deal of flexibility; therefore, questions or topics of discussion could be altered to fit with a particular participant and could be adapted throughout the interview process if other lines of inquiry revealed themselves.

Interviews are not without their limitations, however. Indeed, as Miller and Glassner (2011) note, interviews are not objective views of the social world; rather they demonstrate the participant’s view of the world and how they hold meaning to their experience. This can be seen as a positive in some cases, but it is worth noting that in the case of policy mobilities research, these interviews are often with policy ‘elites’, and therefore interactions may often be scripted or staged in some way to present a particular version of the policy – in line with the state, organisation, or person’s agenda (Peck and Theodore, 2015). Interviewing the ‘elite’ can be problematic due to gaining access and trust, as well as managing power relations and positionality. Indeed, Jones *et al.* (2019) note that this type of access is rare, and often can be dependent on the credibility and authority of the research. Despite

this barrier, I had relative success in gaining access to a number of ‘elite’ actors. In managing power dynamics, Mikezc (2012) suggests researching participants before the interview in order to decrease the status imbalance between the researcher and the researched. To a degree, this had already been achieved before I conducted my interviews through the initial documentary analysis which identified the key actors and their role/position within sex work policy discourse.

The documentary materials, discussed earlier, uncovered an extensive list of actors who had been involved in the movement of Swedish and/or Dutch sex work policy to the UK. These were then narrowed down to ‘key’ actors, established by their presence within the material and the perceived power and influence they carry – informed by the literature on sex work and policy mobilities. Tracing the movement of policy does not have a ‘one size fits all’ methodological approach and where to begin tracking these interactions across time and space has its difficulties – whether that be from the ‘origin’ of the policy to the ‘adoption’ of the policy model, or from its adoptive site back to its original inception as Wood (2015) and others have. For this research, I chose to begin at the origin site, and to focus on McCann’s (2013) notion of policy boosterism, as discussed in Chapter Two. Therefore, I began my fieldwork in Sweden and the Netherlands in order to gain an understanding of the evolution and promotion of their regulations and policy ‘models’. I began by contacting – via email and sometimes through online forms – all the key actors from Sweden, the Netherlands and the UK that I had collated thus far. These actors included political representatives, activists, police officials, practitioners, and academics.

Table 4.3 Summary of Interviews Conducted

Nº	Institutional role	Interview medium	Primary site affiliation
1	Social worker working with sex workers	Face-to-face	Malmö, Sweden
2	Social worker working with sex workers	Face-to-face	Stockholm, Sweden
3	State official on Human Trafficking	Face-to-face	Stockholm, Sweden
4	Police official and human rights activist	Face-to-face	Stockholm, Sweden
5	State official on human trafficking	Face-to-face	The Hague, Netherlands
6	Representative of sex work Non-governmental organisation	Face-to-face	Amsterdam, Netherlands
7	Police official	Face-to-face	Utrecht, Netherlands

8	Local government official	Face-to-face	Utrecht, Netherlands
9	Representative of human trafficking Non-governmental organisation	Video link	Stockholm, Sweden
10	Member of Legislative Assembly	Telephone	Northern Ireland, UK
11	Academic in physical science and sociology	Telephone	Republic of Ireland & Northern Ireland
12	Sex worker activist	Telephone	Northern Ireland & Scotland, UK
13	Survivor activist ¹	Telephone	Republic of Ireland & Northern Ireland
14	Member of Legislative Assembly	Telephone	Northern Ireland, UK
15	Member of Legislative Assembly	Telephone	Northern Ireland, UK
16	Police official	Telephone	England and Wales, UK
17	Member of Scottish Parliament	Telephone	Scotland, UK
18	Representative of domestic and sexual violence non- governmental organisation	Telephone	Northern Ireland, UK
19	Police official	Telephone	England and Wales, UK
20	Member of European Parliament	Telephone	England and Wales, UK
21	Academic in public health and policy	Telephone	England and Wales, UK
22	Member of Scottish Parliament	Telephone	Scotland, UK
23	Member of Parliament	Telephone	England and Wales, UK
24	Representative of sex work Non-governmental organisation	Face-to-face	England and Wales, UK
25	Academic specialising in human rights, human trafficking and sex work	Face-to-face	Utrecht, Netherlands

However, it is important to recognise the limitations to this, as the participant sample was reliant on those who responded and were available for interview. It was also important that a snowballing technique was utilised as recommendations from other key players emerged. It was important as the researcher to ‘go with the flow’ whilst simultaneously being careful not to become “dupes of the policy network themselves, getting hooked on the catchiest policymaking tunes, or becoming enrolled into the choral societies that tend to form around favoured programs of reform” (Peck and Theodore, 2015, p. xxi). I was aware of this, and I was keen to get as balanced a perspective as possible – which is why the use of documentary

¹ In the context of debates surrounding the sex industry, a ‘survivor activist’ is a term used – predominantly by those seeking to abolish the sex industry – to describe those who have survived prostitution and are now sharing their experiences. All of the participants have been labelled in self-defined terms where possible.

materials was extremely beneficial for gaining insight into the perspective of those I was not able to meet with.

Table 4.3 provides a summary of the interviews conducted. For the interviews in Sweden and the Netherlands, it was particularly important that these interviews were face-to-face although one was conducted via video link. While there are positives to face-to-face interviews in general, such as being able to pick up on visual cues; in this case there was also a language barrier to contend with and therefore being face-to-face was hugely beneficial. Additionally, according to the policy mobilities literature there is value in experiencing the atmosphere of the places and situations that are involved in policy mobilisation. Some of the respondents I met in Sweden and the Netherlands were those who actors from the UK had previously met on study tours, therefore I was able to gain a perspective into the places – such as meeting rooms – they experienced during their face-to-face interaction with these actors and in these places. A lot of the debates around the Swedish model, for instance, discuss the confidence of stakeholders in their model, it was extremely beneficial to get a sense of what they meant by this – evident through body language and gestures. – which would not have been as clear had the interviews been conducted over the telephone. Adams-Hutcheson and Longhurst (2017) note that interviews conducted over the telephone or via video link can miss out on activities that create ‘atmospheric atmosphere’, such as getting a cup of tea or coffee together before beginning the interview. This rings true for me as I recall one interview conducted in Amsterdam which was interrupted on several occasions by visitors and customers, and this in turn gave me insight into how information is shared in an informal setting and oddly the interruptions created a rapport. On reflection, I do not believe that I would have gained as much from this interview had it been over the telephone as it is highly likely the interview would have been cut short.

For the UK interviews, the majority of the interviews were conducted via telephone or face-to-face. This is because face-to-face interactions, while desired, was not as necessary as there was no language barrier to contend with and there was a need to save time and resources. The medium was left up to the participants who – with the exception of one organisation – opted for telephone or video link interviews. Although this was a concern in terms of quality of the data and consistency, Bryman (2016) notes that various studies show that the differences in face-to-face and telephone interviews are quite reassuring as differences are not as great as one

might fear. I also found that I had more responses from participants when they knew a telephone interview was an option; the easier it is for respondents to participate, the more likely they will accept the invitation. Or rather, the less they are inconvenienced the better. Additionally, telephone interviews, I found, were far more relaxing for both myself and the participant; they seemed to flow a lot better and participants appeared to share more. Although it is worth mentioning the odd glitch with signal which sometimes resulted in us talking over one another, therefore this method does have its issues.

Once interviews were completed and recorded, they were transcribed for analysis. Transcription was completed by myself as this is the best way for a researcher to familiarise themselves with their data (Caulfield and Hill, 2014). Transcribing is a lengthy process, and this increased in difficulty when transcribing interviews with Swedish and Dutch participants – as English was not their first language. Transcriptions were word for word where possible, although sometimes assumptions had to be made when transcribing broken English – it was not deemed necessary to document every pause or all verbal nods.

4.4.3 Data Analysis

Informed by a social constructivist theoretical framework, a discursive approach was applied to data analysis on both documentary materials and interview transcripts. Discourse analysis recognises that “people seek to accomplish things when they talk or when they write; [discourse analysis] is concerned with the strategies [...] employ[ed] in trying to create different kinds of effect” (Bryman, 2016, p. 525). Furthermore, it “emphasizes the role of language as a power resource that is related to ideology and socio-cultural change” (Bryman, 2016, p. 540). It not only attends to how people make sense of the world – or in this case policy – but also how discourse seeks to persuade others of this version of events, and in what ways this can be achieved. Therefore, discourse analysis was utilised in order to (a) understand the ways in which models are justified, promoted, critiqued and rejected, and (b) identify which discourses have been mobilised alongside the models themselves.

Analysing the transcripts and documents allowed me to understand the ‘nuts and bolts’ of how policies move. Here, I was able to identify key messengers, places, methods and messages pertaining to these policy models. These in turn informed the analysis of the interview transcripts, which led to more documentary materials

and so on. This back and forth was necessary in order to achieve the ‘following’ methodology. This approach also helped establish rigor, as outlined by Baxter and Eyles (1997) in their criteria for evaluating qualitative research. Drawing on Lincoln and Guba (1985), they highlight four key areas of evaluation: (1) credibility, (2) transferability, (3) confirmability, and (4) dependability. *Credibility* – the authentic representations of experience – has been established here through purposive sampling and triangulation. The validity of the interpretation of the data has been assured through the use of both interviews and documents in the derivation of codes. Regarding *transferability* – whether findings fit within contexts outside of study – the approach here has some generalisability in that the methodology outlined above can be applied to other areas of policy mobilities research. *Confirmability*, Baxter and Eyles (1997) argue, is concerned with the interpretation as well as the investigator. Therefore, the findings should reflect reality and not the biases or perspective of the researcher. This was achieved by consistently referring back to the aims and objectives during the rounds of data analysis, as well as identifying and reflecting on my own bias (which is explored further in section 4.6.2.). Finally, *dependability*, can be achieved through the consistent interpretation of the data. Here, the data was interpreted through rounds in order to minimise idiosyncrasies, and was recorded systematically as potential codes emerged and were subsequently established.

Coding was based around the theoretical framework that was set out in Chapter Three, and focussed on identifying key actors, how they disseminate their knowledge, what they are saying about these models, and why. In this sense, coding was both manifest and latent (Best, 2012) as data was coded in terms of its content – such as the key actors and terms present – as well as its context – such as the purpose, meaning and influence of the key messages. Themes were broken down into categories and subcategories as they emerged from the data. This coding framework – typically referred to as axial coding – was utilised in order to organise the data in a coherent and structured way, while simultaneously allowing for the emergence of new concepts throughout the process (Scott and Medaugh, 2017). Initial analysis was conducted through notetaking and coding by hand, however once a system was established this was transferred to an Excel spreadsheet to assist in analysis. Themes were placed at the top of the spreadsheet as they become apparent in the material, they were accessed in terms of their prevalence and their significance within policy discourse. Quotes were copied and pasted from

the documentary materials and interview transcripts into the various themes and sub-themes.

To offer an example of the coding scheme and application, here I provide some excerpts from the data which explore a core theme: messages. Three sub-themes were identified as being particularly important during the initial stages of reading the different text. These then became important sub-themes when reading through and analysing the different text. Below are two extracts which demonstrate the importance of the sub-themes but also how the text was coded. Note: each sub-theme was highlighted in a different colour (models being successful/unsuccessful in yellow, models being transferable/untransferable in green, and models being morally right/morally wrong in blue).

Example one: extract from interview 14 transcript:

"[W]ell the Nordic model, as we would call it, the reason we homed in on Sweden was that they were the first to introduce this legislation and had the greatest experience of it, the major success is that the onus and prosecution passes from the women to the man, the women often when you dig deep, the woman has had huge emotional, social, economic, addiction problems, you very very seldom come across a women who's made a logical, coherent decision to go into prostitution, they are driven in to prostitution, often by poverty, huge number of people who are addicted to drugs so therefore they are the victim, it is the man who is the perpetrator, so therefore the fundamental basis of the Swedish model is that the conviction is on the man and not on the women, and I having spoken to so many people, both within the industry and who have come out of it, all of these women have a subtext of a story which is dreadfully upsetting and you know, life has dealt them a very very bad hand, and therefore they are driven in desperation in to prostitution, that itself would not cause the problem if there were not thousands and thousands of men, who are prepared to avail their services and purchase sex, so therefore that is the fundamental, fulcrum as it were, pivotal point in the Swedish model and you either accept that model or not, you either accept that someone goes into prostitution free will and enjoys it and it's a career choice, or you believe they are driven by circumstances and by others, and by poverty, in to the profession and I believe it is the latter, so therefore that means, it gives me the impression that the Swedish way of dealing with it is the right one, rather than prosecuting the women who are often there due to circumstances beyond their control"

Example two: CARE² supporter brief for the 'Nordic model' (2017):

"The Nordic approach: In 1999 the Swedish Government sought to reduce the harms of prostitution by reducing demand. It did this by making it a criminal offence to purchase sexual services and decriminalising those who provide sexual services for payment. Neighbouring Norway adopted a similar

² CARE stands for Christian Action Research and Education. They are a faith-based organisation, based in the UK, who seek to influence policy and law in several areas including sex work.

law in 2009. Since these laws were passed reports in both Norway and Sweden have identified the following positive effects: 1. Reduced amount of on-street prostitution and lower than expected prostitution levels overall. 2. Reduced number of men saying they have purchased sexual services. 3. The Police report deterrent effects on trafficking and organised crime involvement in prostitution. This form of law has come to be called the "Nordic" model and has also been adopted in Iceland (2009), Canada (2014), Northern Ireland (2015), France (2016) and the Republic of Ireland (2017).¹⁷ This approach has also been endorsed by resolutions of the European Parliament and the Council of Europe Parliamentary Assembly.¹⁸"

This coding process was applied to all interview transcripts and key documents providing an original insight into the mobilities/immobilities of the Swedish and Dutch sex work policy models.

4.5 Ethical Considerations in Social Research

Sensitive to the research principle of "doing no harm and doing some good" (Gomm, 2008, p. 370), ethical considerations were central to the research design. Protecting the participants and the researcher was a central aim of the research. Early on in the research process, an ethics form was submitted to the University's Ethics Committee for approval, alongside supporting documents including a participant information sheet, consent form, and risk assessment for fieldwork. This was approved in November 2016. This section will consider the ethical underpinnings of the research methodology and design.

4.5.1 Informed Consent

Informed consent is now an integral part of any social research project. Miller and Bell (2012) stress that it is important that participants are adequately informed about what they are consenting to as well as when 'participation' begins and ends. They draw caution to the assumption that securing ethical approval is where ethical considerations end; rather they argue that this should be an ongoing part of any research project. An information sheet and consent form was provided to each participant prior to the interview taking place (see Appendix A and B). This outlined the overall aims and purposes of the research so participants knew what their data was going to be used for, how it would be stored, and highlighted that they could withdraw their consent without reason up until September 2017 – when the data collection period was due to end. Although it was very unlikely that any physical harm could come to the participants, psychological harm is far more difficult to

predict. Sex work is a sensitive topic and can invoke some emotional responses. That said, in the context of this research questions and topics were not particularly sensitive or invasive and related more to policy discussions. Participants were, nevertheless, aware that they could stop at any time and take breaks during the interview – again this was included in the information sheet.

Information sheets were emailed to participants prior to the interview, although physical copies were also taken to face to face interviews. Participants were given the opportunity to ask any questions concerning this before the interview commenced. The majority signed the consent form prior to the interview and one participant signed it after the interview.

4.5.2 Confidentiality and Anonymity

Issues of confidentiality and anonymity are crucial in order to protect participants information and identity. This was made clear in the information and consent form where participants were informed where their data would be stored and how it would be used, they were also assured that their identify would be anonymised. Interestingly, for most of my participants, being identifiable was not an issue, with some expressing their consent to use their names if need be. Others, however, were particularly cautious – wanting to make sure their name would not be shared. As a precaution, all participants names were anonymised and have been described by their role. Descriptions were purposefully left vague in order to avoid identification through specific job titles.

While this research did not engage directly with sex workers that does not mean that participants were free from the stigma of this topic. For example, one of the participants from Sweden notes that speaking against the ‘Swedish model’ could be detrimental to her professional career and could affect things like gaining funding. This not only highlights the power dynamics involved in the process of sharing policy knowledge, but it also demonstrates the importance of confidentiality and anonymity. The issue of anonymity was weighed up against the importance within policy mobilities research to identify key actors. However, for this research, participant anonymity was deemed more important than any benefits of using their names. Furthermore, the use of documentary materials to compliment participant interviews meant that the identification of many key actors was still achieved. With anonymity being assured, participants were able to speak more freely during

interviews without fear of repercussions. Although it is worth noting that researchers can never fully guarantee the confidentiality and anonymity of participants. Specifically, given the 'elite' status of some of the participants in this research, there is a risk that those 'in the know' will be able to identify participants from the content of the quote. Therefore, anonymity was considered when lifting quotes from the transcripts to be used in the analysis chapters of this thesis in order to mitigate against this as much as possible.

Furthermore, in order to protect participant confidentiality and anonymity, it was important to keep data safe and secure. Therefore – as stated in the information sheet – all consent forms, recordings, and transcriptions were kept on a password protected computer. As an additional measure, participants were given a number rather than a name on the consent form so that their confidentiality was not breached – for instance, in case the forms were lost during fieldwork (they were not). Participants were instead asked to give verbal consent at the start of the audio recording, which was erased from the device once downloaded. The secured data will then be erased after ten years, aligning with Northumbria University guidelines and the Data Protection Act 2018.

4.5.3 Researcher Safety

It can be easy to neglect your own safety when conducting social research. It is possible to ignore oneself when focusing on the safety of, and ethical duty towards, your participants. However, researcher safety is an important part of the research process. One of the key concerns for this research was centred around my safety during fieldwork in the Netherlands and Sweden. Prior to travel, an overseas risk assessment was completed and submitted to my supervisors and the Ethics Committee. This was an extensive form where I highlighted potential hazards, the likelihood of any of them happening and any control measures I would use to prevent them. In addition, all travel plans – flights, trains and accommodations information – was given to my supervisory team. This was also the case for interview locations and times, with the agreement that I would inform them of any last-minute changes made. All interviews were arranged during daytime.

The majority of those interviewed were professionals who had an office space that we could use, this allowed for privacy and provided a safe environment to conduct the interview. Participants were given the choice of interview location, primarily

because I was not familiar with the cities in Sweden and the Netherlands that I was interviewing in, nor could I offer any space to conduct the interviews. However, this also allowed participants the choice of where they felt comfortable meeting in, facilitating an open environment. The interviews were confirmed in advance and my safety was always considered. One interview was in a participant's home, which was potentially a greater risk, however I shared the details of this with my supervisors, and both myself and one of my supervisors had met them face-to-face prior to the interview. Interestingly this was one of my longest interviews and facilitated the collection of a lot of rich data.

4.6 Reflections on the Practicalities and Politics of Conducting Research

4.6.1 Gaining Access

Gaining access to participants is vital in order to conduct research. And for findings to be robust, you need to gain a representative sample of interviews. As discussed earlier, documentary analysis revealed a number of key actors who I subsequently contacted for interview. This was conducted via email and sometimes via online forms, with participants being contacted on an individual and institutional basis. This was dependant on whether it was the organisation or the individual who had played a key role in policy mobility (and of course sometimes this overlapped). Many of those contacted did not reply, emails were sent to alternative addresses, sometimes calls were made, but unfortunately there were several key actors whom I was unable to gain access. This was disappointing but not entirely unexpected as gaining access is not a given (Caulfield and Hill, 2014). To avoid participants dropping out of interviews, I sent reminder emails before each interview to confirm they were still OK to go ahead. I also tried to arrange interviews as soon as possible, although some interviews were arranged months in advance due to the schedules of the participants. In addition to general issues around gaining access, there are further issues when the participants are considered 'elite' actors. Mikeecz (2012, p. 483) notes that interviews with elites need to be carefully negotiated as they are harder to reach and are "in a position to manipulate information and to deny access to it".

Further issues arise when the subject of inquiry is sex work. Here I was concerned that due to the polarised nature of the debates on sex work, actors would be reluctant to speak about the issue. When reaching out to contacts, I was conscious

that there was some discontent towards sex work academics as well as an uneasiness about talking about the topic publicly and freely. I therefore tried to be as transparent as possible about what the research was about and how their data would be used – of course, this was not always successful. I recall contacting one sex worker organisation for interview where I was given the opportunity to conference call the members meeting to see if anyone would be interested in taking part. This was an uncomfortable experience, arguably due to my own preconceptions about how the request may be met, as well as the pressure of knowing they had limited time and resources and a great deal of researcher requests. Unfortunately, no one got back to me, and as this was a key organisation – I was naturally disappointed and questioned my approach. On reflection, my preconceptions may have unconsciously limited my approach to gaining access. In future studies, I would explore more avenues, and attend more events – such as conferences and guest lectures – to try to gain access through networking. Despite these barriers, access to 25 participants across Sweden, the Netherlands and the UK was achieved.

4.6.2 Positionality

The positionality of the researcher is integral to both policy mobilities and sex work research, with both the field of geography and criminology calling for a reflexive approach to research (Rose, 1997; Caulfield and Hill, 2014). Reflexivity is a process whereby the researcher reflects on their identity, values and beliefs throughout the research process in order to elucidate their own role in the process of knowledge (Caulfield and Hill, 2014). My position as a young female and novice researcher – amongst other characteristics – will have certainly played a role in what participants shared during their interviews. By in large I believe this has worked in my favour as participants appeared to feel relaxed and able to share their thoughts and feelings. Yet, it also seemed to result in them omitting some information. One overtly clear example of my positionality effecting the participant was when one participant was discussing information he had been told about the abuses involved in the sex industry, but stopped himself from going further into detail as he noted that, because I am woman, and what he described as ‘a young woman at that’ he felt he should not share what he was told, presumably because it was too disturbing for me to hear. This highlighted how my position as a female researcher, of a relatively young age, influenced what the older male participant believed he should share with me –

something I found quite patronising considering I was researching this topic. Nevertheless, this questions what other pieces of information have been held from me because of who I am.

Interestingly, some of the more strained interviews were conducted with fellow academics – albeit more experienced academics. I found the power dynamics differed during these interviews and sometimes disrupted the overall flow of the interview. For example, one academic interviewed asked a lot of follow up questions, I believe this was partially due to their position as a researcher. Perera (2020) notes that interviews with academics are influenced by a number of contextual factors such as academic credentials, gender, age, language, academic tenure, and whether there has been any prior relationship. My position as a novice, young, female researcher interviewing experienced, older academics (male and female) will have certainly impacted the interview. On reflection, I was anticipating critique regarding my interview process; although this was not received, the process did not feel as relaxed as others.

In considering my positionality, it is important to recognise that interviews were conducted with a range of participants across various jurisdictions. Subsequently, the impact of my positionality will have had differing degrees. Mukherjee (2017, p. 296) notes that issues of positionality have traditionally focused on the researcher and neglected to consider the positionality of the researched. She – like other feminist geographers – problematises the notion of insider and outsider, and as positionality as fixed, noting positionality should be understood as “a relational and unstable process”. Therefore, there are multiple positionalities to consider with 25 participants from various professional backgrounds.

With a diverse sample of participants, there were layers of positionality which varied from one interview to another. For some, my position as an academic may have created a barrier to what participants shared during their interview, for others not. However, for some there is a level of distrust toward academics researching the sex industry and on one occasion the distrust was very clear. I therefore tried to be as transparent and open about what the aims of the research were before and during the interview process. Although, for one participant this did not appear to make a difference and I continued to get very brief responses. This however could be due to the participants ‘elite’ status. As mentioned earlier, the ‘elite’ status of a participant may be a barrier to gaining access, however it can also impact the content of the

interview due to professional/political constraints on what information they are willing and able to share. As Lilleker (2003) notes, 'elite' participants – in the telling of the story – may choose to 'rewrite' history in order to paint themselves and/or their institution in a favourable light and/or distance themselves from problematic decision-making. Despite researchers assuring anonymity (something I did in this project), it is argued by scholars such as Lilleker (2003) that 'elite' participants are less likely to speak candidly, with responses often being well thought out and, in some cases, rehearsed. Therefore, it is important to recognise this in the interpretation of the data (and I have taken account of this in my analysis). In addition, triangulation can help mitigate such limitations, something that I also adopted via the inclusion of documentary materials in my data set.

It is important to acknowledge as a researcher that some things are out of your hands, while also acknowledging what *is* in your hands. There is a level of privilege to conducting research – particularly concerning marginalised groups. It is therefore the responsibility of the researcher to recognise and manage this privilege in order to conduct ethical research (Shaver, 2005). Although this research was not specifically conducted with a marginalised group – as the majority of the participants were 'elite' – I was acutely aware of the impact policy has on sex workers and therefore the importance in the fair representation of the data. As the researcher I chose who was approached for interview and which documents were analysed, and therefore who's voices are represented within this research. It therefore was important for me to be respectful of this privilege, be reflexive, and consistently revisit the research objectives. Oakley *et al.* (2020) highlight that the complexities of power and privilege in conducting research on marginalised groups can lead to researchers developing a 'hero complex' or researcher guilt, therefore discussions with my supervisors throughout this process has been crucial in managing this.

Additionally, in terms of my own values and beliefs, I have tried to be reflexive throughout the research: I come from a feminist position, with an intersectional focus that values sex workers' lived experiences, labour rights, and harm reduction. I therefore was careful throughout the research process to avoid letting my bias affect the research, which was filtered into my questioning, and my overall line of inquiry. I had to be careful not to make any assumptions based on my position but to follow the policy, people and places as they present themselves. Although wary of my feminist bias and positionality as a woman, I also believe that this has given me a

unique perspective in interpreting the data and attending to the question of the role of gender role in policy mobilities.

4.7 Conclusion

Building on the theoretical framework set out in the previous chapter, this chapter introduced the methodological approach applied to this research. In order to respond to the overall aim of this thesis – to understand the mobilities of sex work policy models – a case study approach was employed. The case study selection was reasoned here, which highlighted how this study will enrich both sex work and policy mobilities research by analysing how two competing policy models (Sweden and the Netherlands) have influenced policy and practice in the UK. Drawing on McCann and Wards' (2012) notion of 'studying through', I have advocated for a methodological focus on (1) the 'following' of policy, people, and places, and (2) attending to the sites and situations of policy learning and education. This chapter has also outlined the methods utilised to achieve the research objectives set out in the introduction of this thesis – that is, a combination of documentary materials and semi-structured interviews. Following this, the ethical considerations applied to this thesis were presented, before final reflections on the researcher experience.

With theoretical and methodological considerations established, the coming chapters will focus on the findings of this research. Chapters Five and Six will draw on the data to contextualise the case study sites of this research. It concentrates on the evolution of Sweden and Dutch policy models, followed by the policy landscape in the UK. Chapters Seven and Eight will then present the findings from data analysis – attending to how Sweden and Dutch policy models have been framed internationally, how these policy models have influenced the UK, and finally the role of gender in their mobility.

Chapter Five: Governing Sex Work in Sweden and the Netherlands

5.1 Introduction

As discussed in Chapter Three, there are several different legislative frameworks for regulating sex work and the sex industry around the globe. Two policy models that are prominent in policy debates – and often juxtaposed – come from Sweden and the Netherlands. In 1999, Sweden became the first country to criminalise the purchase of sex, whilst decriminalising the sale of sex. *Sexköpslagen* – commonly referred to as the Sex Purchase Law – is deemed to be revolutionary by some and, along with the Netherlands, is at the centre of international debates regarding sex work regulation. Both policy models have been celebrated by some and heavily criticised by others. In 2000, the Netherlands made legislative changes around brothel keeping and procuring – often referred to as the Lifting of the Ban on Brothels. The overall approach in the Netherlands is commonly categorised as a legalised framework as while there are no criminal laws surrounding sex work, there are several municipal regulations and restrictions that impact sex work. This chapter will provide some valuable context around the evolution of these policy models, and how they are situated in international debates – before we look at the international circulation of these policy models later in the thesis.

This chapter is structured as follows. First, it will explore how concerns regarding disease and morality have helped problematise sex work in both Sweden and the Netherlands. It then focusses on the formation of legislative changes in Sweden – where sex workers were re-positioned as victims of male violence – followed by the Netherlands – where sex work was recognised as a profession. The influence of wider international, European and national trends will be considered here. The final two sections will explore how concerns over trafficking and visible forms of sex work have not only influenced the formation of these policy models, but they have also continued to be a discursive focus since the implementation of these models.

5.2 Vectors of Disease: Protecting Men from Deviant Women

During the 19th century, a moral panic spread across Europe concerning the spread of venereal disease. Subsequently, the health of men – particularly military men – was deemed to be in danger, with women being viewed as a potential threat. As this

panic spread and intensified, the focus became increasingly centred on women that were selling sex – with sex workers being regarded as both morally and physically responsible for the spread of sexually transmitted infection (Spongberg, 1997; Taithe, 2001). For sex workers, this meant stricter regulation and forced medical examinations, as well as the increased stigma of being positioned as ‘vectors of disease’ (Davidson and Hall, 2001). This rhetoric – of sex workers as transmitters of disease – fuelled legislative changes and the overall governance of sex work across Europe, including in Sweden and the Netherlands – albeit in slightly different ways.

In 19th century Sweden, sex work was not illegal, however a number of laws were introduced to control ‘public women’ (Svanström, 2000a). In 1812, Sweden – like many European countries – introduced a law which allowed for the compulsory medical examinations of any person suspected of having a venereal disease – although this was disproportionately targeted towards women (Svanström, 2000a). This gendered application of the law was encouraged by the Royal Health Committee, whose guidance suggested further regulation by imposing compulsory, weekly medical examinations to ‘loose’ women – which primarily referred to non-working, poor women who did not have a husband to offer what was deemed to be moral leadership (Svanström, 2000a). The 1839 ordinance did not reflect these wishes specifically, however, it warranted further police powers in assisting physicians with forced inspections. It also gave municipalities more flexibility in introducing measures to manage venereal disease (Svanström, 2000a). However, by 1847 a new city regulation was introduced in Stockholm which specifically targeted women – and although not overtly written in the legislature, sex working women in particular – and forced weekly medical inspections on them (Svanström 2000a). Discourse around venereal disease continued in the same fashion – whittling down ‘types’ of women who were the perceived source of blame. Medical professionals began to engage in discussions concerning particular sex workers and made distinctions between clandestine (street-based sex workers) and professional (brothel based) sex workers.

In terms of regulation, it was propagated that treatment should be distinguished between those who bring themselves forward for medical examination and those who do not – interestingly lessons were drawn from London, where the combination of *force and free will* had reportedly been successful (Svanström, 2000b, emphasis in original). Municipal by-laws introduced in 1859 targeted all women ‘engaged in a

lecherous living' specifically and introduced the Prostitution Bureau Police – facilitating a shift in stigma from venereal disease to sex workers (Svanström, 2000a). By 1875 a definition of a 'prostitute' was offered in order to narrow down who should be inspected, and sex workers were now to be registered and inspected twice weekly (Svanström, 2000a). Municipal regulations were often arbitrary, as the Prostitution Bureau would display new regulations in the Bureau or give verbal instructions to known sex workers – for example, regarding which streets they could work on. Although this was not prescribed in national law, sex workers were careful to abide by these rules in order to avoid the risk of arrest under the *Vagrancy Law* (1885) (Svanström, 2000a) – the use of this law will be explored later in the chapter.

Similarly, in the Netherlands, sex work was not illegal but there were several regulations surrounding its practice – including a requirement for sex workers to register with authorities and undergo frequent medical checks (Koski, 2007). This was introduced during France's occupation of the Netherlands (1810-1813) in order to protect Napoleon's soldiers from venereal disease (Aalbers and Sabat, 2012). When occupation ended, these regulations were removed from national law. However, by 1850 there were calls by medical professionals to reinstate these national regulations due to concerns regarding venereal disease, unwanted pregnancies and rape (Aalbers and Sabat, 2012). This was not to come to fruition, and instead sex work was to be controlled through municipalities. An understanding that sex work was a 'necessary evil' in order to satisfy unmarried men's sexual urges was established, and created the conditions for what Brant (1998, p. 624) labels "regulated tolerance". The Dutch, of course, are well known for their 'tolerance' towards sex work. However, 'tolerance' is not the best word to describe what is argued to be the over-regulation of sex workers working in brothels across the major cities – Amsterdam, Rotterdam and Utrecht – experienced since the Lifting of the Ban on Brothels in 2000. This has frequently led sex workers to working in illicit spaces (Aalbers and Sabat, 2012), a reality that has transcended the centuries and regulatory models in the Netherlands.

The spread of disease has continued to be a concern in governing sex work in both Sweden and the Netherlands (amongst others). For example, during the 20th century, Sweden introduced national legislation that was aimed at controlling the spread of contagious diseases. *Lex Veneris 1918* stated that infected persons must submit themselves for free treatment. Interestingly – and somewhat unique in the European context – the law was gender neutral, acknowledging that both women

and men were responsible for the spread of disease (Svanström, 2000a). However, the acknowledgment that men too were responsible for the spread of disease did not put an end to its gendered application; at times 95 per cent of the cautions given under *Lex Veneris* were given to female sex workers (Svanström, 2000b). Indeed, to a certain extent, sex workers have never been able to shake the stigmatising label of ‘vectors of disease’. This is exemplified by the HIV/AIDS pandemic in the 1980s, where once again attention was given to those selling sexual services as transmitters of the disease. In Sweden, efforts to ‘contain and control’ the spread of HIV, revived earlier disease control measures. These measures have remained since the inception of the Swedish model, and include enforced contact and trace systems, mandatory medical examinations and compulsory isolation without trial – legislated through the *Law of Communicable Disease Act(s)* of 1968 and 1985 (Kulick, 2003; Levy, 2015). In the Netherlands, sex workers have been considered an ‘at risk’ population for the contraction of HIV, however there is no formal legislation regarding this. That said, while mandatory testing is not required, many brothels and clubs have their sex workers screened on a regular basis (van Veen, 2007).

5.3 The ‘Problem’ with Sex Work: Protecting Normative Moral Standards

Anxieties surrounding the spread of venereal disease are part of – and thus aggravate – wider concerns regarding the morality of sex work. Questions of morality have been key to discussions on sex work, and although opinions have been formed and reformed over time, questions of whether selling sexual services is right or wrong remain focal. Significant to the demonising of sex work was the Social Purity Movement, who throughout the 19th century campaigned vehemently for the abolishment of sex work. This, they argued, was necessary in order to protect society from the so called ‘evils’ of sex work. This movement was deeply rooted in religious morality – in particular Judaeo-Christianity – which problematised ‘abnormal’ sex and sexuality and pushed for stricter controls in order to protect the public (Hunt, 1990). Selling sexual services was firmly positioned outside of the sexual norms of the time and therefore those engaged in such activities were positioned as ‘fallen women’ who were deviant, lecherous, loose and predatory, and were thus at fault for leading innocent men astray (Hunt, 1990; Svanström, 2000a). Sex work was positioned as an immoral act, and a threat to nuclear family values.

Throughout the 19th and 20th century, anxieties increased around a perceived growth in immoral activities in both Sweden and the Netherlands.

In Sweden, this manifested itself in the use of the *Vagrancy Law* (1885) to regulate sex work. A vagrant was defined by law as “a person who loitered from place to place without means of subsistence...[and] did not have an honest living and led a life which meant a danger to public safety, order and vice” (Svanström, 2006, p. 144). Sex work was not deemed to be an ‘honest living’ and therefore sex workers were to be punished under the vagrancy law (Svanström, 2006). Although the development of Sweden’s welfare state in the 1930s eluded to the beginning of a less repressive state, ‘the People’s Home’ – or *folkhemmet* – included several measures of control and social exclusion (Svanström, 2006; Levy, 2015). Cloaked in paternalistic protection, repressive policies included forced institutional care and forced sterilisation. By 1975, 60,000 people had been sterilised – at least 21,000 of these were forced. Again, application of this saw a significant gender imbalance, with more than 90 per cent of people sterilised being female (Tydén in Svanström, 2006; Levy, 2015). Rather than being positioned as a ‘necessary evil’, sex workers were viewed as a threat to normative society – eugenically deficient, psychologically abnormal, antisocial, hypersexual and immoral (Svanström, 2006; Levy, 2015).

Similarly, in the Netherlands there was a growing concern as to how increased poverty – brought on by industrialisation – would affect moral standards among the lower class (Post *et al.*, 2018). This, mixed with the influence of the Women’s Movement and the rise of Christian-based politics, brought the morality of sex work to centre stage (De Vries, 2008). Here too, there was an element of care and protection, as sex workers began to be viewed as disadvantaged and suffering from a lack of choice (Post *et al.*, 2018). This position was largely influenced by the Women’s Movement but was eclipsed by debates around the ‘white slave trade’ (De Vries, 2008) – which is explored later in this chapter. Consequently, legal reform was informed predominantly by the Social Purity Movement, with sex work being firmly positioned as immoral, due to the belief that all people involved in the sex industry – including clients – needed protection from temptation and absolute condemnation (Post *et al.*, 2018). The *Act Against Immorality* (1911) – brought in by the new confessional government – framed prostitution as an “evil of morality” (*Kamerstukken II* 1909/10, in Post *et al.*, 2018, p. 106). Although ideologically abolitionist, this approach did not criminalise sex workers or their clients; instead brothel keeping and living off the earnings of a prostitute (‘pimping’) were

criminalised. The Act also criminalised contraceptives, abortions and homosexuality (Outshoorn, 2012). Brothel keepers were positioned as “highly antisocial and morally socially dangerous”, and – along with ‘pimps’ – are “parasitic” in their facilitation of sex work (Kamerstukken II 1909/10, in Post *et al.*, 2018, p.106).

However, attitudes took a notable shift between the 1960s and 1980s, which can be attributed to the sexual revolution and the growth of the Women’s Movement. The sexual revolution – sometimes referred to as sexual liberation – was a social movement challenging sexual norms that problematised non-marital sex, contraception, and homosexuality. That said, Scott (1988) throws caution to the term ‘revolution’ and suggests that perhaps the changes in attitudes towards sex and sexuality have been slower paced than the term would imply. Nevertheless, it can be said that the sexual revolution has had more of an impact on certain jurisdictions than others across Europe. The sexual revolution in the Netherlands reframed sex work as a legitimate form of labour and embraced a growth in the sex industry (Post *et al.*, 2018). Sexual liberation loosened sexual mores and subsequently opened up a host of new desires and wants that the sex industry could fulfil (Outshoorn, 2004). Once again, the landscape of sex work changed – particularly in major cities like Amsterdam. Throughout the 70s and 80s old fashioned brothels that had previously dominated RLD, were replaced with live porn theatres, hard-core porn shops and peep shows (Brants, 1998).

In tandem with – but arguably also in response to these changes – was the growth of the Women’s Movement and the Sex Workers Rights Movement. Most notable, was the introduction of the sex workers union in 1985 – De Rode Draad (The Red Thread) – who campaigned for sex workers rights and the Lifting of the Ban on Brothels (Outshoorn, 2012). Sex workers rights remains central in the Netherlands, with a prominent sex workers collective. In 2007, a statue named ‘Belle’ was revealed in De Wallen – Amsterdam’s largest RLD – which states “respect sex workers all over the world”. The statue was conceived by Mariska Majoor, a former sex worker who opened the Prostitution Information Centre in 1994 which has focussed on educating tourists and students about the stigma sex workers face. This has been a hub for sex workers rights and continues to provide information and support in conjunction with PROUD – the current Dutch sex workers Union (NSWP, n.d.).

Sweden's sexual revolution was arguably not as powerful as other countries (such as the Netherlands). Kulick (2003, p. 201) argues that "the widespread images that many people have of Sweden as a kind of sexually liberated wonderland are utterly misguided and wrong". That said, in the 1970s there was a shift in attitudes towards sex work and the "commercialisation of sexuality", which paved the way for criminalisation (Svanström, 2017 p. 32). In contrast to the Netherlands, the dominant voices of the Women's Movement in Sweden, viewed sex workers as victims of male violence and in need of social intervention. This shift in attitude was not necessarily due to the sexual revolution but in response to it, by a growing radical feminist Women's Movement in Sweden. As discussed in Chapter Three, a radical feminist ideology seeks to abolish sex work through tackling the demand side, notably the criminalising of the purchasing of sex. In 1990, American lawyer Catherine Mackinnon and writer Andrea Dworkin, together with Ebon Kram – the first chair of ROKS (the Swedish Organisation for Women's and Girls Shelter) – argued publicly for a law against men buying the sexual services of women (Waltman, 2011b). ROKS were the first to suggest criminalising only the client and not the sex worker. Their views were initially regarded as extreme by the state. However, the radical feminist Women's Movement grew stronger throughout the 1990s, not at least due to an increase in female political representation. Their influence needs to be understood in the context of Swedish society – where historically, popular movements such as the Free Church, the Old Labour and the Temperance Movements have had a significant influence on the establishment. Therefore, in Sweden "when a consensus emerges on a particular issue within one of the popular movements, politicians have to listen" (Gould, 2001, p. 449). Furthermore, there was a group of co-ordinated women within Parliament – from the political right – who were also pushing for the criminalising of clients (Yttergren and Westerstrand, 2016). It was also during this time that women's issues were beginning to be re-categorised as gender equality issues. The sexual revolution and growth of the Women's Movement – coupled with increasing fears of human trafficking (discussed later in this chapter) – played a significant role in legal reform in both Sweden and the Netherlands, which the following sections will explore.

5.4 Sweden's Patriarchal Perverts: Criminalising the Purchase of Sex

The latter half of the 20th century welcomed a discursive turn, where women's issues were now considered the responsibility of wider society and gender equality found a firm place on the political agenda. This made space for more political attention on issues around violence against women and sex work policy – including reports focussed on “criminalising the john's activity” (*Expressen*, 1992, in Bucken-Knapp *et al.*, 2014, p. 102). Consequently, criminalising the clients of sex was debated in the Swedish Parliament in 1992, 1994, 1995 and finally 1998. The 1995 report on sex work (SOU 1995:15 Könshandeln) is crucial to the implementation of the sex purchase law. This report recommended criminalising both the purchase and the sale of sex, arguing that it was unfair to punish one and not the other. However, this was greatly criticised by some, including ROKS who insisted that it was wrong to criminalise the victim of male sexual violence; they argued that the evidence suggested that criminalising only the clients was the right thing to do (Gould, 2001). Campaigning commenced immediately as it was important that the debate was won under rule of the Social Democratic Party as the S-kvinnor – the women's wing of the Social Democratic Party – had mustered up support for the criminalising of clients during the 1997 congress. The proposal to criminalise clients did not receive much opposition initially, although it is worth noting that during the remiss stage – the consultation from interested parties – it was claimed that sex workers were not allowed to contribute to the evidence (Bard, 1999 cited in Gould, 2001). During the debates in the Riksdag (the Swedish Parliament), the proposal was rejected by the (centre-right) Moderate party who believed current legislation was sufficient and that sex work should be dealt with through social rather than criminal measures. Together with the Liberals, they voted against the government bill and stated that criminalisation may force things further underground. The Christian Democrats abstained as they wanted both the client and the sex worker to be criminalised. In a 2:1 vote the bill was passed as the Social Democrats, the Left party and the Greens all voted in favour (Gould, 2001).

The criminalising of clients was passed as part of the Violence Against Women Bill (*Kvinnofrid*) in July 1998. The Government concluded that prostitution and violence against women were related issues – in effect, conflating sex work and rape (Svanström, 2005). The Social Democratic Minister Ulrica Messing, who at the time was working with gender equality issues, explained:

“We think that prostitution is one of the worst expressions of the unequal distribution of power between men and women and that it does not only affect women in prostitution or those who buy the services of these women but the whole of society. That is why we now propose a criminalization of sex buyers. We are convinced that this will change attitudes and reduce violence in society” (quoted in Mansson, 2017, p 3).

In January 1999, the law that criminalises the purchase of sex came into force. The law is gender neutral, despite being part of a violence against women’s bill and states:

“A person who obtains casual sexual relations in exchange for payment shall be sentenced – unless the act is punishable under the Swedish *Penal Code* – for *the purchase of sexual services* to a fine or imprisonment for at most six months. Attempt to purchase sexual services is punishable under Chapter 23 of the Swedish Penal Code”.

The purchase can be through money or other forms of compensations such as alcohol or drugs, and the client is still liable if the services have been purchased for them by someone else (Government Offices of Sweden, 2011, n.p). Those found guilty may receive a fine in proportion to their income or be imprisoned for up to six months – later increased in 2011 to a maximum of one year due to concerns that the small sentence did not reflect the seriousness of the crime. The law punishes only the purchaser of sex while the other party, the sex worker, is to have no legal repercussions. The legislation was enacted in order to deter those who purchase sex, with the overall aim of ending sex work, which is deemed unacceptable in a feminist state. The Swedish government position sex work as harmful for all parties involved as well society more widely, concluding that it is a society’s responsibility to fight against it. They believe that sex work is directly linked to human trafficking and organised crime and that in order to reduce both they must reduce the demand. Supporters of the law believe that criminal law will act as a deterrent for clients who may think twice about purchasing sex due to fear of arrest. However, social interventions are also considered an integral part of the ‘Swedish model’ and part of Sweden’s broader social welfare strategies. These interventions are managed by individual municipalities whose responsibility is to assist buyers and sellers through supportive services.

In the three largest cities of Sweden – Stockholm, Malmö and Gothenburg – these services are primarily aimed at changing the behaviour of sex buyers (Yttergren and Westerstrand, 2016). ‘Prostitution units’ in these municipalities run a variety of supportive services which vary depending on location, but may include STI testing,

counselling, legal and migration assistance, medical advice and services, and therapy (Levy, 2015). KAST (*Köpare Av Sexuella Tjänster*) projects are exclusively targeted at clients where social workers provide telephone calls to clients offering counselling to help them stop buying sex, which can also lead to them engaging in therapy (Danna, 2011). In addition to these interventions, the government also began several prevention campaigns targeted at clients in order to educate them of the harm they cause by purchasing sex (Danna, 2011). The framing of clients as deviants is linked to wider societal views of sex in Sweden. Kulick (2005) argues that despite Sweden being relatively sex positive, there are specific ground rules to what constitutes as 'good sex'. Women selling sex, for example, are considered socially disadvantaged and thus victims of their male clients. Consequently, clients began to be considered psychologically disturbed in some way, as one newspaper article in *Dagens Nyheter* – which was part of a series of articles on reforming men who buy sex – declared “Buying Sex is a Cry for Help” (cited in Kulick, 2005, p. 218). Kulick concludes that:

“Buying sex in Sweden is rapidly coming to signify not merely a politically unenlightened male but a disturbed male, a deviant male, an unintelligible male. And that very deviance and unintelligibility is, predictably, paving the way not for a celebration of sexual diversity but for demonization, criminalization, and punishment” (2005 p.219).

This shift in focus has distinguished sex work policy in Sweden from other countries and has continued to be the regulatory framework for sex work in Sweden since.

5.5 The Dutch Tradition of Pragmatism: Lifting the Ban on Brothels

The sexual revolution in the Netherlands created a growth in the sex industry, however the introduction of social welfare and overall prosperity meant there was less necessity for Dutch nationals to turn to the industry as a form of income (Outshoorn, 2004). This caused an increase in demand for foreign sex workers to fill these positions, with an influx of workers initially coming from Latin America and the West Indies, and later from the Philippines and Thailand (Outshoorn, 2004). Consequently – and in keeping with international fears – concerns around human trafficking grew, with the belief that many women from these countries were being transported to the Netherlands and forced to work in the sex industry (Outshoorn, 2004). Trafficking was also part of wider concerns around organised crime which became an increasing issue due to the sex industry becoming 'big business'. Former

window brothel owners expanded their business into sex theatres and clubs, sex tourism and gambling establishments. This resulted in a concentration of power and wealth and subsequently the infiltration of organised crime. Soon these business owners were involved in human trafficking, drugs trafficking, protection rackets, VAT fraud and money laundering – all of which were rumoured to have been facilitated by police corruption (Brants, 1998).

These concerns led authorities from the four major cities – Amsterdam, Rotterdam, The Hague and Utrecht – to demand better administrative powers in order to regulate the sex industry. Together with the Association of Dutch Municipalities, local policy-makers began discussing lifting the ban on brothels (Outshoorn, 2004). Consequently, there was a consensus among local authorities to lift the ban on brothels, however, this would require a parliamentary debate of which would prove to be problematic. The Dutch party system is built in such a way that there is always a coalition government, never a majority. The Christian Democrat Party were usually part of the coalition, joined by either the Social Democrats or the Liberals. This has often resulted in a stalemate, with the Christian Democrats vetoing any move to legalise an industry that they morally oppose (Outshoorn, 2004). Therefore, when a bill was introduced by the Liberal Minister of Justice to lift the ban on brothels in 1985 the Christian Democrats voted against it, although this did not stop the bill going forward. The Christian Democrats also moved to amend a human trafficking bill that was also going through Parliament at the time; they wanted to remove the distinction between forced and voluntary prostitution for those from the ‘third world’, who they believed were forced by definition. This amendment was later removed in order to get the bill through, and the bill was enacted in 1993 (Outshoorn, 2004, 2012).

The Lifting of the Ban on Brothels was made possible in 1994 when – for the first time since 1918 – the Christian Democrats were not part of a coalition government. The coalition, known as the Purple Cabinet, was made up of the Liberal Party, the Social Democrats and the Social Liberals to form the Kok I cabinet. Another bill on lifting the ban on brothels was drafted. The Christian Democrats maintained their position and rallied a lot of support from the churches and religious media. Despite this, a poll taken in 1997 found that 73% of the population were in favour of lifting the ban on brothels with 74% viewing sex work as work (Brants, 1998, p. 623). The bill was passed in 1999, with the vote splitting down the familiar religious/secular

divide (Outshoorn, 2004; 2012). The Lifting of the Ban on Brothels came into effect on the 1st October 2000.

According to Daadler (2007, p. 39), the new law had six key aims:

- (1) “The control and regulation of the exploitation of voluntary prostitution, among other things by means of the introduction of a municipal license policy
- (2) The improvement of the combat against the exploitation of coerced prostitution
- (3) The protection of minors from sexual abuse
- (4) The protection of the position of prostitutes
- (5) To disentangle the ties between prostitution and criminal peripheral phenomena
- (6) To reduce the scale of prostitution by illegal foreign nationals (persons not in possession of the legal residence permit required for employment)”.

By removing the ban on brothels from the Criminal Code, the Dutch essentially devolved the regulation of prostitution from national to local government. Regulating prostitution was no longer a matter for national criminal law but rather for individual municipalities. This came from a view that the state has no place interfering with the business transactions between a sex worker and their clients. Additionally, it was hoped that by normalising the industry and bringing it in line with other businesses, the sex industry would be more transparent and therefore the illegal activities associated with the business would be uncovered (Wagenaar *et al.*, 2017). Criminal intervention was limited to involuntary forms of sex work – for instance, it became a criminal offence to force or coerce anyone into the sex industry, and this holds a penalty of up to six years in prison. When this is a minor under 16 years of age the sentence can be increased to ten years (Weitzer, 2012).

Local municipalities were therefore responsible for regulating the sex industry in their jurisdiction, assisted by a guide produced by the Ministry of Justice. The most common regulations across the municipalities included criminal background checks on prospective business owners and managers, the introduction of health, safety and hygiene regulations, and restricting the number of sex workers a business could employ (Barnett and Casavant, 2014). Health and safety regulations may include making sure there are adequate fire escapes, that there is running hot and cold water, that the size of the working area is appropriate, and making sure there are available condoms for the workers (Kilvington *et al.*, 2001). Although municipalities

may stipulate that brothels should have available condoms, this did not permit them to impose STI or HIV/AIDS testing on the workers (Barnett and Casavant, 2014). Instead of repressive policies that force medical examinations, municipalities are encouraged to have medical outreach and clinics – these can often be found in Red-Light Districts across the Netherlands. It also became the responsibility of local authorities, including the police and health and social workers, to minimise the harm to sex workers through protecting their physical and mental health, and making sure there are no workers that are underage or without a residential permit. Kilvington *et al.* (2001) note that these measures cover some, but not all, of the demands that sex worker organisations have made in their pursuit for better labour rights for workers in the sex industry.

The new regime requires sex workers to abide by the licencing rules set out by local authorities as well as pay taxes in order to be classed as working legally. Despite one of the aims of lifting the ban on brothels being to protect the social position of sex workers, Pitcher and Wijers (2014) argue that there has not been a significant improvement in sex workers' labour rights. Rather, the system has created a division of legal and illegal sex work, where sex workers often find themselves unable or unwilling to adhere to the regulatory regime. It is worth noting here that although a key aim in lifting the ban on brothels was to protect the social position of the sex worker; it is argued that this does not necessarily mean that sex work is approved by Dutch citizens. As van Doorninck *et al.* (1998 cited in Kilvington *et al.*, 2001, p. 81) note:

“The moral attitude of the Dutch people, however, is not different than that other countries in the European Union. Prostitution is not considered acceptable behaviour and prostitutes face the same condemnation and stigma. There is a typical element in Dutch political practice, called pragmatism, which makes it possible to see the sex industry as just another social phenomena”.

Indeed, this ‘pragmatic’ approach has the guise of acceptance, freedom, and legality, while simultaneously controlling, excluding and criminalising many sex workers. This includes migrant sex workers, specifically non-EU migrants, who are not privy to the same labour rights or access to health care and are automatically suspected to be victims of trafficking (David, 2020) – which will be explored further in the coming section.

5.6 Fear of the Foreign: Protecting Exploited Women and Securing the State

Fears of trafficking for sexual exploitation is not a new phenomenon, with its origins deriving from the anti-white slave campaigns at the beginning of the 20th century. However, as mobility of human beings increases around the globe, so too has the moral panic around human trafficking. During the 1990s concerns began to spread across Western Europe about women – particularly women from Eastern Europe and Baltic states – being trafficked into the sex industry (Kulick, 2003). As was the case with the ‘white slave trade’, stories of imprisonment, rape and torture circulated – facilitated by the media – spreading fear to the masses. However, in addition to the need to protect exploited women, there became an increased need to protect national boundaries, exacerbated by the growth of the European Union. As Hubbard *et al.* (2008, p. 140, emphasis in original) usefully summarise:

“trafficking is now framed not so much as a problem of *morality* but one of *security*, with the putative re-emergence of the ‘white slave trade’ triggering multiple initiatives intended to protect the sovereign spaces of the EU as much as the sovereign bodies of women”.

A consequence of this has been the conflation of sex work and trafficking, justified by the belief that the majority of those trafficked end up being forced into the sex industry. For abolitionists seeking to end sex work, the ‘trafficking victim’ is the new ‘white slave’ or ‘fallen woman’ in need of rescuing (Dozema, 1999, p. 26). The power of this conflation has led to the widespread use of the term ‘sex trafficking’, despite evidence that humans are being trafficked into various sectors (Munro, 2006). Mai (2013) problematises the term trafficking all together, believing it to ignore the complex experiences of migrants and the movement of people globally. Augustin (2005) notes that often debates around trafficking focus on abstract, ideological questions around consent, choice and force, but pay little attention to the practical issues and decisions made by migrants selling sex.

Fears over trafficking are said to have played a significant role in criminalising clients in Sweden, while gender equality and the Women’s Movement were critical in its introduction, there are those who suggest that it was actually fears over an increase in migrant sex workers that initiated the legislative change (Kulick, 2003). As Sweden debated joining the European Union, sex work and trafficking was used as one of the reasons not to. Sweden – with a relatively small sex industry – was anxious that joining the EU would open them up to the wave of European liberalisation surrounding sex work. When Sweden – albeit reluctantly – joined the

EU, the criminalising of clients was a way to avoid this and deter traffickers (Kulick, 2003). Since its implementation, the Swedish government, has persistently conflated trafficking and sex work and used this to justify criminalising clients as Margot Wallstrom, the Minister of Foreign Affairs demonstrates:

“Trafficking for sexual purposes and prostitution are closely related. In our view, the fight against trafficking for sexual purposes cannot be separated from the fight against prostitution. Where there is a market for prostitution, traffickers can profit from the sexual exploitation of women and girls” (2015, n.p).

In the government’s evaluation of the Sex Purchase Law, Anna Skared (2010) notes that the Swedish police have reported that the ban on the purchase of sexual services has been a key barrier to human traffickers and procurers establishing business within Sweden. Cho (2015) argues that regardless of whether sex work is criminalised or legalised, it makes no difference to the protection of human trafficking victims. Moreover, Weitzer (2014) notes that any attempt to compare trafficking figures between nation states is problematic due to reasons including, unreliable data and incomparable push and pull factors.

Combatting human trafficking also played a significant role in the Lifting of the Ban on Brothels in the Netherlands. In contrast to the Swedish government, the Dutch government do not conflate trafficking with sex work, and they are more cautious in recording their trafficking figures. The Dutch government deduced that by making the sex industry more transparent and ‘normalised’, those in the legal sector would self-regulate and uncover involuntary forms of sex work, including human trafficking (Huisman and Keelmans, 2014). Siegel (2009) notes that it is important to differentiate between trafficking and sex work, in order to avoid feeding into the myth that all sex workers are victims. That is not to say that the trafficking narrative has not influenced Dutch legislation. In 2003 the Dutch government introduced the Public Administration Probity Screening Act or the ‘BIBOB’ Act (its Dutch abbreviation), this act allows municipalities to revoke or deny licences where there is a serious risk of criminal activity – such as trafficking. However, this is not exclusive to sex establishments but also bars, gambling establishments and coffee shops, all of which were involved in the organised crime concerns on the lead up to this legislative change in 2000 (Huisman and Nelen, 2014). Nevertheless, with an underground and adaptive market, along with changing definitions and policies, the eradication of trafficking in the Netherlands and elsewhere has been – and continues to be – unsuccessful (Staring, 2012).

Although sex work policy in both Sweden and the Netherlands claim to protect women in the sex industry and victims of human trafficking, they both fail to protect migrant sex workers. In the Netherlands, the licencing system excludes sex workers without legal status, leaving them vulnerable to exploiters (Kulick, 2003). In 2011, the Netherlands criminalised ‘illegal stay’ in a bid to combat trafficking (across all sectors). This of course denies migrants the ability to earn money in the informal sector and will increase the vulnerability of migrant sex workers to trafficking and deportation (Staring, 2012). Similarly, in Sweden – despite sex workers being considered victims – those with illegal status are at risk of deportation under the Alien Act (2005). Although not exclusively sex work related, the Alien Act determines the conditions under which people may enter, stay and work in Sweden. Section 2.2 states that aliens may be refused “if it can be assumed that during the stay in Sweden or in some other Nordic country he or she will not support himself or herself through honest means or will engage in activities that require a work permit, without having such a permit” (2005, p. 716). This has been directly used against sex workers, with once such deportation document reasoning that “she has not maintained/supported herself in an honest manner/way” (Levy and Jakobsson, 2013, p. 337). This would suggest that little has changed since sex workers were being arrested under the vagrancy law for not making an ‘honest living’.

5.7 ‘Cleansing Public Spaces’: Protecting the Public from the Harms of Sex Work

Despite polarising ideological views on sex work and diverging legislative frameworks, there are similarities in the practical implications of regulation. As discussed in Chapter Three, scholars have highlighted how a public nuisance discourse around sex work has resulted in a focus on the ‘cleansing of public spaces’ (see Hubbard 1999, 2002, 2004, 2018; Hubbard and Sanders, 2003; Aalbers and Sabat, 2012; Campbell, 2015; Smith and Mac, 2018). The notion of ‘cleansing’ or ‘cleaning’ of course implies sex workers are ‘dirty’, and reinforces other stigmatising language that is so commonly used to describe sex workers – for example ‘vectors of disease’.

Before Lifting the Ban on Brothels in 2000 – and in addition to concerns over organised crime – there were increased anxieties around the threat sex workers posed to public health in the Netherlands. The introduction of heroin throughout

cities across the Netherlands in the 1980s had resulted in drug addicted street-based sex workers who were believed to be taking increased risks with clients (Brants, 1998). Inevitably this produced public nuisance complaints and a fear of disease – this was only exacerbated by the 1980s AIDS epidemic (Brants, 1998). By lifting the ban on brothels, municipalities were able to set the terms of sex work practice, including where street-based work could take place. Consequently, areas known as ‘tippelzones’ were established where sex workers could work legally, usually in industrial areas, away from public view. Although ‘tippelzones’ existed, the Dutch moved to decrease visible forms of sex work, with many municipalities opting to have very few or no street zones at all (Daadler, 2014). While some locations welcomed the change in the law and the opportunity to better regulate it, others – in particular, those governed by religious parties – were outraged, particularly as they were unable to refuse the operation of brothels in their jurisdiction (Outshoorn, 2012). Some small towns tried to evade the law by changing their urban planning structures, making it so there was nowhere appropriate to house a brothel, while others simply refused to allow for new entrepreneurs to start-up businesses. That said, within a legalised framework sex workers and business owners can, and often do, challenge these decisions (Outshoorn, 2004).

More recently, the infamous Red Light District (RLD) De Wallen in Amsterdam has come under threat, despite being a tourist hot spot. One article reported: “The city of Amsterdam is making good on its promise to clean up its world-famous RLD. Plans to upgrade the 750-year-old neighborhood over the next ten years include banning window prostitution from all but two locations” (Dutch Amsterdam, 2007, n.p.). Project 1012, named after the postal code of the RLD, was a ten-year collaborative effort to ‘clean-up’ Amsterdam by closing cafes and window brothels. While window brothels continue to be closed, local authorities have been buying them with public funds and selling them on to high grade establishments, such as dining and fashion businesses. Buijs and Duits (2015) argue that this was simply a gentrification project that has been sold through the guise of an anti-human trafficking initiative. These efforts have recently resulted in plans to move the infamous RLD to a purpose-built location outside of the city centre in a move the major Femke Halsema says will “reset” Amsterdam as a “visitor city” (Boffey, 2021, n.p.).

After Sweden criminalised the purchase of sex, the police were allocated SEK 7 million (approx. US\$1 million) to enforce the law, which increased to SEK 30 million

(approx. US\$ 4.1 million) in 2003. Initially these funds focussed on street-based clients before moving on to indoor-based sex work (Ekberg, 2004). Upon receiving their first instalment, the Stockholm Police purchased infrared cameras, remote surveillance devices, mobile phones and computers in order to search for advertisements of sex work and apprehend the clients for arrest. They also increased police presence on the RLD, Malmskillnadsgatan, and began surveillance on properties where human trafficking was suspected. Surveillance is deemed paramount with this type of crime as neither party have any incentive to report it (Danna, 2011). The 2010 evaluation boasted that street-based sex work has been reduced by half since the legal reform. However, Dodilett and Östergren (2011) find this assertion problematic for several reasons, including how street sex work has been reducing on an international scale and therefore may have little to do with the ban. Several scholars have reported relatively low numbers of street sex work in Sweden before the law and a general increase in indoor and internet-based sex work internationally (Danna, 2011; Levy, 2015). If the reduction in street sex work is due to the ban, the question therefore is where these sex workers have been displaced to? Some street sex workers have reportedly travelled to Copenhagen to sell sex and some have moved to working in indoor spaces (Levy, 2015). Sex worker organisations such as Rose Alliance have suggested the ban has forced sex work and trafficking further underground (Levy and Jakobsson, 2014). Levy and Jakobsson (2014) report increased competition amongst street sex workers due to a reduction in clients, this has resulted in riskier behaviours with sex workers having less time to negotiate and less bargaining power. Levy and Jakobsson conclude that:

“Sweden’s mainstreaming of radical feminism appears, therefore, to be used to justify a law that has resulted in the policing and moralizing of public space, ridding Sweden of the perceived aesthetic and social blight of prostitution by displacing visible prostitution, while Sweden postures as a progressive state that recognizes prostitution as a form of violence” (2014, p. 598).

It is argued that the legislative changes in both Sweden and the Netherlands, despite aiming to improve the position of sex workers and victims of exploitation, has had the opposite effect and has forced sex work further underground (Kilvington *et al.*, 2001).

5.8 Conclusion

This chapter has outlined the historical and contemporary context of sex work in Sweden and the Netherlands. It has highlighted how the governance of sex work in these jurisdictions has been influenced by local, national and international factors, including Europe-wide shifts in attitudes and beliefs. Moral panics have played a central role in this, including concerns surrounding the spread of sexual diseases, the tainting of normative moral standards, and human trafficking. The growth of the women's movement and the sexual revolution highlighted outdated sex work legislation in both jurisdictions and paved the way for two ground-breaking legislative changes in Europe. These legislative changes should be understood in their social and political context, such as Sweden's history of control and social exclusion (Levy, 2015) and the Dutch's history of 'regulated tolerance' (Brants, 1998) and pragmatism. While Sweden chose to criminalise the purchase of sex – positioning sex workers as victims of male violence – the Dutch decided to lift the ban on brothels and regulate the business through a licencing system – accepting sex work as work, albeit work that required specific measures of control.

What is striking is that although there have been relatively big shifts in attitudes towards sex workers – and diverging legislative reform – there remains to be a stigma attached to the industry that is deeply rooted in questions of morality. The morality of selling and/or buying sexual services has been consistently challenged in Sweden and the Netherlands, and while they have legislated differently, the results would suggest that sex workers in both countries continue to be displaced and marginalised. This morality has fed into the states' urge to control and protect, with a history of protecting innocent men from deviant women, to a shift in protecting women from clients and traffickers. Somewhat consistently, there has been a perceived need to protect the public from the harms and visibility of sex work, even in contexts like the Netherlands where sex workers are supposed to be liberated. Regardless of their perceived success or failure, both of these policy models have had a far-reaching impact, including being a mainstay within policy discussion in the UK. The next chapter will explore the governing of sex work in the UK to provide context for the empirical sections to follow.

Chapter Six: The Governance of Sex Work in the UK

6.1 Introduction

The previous chapter considered how the governance of sex work in Sweden and the Netherlands has been influenced by local and extra-local issues. Here, attention is turned to the UK. While not in stark contrast to Sweden and the Netherlands in terms of philosophical developments, there are some distinctive differences in the governance of sex work throughout the UK. This chapter will explore how sex work has been and is currently regulated in the UK. That said, it does not seek to be a chronological account *per se*; rather it draws on some of the core themes within policy debates and regulatory approaches. Consequently, some of the themes will mirror those discussed in the previous chapter. The chapter will begin by discussing how the spread of venereal disease has been used to justify invasive legislation against sex workers and how this connotation has persisted within debates. In addition, the development of a public nuisance discourse within the UK will be discussed, looking at the many attempts to remove sex work from public spaces. Other key themes to be explored here include child sexual exploitation, trafficking, and the overall shift towards tackling the demand side of sex work. Lastly, the impact of sex worker's rights movement within the UK will be explored before concluding comments.

When discussing the governance of sex work in the UK, it is important to be as clear as possible as to *where* exactly is being discussed. To aid this, a brief note on the geographical make-up of the UK and the devolution of political powers will be presented here. While many policy discussions around sex work – and indeed other policy areas – talk about 'UK policy', it can often be the case that these policies are actually specific to one or more of the four countries that make up the UK (i.e. England, Wales, Northern Ireland and Scotland). This can be attributed to the devolution of powers at the end of the 20th century. Devolution in Scotland and Wales occurred after successful referendums in 1997, and this was followed by Northern Ireland as part of the Good Friday Agreement in 1998. Put simply, devolution refers to the transfer of powers from central government to subordinate regional institutions (Heywood, 2015). Although Wales has devolved powers, this does not include legislation and therefore Wales's policies are in tandem with England. For Scotland and Northern Ireland, powers include primary legislative

power, which means the Scottish Parliament and Northern Ireland Assembly are able to formulate their own policies. Although central government retain control of overall economic policy, foreign affairs and defence policy (Heywood, 2015). This is essential to understanding the differing approaches within the UK context to governing sex work and therefore, where appropriate, the specific country – England and Wales, Scotland or Northern Ireland – will be identified.

6.2 The ‘Blame Game’: Targeting Sex Workers for the Spread of Disease

As discussed in the previous chapter, throughout the 19th century concerns regarding the spread of venereal diseases spiralled across Europe. This was of particular concern within the military where many hours were lost due to soldiers being treated for venereal disease (Baker, 2012). The UK government came to the conclusion that this was a result of the increase in the purchase of sex (Barry, 1995). Sex workers were thus positioned as ‘wartime harpies’, responsible and stigmatised for infecting soldiers and consequentially – yet indirectly – impacting the stability and security of the state (Baker, 2012). In order to control the spread of disease, the government legislated through the *Contagious Disease Act* (1864) – and later the *Contagious Disease Act(s)* of 1866 and 1869. This, along with the *Vagrancy Law* (1824), was used against sex workers who during this period were affiliated with the spread of disease, immorality and vagrancy (Sanders *et al.*, 2009). Women – not men – who were suspected of being sex workers were brought before the magistrates by the police or a medical examiner, where they were responsible for proving their innocence. If a women’s efforts were unsuccessful, she was forced to undergo a medical examination by an army surgeon (Baker, 2012). The *Contagious Disease Act* (1864) allowed for the forced inspection and treatment of women. This forced ‘treatment’ would include being detained in a Lock hospital – a hospital specifically for the treatment of venereal disease – for up to three months (Self, 2003). The succeeding *Contagious Disease Act(s)* made amendments, including expanding the jurisdiction where the Act applied (initially being confined to specific navy ports and army towns), as well as enforcing the regular (every three months) inspection of those known to be sex workers (Baker, 2012).

The *Contagious Disease Act(s)* were national pieces of legislation, however even before devolution Scotland had a different legal system which sometimes resulted in divergent legislation to England and Wales. The *Contagious Diseases Act(s)* were

therefore not enforced in Scotland and in some cities, brothels were tolerated; for example in Glasgow under the *Glasgow Police Act* (1866) (Forest, 2014). In Ireland – which was governed by British laws at the time – the *Contagious Disease Act(s)* were enforced. These acts were problematic for many reasons, not at least due to their sole focus on women and their positioning of women as transmitters of disease. Baker (2012, p. 93) notes that this distinction undermined the acts from the beginning and perpetuated the idea that these women “were already so degraded by their own lifestyle choice that any further debasement was unimportant”. The Women’s Movement and other critics of the law began to campaign against the Acts. Notably, Josephine Butler’s Ladies National Association, who condemned the double standard of punishing women while simultaneously turning a blind eye to their male counterparts, were fierce critics (Baker, 2012; Hiersche, 2014). By 1886 the *Contagious Disease Act(s)* were repealed, however they have made a significant impact in their ‘Othering’ of sex workers and the suppression of female sexuality.

Indeed, the repeal of these acts was not the end of the ‘blame game’ towards sex workers and the spread of disease. About a century later, during the HIV/AIDS pandemic of the 1980s, attention and culpability was placed on sex workers once more. As Phoenix (2007, p. 80) notes, during this time “sex workers were increasingly being identified as a bridge between the undeserving and diseased few and the healthy, moral many”. The moral panic around HIV/AIDS and sex workers was exacerbated by the media – for example, *The Sunday Express* (1992) reported that 75% of sex workers working in King’s Cross, London, had HIV (Ward and Day, 1997). This statistic, however, was not credible. In fact, many studies have shown a far smaller percentage of HIV prevalence amongst sex workers and that in many cases the contraction is due to needle sharing or non-protected, non-paying sex (Ward and Day, 1997). That said, public opinion is often shaped by what the media report, and therefore the link between sex work and disease was further cemented at this time.

Despite the public debates resembling a similar inflammatory view of sex workers as the century before, governing approaches in the UK took a new direction in the 1990s. This time there was less of a focus on the *people* – i.e. sex workers – who were perceived to be transferring the disease, and more of a focus on the ‘*risky behaviours*’ associated with contracting the disease – i.e. drug abuse and engaging in unprotected sex (Phoenix, 2007). A public health approach offered state-

sponsored services, which were far removed from the punitive and moralistic laws against sex workers enacted historically. Rather they took a non-judgmental, harm reduction approach that sought to protect both the general population and sex workers by offering anonymous and voluntary services (Phoenix, 2007). Sexual health services specifically for sex workers were deemed particularly important at this time. This was partly due to the recognition that sex workers have difficulty in accessing standard health care as a result of marginalisation and stigma, but also because as a heterogeneous group they were also considered to be more in need of these services due to engaging in what were perceived to be “high risk” behaviours (Ward and Day, 1997). Scotland took the harm reduction approach further by introducing tolerance zones for sex workers. These zones offered a dedicated police liaison officer and service providers who – along with sex worker organisations such as the Scottish Prostitutes Education Project (SCOT-PEP) – formed a multi-agency partnership that prioritised the wellbeing of sex workers (Morgan Thomas, 2009). Research in 1995 by Casey and colleagues identified over 80 projects that were working in some capacity with sex workers across the UK, although funding began to diminish for these projects as money for HIV/AIDs prevention reduced (Ward and Day, 1997). Despite this public health approach, the stigma linking sexually transmitted diseases to sex workers has played a significant role in framing sex work as a ‘social problem’ and something the public needs protecting from (Sanders *et al.*, 2009).

6.3 From Morality to Public Nuisance: The Continuous ‘Cleansing’ of Public Spaces

A central goal of the governing of sex work in the UK has been the ‘cleansing’ of public spaces, whereby the state seeks to remove visible forms of sex work. Similar to Sweden and the Netherlands, this has a long history within the UK. For example, the *Vagrancy Act* (1824) stated that “every common prostitute wandering in the public streets... and behaving in a riotous or indecent manner... shall be deemed an idle and disorderly person” (cited in Baker, 2012, p. 91). This Act – and indeed the *Contagious Disease Act(s)* discussed in the previous section – were entrenched in ideas of morality. However, attitudes began to move away from the morality of sex work and towards a public nuisance discourse, which was exemplified by the Wolfenden Report (1957). The report positioned sex work as an issue of private

morality and therefore only an issue for the state when it became a public nuisance. The thread of morality still runs through discourse and legislation; however, a distinction was made in the Wolfenden Report (1957) between immorality in private and immorality within public spaces.

The Wolfenden Report (1957) was a result of growing concerns following World War II surrounding the perceived immorality that was prevalent on the streets of London and other urban cities – mainly ‘prostitution’ and ‘homosexual behaviour’. As the Festival of Britain (1951) and the coronation of Elizabeth II (1953) approached, there were fears that foreign visitors may get the wrong impression of Britain (Self, 2004; Slater, 2010). Following a report by Philip Allen – a Home Office official, who had been sent to the United States to learn about how they regulated sex work – the then Secretary of State, Sir David Maxwell Fyfe, requested a Home Office investigation into sex work (Self, 2004). Specifically, Maxwell Fyfe was looking to “push women off the streets and into call girl flats” (Self, 2004 p. 3). The committee was chaired by John Wolfenden with the findings being published in a report, rather infamously known as the Wolfenden Report but officially entitled the *Report of the Committee on Homosexual Offences and Prostitution* (1957). One of the key elements of the report was the recognition that morality was not the business of the law, stating that “there are limits to the degree of discouragement which the criminal law can properly exercise towards a woman who has deliberately decided to live her life in this way, or a man who has deliberately chosen to use her services” (Wolfenden, 1957, p. 80). Rather it was suggested that the problem of sex work should be addressed by churches, mental health organisations, child and marriage guidance and moral welfare. This was considered necessary because although it was not deemed to be the responsibility of the law, sex work was still viewed as “an evil of which any society which claims to be civilised should seek to rid itself” (Wolfenden, 1957, p. 80). That said, there were elements of sex work that were deemed to be the responsibility of criminal law, including when others were exploited and crucially when ‘ordinary citizens’ were offended, and public order and decency were disrupted. Therefore, the report proposed a less ambiguous approach to soliciting, giving the police better powers for arrest and the courts clearer parameters for conviction.

It is worth noting that there were legislative changes in England and Wales regarding sex work shortly before the Wolfenden Report (1957) (see table 6.1 for information

on what these are and for key legislation in England and Wales). However, the offences introduced by the *Sexual Offences Act* (1956) have arguably had significantly less impact than those introduced by the Wolfenden Report (1957) (Phoenix, 2007). The recommendations of the Wolfenden Report (1957) and the subsequent legislation introduced through the *Street Offences Act* (1959) have played a far bigger role in the regulation of sex work and have continued to do so far beyond its initial implementation (Phoenix, 2007). It is also important to note here that the *Street Offences Act* (1959) did not extend to Scotland or Ireland. Scotland introduced laws to criminalise soliciting through the *Sexual Offences Act* (1976) and the *Civic Government (Scotland) Act* (1982) (see table 6.2 for key legislation in Scotland). The latter legislation caused some controversy as it gave local councils the powers to distribute licences for sexual entertainment – with cities such as Edinburgh allowing the operation of saunas and massage parlours, which unofficially became ‘brothels’ (Gow, 1995). As for Northern Ireland, sex work was not a prime concern for policy-makers – this can be largely attributed to its relative insignificance during ‘The Troubles’ as well as having a comparatively small sex market to the rest of the UK (Maginn and Ellison, 2017). Even after the formation of the Northern Ireland Assembly in 1998, political contentions following ‘The Troubles’ left little room for debates on sex work. It was not until a decade later that sex work policy was introduced as part of the *Sexual Offence (NI) Order* (2008), which largely mirrored the *Sexual Offences Act* (2003) in England and Wales. Similarly, legislation focussed on street sex work and third-party involvement such as running a brothel (see table 6.3 for key legislation in Northern Ireland).

Table 6.1 Key legislation on sex work in England and Wales

Offence	Act	Penalty
Loitering or soliciting persistently for the purposes of prostitution in a public place	<i>Street Offences Act 1959;</i> <i>Policing and Crime Act 2009</i>	Fine
Soliciting for the purposes of purchasing sexual services in a public place (including from a vehicle)	<i>Sexual Offences Act 1956;</i> <i>Sexual Offences Act 2003</i>	Fine

Causing or inciting prostitution for gain	<i>Sexual Offences Act 1956;</i> <i>Sexual Offences Act 2003</i>	Summary conviction of 6 months' imprisonment or a fine, or both; or on indictment 7 years' imprisonment or a fine, or both
Keeping/managing a brothel used for prostitution	<i>Sexual Offences Act 1956;</i> <i>Sexual Offences Act 2003</i>	Summary conviction of 6 months' imprisonment or a fine, or both; or on indictment 7 years' imprisonment or a fine or both
Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen	<i>Sexual Offences Act 1956</i>	Maximum penalty of 6 months imprisonment
Permitting premises to be used as a brothel	<i>Sexual Offences Act 1956</i>	Fine
Paying for sexual services of someone subject to force	<i>Policing and Crime Act 2009</i>	Fine
Advertising sexual services in a public telephone box	<i>Criminal Justice and Police Act 2001</i>	Summary conviction of 6 months' or a fine, or both

Source: legislation.gov.uk

Table 6.2 Key legislation on sex work in Scotland

Offence	Act	Penalty
Soliciting and importuning by prostitutes	<i>Civic Government (Scotland) Act 1982</i>	Fine
Any person loitering or soliciting in a relevant place for the purposes of obtaining services from a person engaged in prostitution	<i>Sexual Offences Act 1976;</i> <i>Civic Government (Scotland) Act 1982;</i> <i>Prostitution (Public Places) (Scotland) Act 2007</i>	Fine
Procuring, abduction and unlawful detention	<i>Criminal Law (Consolidation) (Scotland) Act 1995</i>	Summary conviction of 3 months' imprisonment or 2 years on indictment
Permitting girl to use premises for intercourse	<i>Criminal Law (Consolidation) (Scotland) Act 1995</i>	If under 13 years on conviction on indictment To imprisonment for life or when over 13 years and under 16 years on summary conviction of 3 months imprisonment or 2 years on indictment

Seduction, prostitution, etc., of girls under 16	<i>Criminal Law (Consolidation) (Scotland) Act 1995</i>	Summary conviction of 3 months' imprisonment or 2 years on indictment
Trading in prostitution and brothel-keeping	<i>Criminal Law (Consolidation) (Scotland) Act 1995</i>	Summary conviction of 12 months' imprisonment or 7 years on indictment or a fine or both
Allowing children to be in brothel	<i>Criminal Law (Consolidation) (Scotland) Act 1995</i>	Fine or imprisonment up to 6 months

Source: legislation.gov.uk

Table 6.3 Key legislation on sex work in Northern Ireland

Offence	Act	Penalty
Soliciting for the purposes of obtaining sexual services	<i>Sexual Offence (NI) Order 2008; Policing and Crime Act 2009</i>	Fine
Causing or inciting prostitution for gain	<i>Sexual Offence (NI) Order 2008</i>	Summary conviction of 6 months' imprisonment or a fine or both, or on indictment 7 years' imprisonment or a fine or both
Controlling prostitution for gain	<i>Sexual Offence (NI) Order 2008</i>	Summary conviction of 6 months' imprisonment or a fine or both, or on indictment 7 years' imprisonment or a fine or both
Keeping a brothel used for prostitution	<i>Sexual Offence (NI) Order 2008</i>	Summary conviction of 6 months' imprisonment or a fine or both, or on indictment 7 years' imprisonment or a fine or both
Paying for sexual services of a person	<i>Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015</i>	Summary conviction of 6 months' imprisonment or a fine or both, or on indictment 1-year imprisonment or a fine or both

Source: legislation.gov.uk

It has been well documented how policing efforts have predominantly focussed on street-based sex work. For example, Phoenix (2007) notes that in 2003, in England and Wales, there were only four cautions and 30 convictions for 'living off the earnings of a prostitute' or 'exercising control over a prostitute'. Conversely that

same year produced 902 cautions and 2,627 convictions for ‘soliciting or loitering in a public place for the purposes of protection’. This disparity in the use of legislation has been attributed to police responses to ongoing pressure from politicians and residents to tackle the ‘nuisance’ of street-based sex work (Hubbard, 1998; Hubbard, 2006). However, despite these efforts, Slater (2010) highlights that sex workers do not disappear, nor do the controversies that surround this line of governance, including the abuse sex workers face and police corruption. Regardless, the policing of sex work often consists of systematic, targeted arrests within areas that sex work takes place. This is often triggered by residential complaints, but also – as mentioned earlier – national public events. There were significant ‘clean-up’ efforts leading up to the 2012 Olympics in London, including a sizable increase in arrests and cautions given to street-based sex workers in an attempt to prepare the capital for international attention (Campbell *et al.*, 2018). Protecting public decency has continued to be a justification for repressive street offences in order to control the ‘anti-sexual’ city (Sanders, 2009). However, Brooks-Gordon (2006) argues that this rationale is hard to sustain when sexual activities are now broadcast across television. Critically, street offences across the UK have come under significant scrutiny for their role in creating a ‘revolving door’, where sex workers are arrested, fined, and effectively forced back on to the street to sell sex in order to pay their fines (Phoenix, 2008; Campbell *et al.*, 2018).

An alternative approach discussed in policy debates regarding the containment of street-based sex work is the idea of zoning – that is, specific areas and times where sex work would be allowed to take place without fear of arrest. In Scotland, there was an increased consensus, at the beginning of the 21st century, that the best way to manage street sex work, would be through tolerance zones. In 2003, MSP Margo Macdonald brought forward the *Prostitution Tolerance Zones (Scotland) Bill*, which would give local authorities the power to designate specific areas within their jurisdiction where prostitution could take place without the fear of arrest for soliciting, importuning or loitering. The policy memorandum states that, “while street prostitution is not desirable, it is endemic in a number of areas of the major cities of Scotland” – such as Edinburgh and Aberdeen – and thus needs to be addressed (The Scottish Parliament, 2003, p. 1). However, the Bill was withdrawn as it was expected that the Scottish Executive’s Expert Group on Prostitution – also introduced in 2003 – would offer a more comprehensive solution to sex work policy reform (Hubbard and Scoular, 2009). Indeed, the Expert Group had a larger scope,

tackling more than the management of street-based sex work, including addressing anxieties over trafficking and exploitation – a growing concern amongst policy-makers. However, the subsequent report, *Being Outside* (2004), rejected managed zones, and instead lay the groundwork to introducing the offence of kerb crawling in Scotland (Hubbard *et al.*, 2008). Nevertheless, zoning has proved to be a popular suggestion when contemplating the best ways to manage the places where sex work occurs (Matthews, 2005).

At a local level, cities in England and Wales such as Liverpool and Leeds have sought Home Office approval to implement managed zones or areas. A zone was officially introduced in Holbeck, Leeds in 2016 – the first official ‘managed area’ in the UK – yet it has come under intense scrutiny, particularly by local residents who have protested for its closure. One resident stated “they’re all over the place, it’s not under control, my husband’s been pulled up by them, my son has, you know, it’s getting out of control” (quoted in BBC News, 2018, n.p.). However, Basis Yorkshire – a sex worker outreach charity – have reported an increase in police reports from sex workers as well as an increase in engagement with health and support services since the zone’s inception (SWARM, 2018). This will be discussed further in Chapter Eight.

In addition to street offences, police have used other regulatory methods to manage street-based sex work. This has included the use of Anti-Social Behaviour Orders (ASBOs). Introduced through the *Crime and Disorder Act* (1998), ASBOs were used to enforce a number of different restrictions on offenders. Smith and Mac (2018, p. 98 emphasis in original) note that ASBOs are “*deliberately* broad and vague” and once issued, they can make non-criminal activity, criminal. For street sex workers, ASBOs were used in order to restrict them from specific areas – i.e. where they may be known to solicit. If breached, this could result in a prison sentence of up to 5 years – effectively reversing the abolishment of imprisonment for solicitation two decades previously (Sanders, 2005; 2009). The use of ASBOs are often framed by officials as a way to assist and support sex workers, however this ‘forced welfarism’ is only available to those who agree to conform to the conditions of citizenship (Sagar, 2007; Sanders, 2009; Sanders-McDonagh and Neville, 2018). Phoenix (2008, p. 301) notes that ASBOs simply “provide local authorities and police constabularies with yet another mechanism of control and punish in their periodic ‘clampdowns’ on prostitution”. However, the Green Paper *Paying the Price*

defended these orders, stating that they had been used to “protect communities from harassment, alarm and distress caused by kerb crawlers and those involved in prostitution” (Home Office, 2004, p. 86). The Scottish Executive were somewhat more cautionary stating that “the council is also conscious that the use of ASBOs may further fuel dispersal, and places women involved in prostitution at further risk of more and more serious involvement in criminal justice measures” (2004, p. 20).

The policing of street-based sex work feeds into societal views regarding who and what is welcome or unwelcome in urban spaces – sex work is perpetually unwelcome. Hubbard (2012, p. 61) notes that there “is a desire to discipline commercial sex and contain it in spaces where it remains invisible to the majority, but not beyond the reach of the state and the law”. Mac and Smith (2018) parallel the state’s position on sex work with that of Peter Sutcliffe – a serial killer who murdered 13 women in the 1980s, some of which were sex workers – as he declared that he was “just cleaning up the streets”. Mac and Smith argue that “it is no coincidence that the police and the men who murder sex workers *share* a preoccupation with ‘cleansing the streets’” (2018, p. 100 emphasis in original). Indeed, sex workers experience violence from state intervention both materially and discursively.

Another example of the state’s goals to erase sex work from public spaces reflecting the notion that as long as it is unseen, sex work is acceptable, is legislation on advertising sexual services. The *Criminal Justice and Police Act* (2001) makes it illegal to advertise sexual services in public telephone boxes. That is, it makes it illegal to advertise a legal service – selling sexual services (Brooks-Gordon, 2006). The state’s efforts to remove sex work from public spaces, particularly in major cities, is not limited to criminal legislation. At the turn of the century, areas of Soho in London were targeted – not only by the police for street offences – but through the systematic state purchases of properties believed to be linked to sex work. Gentrifying these areas through targeting sex work served to demonstrate the state’s ability to tackle crime, while simultaneously addressing public fears around exploitation (Hubbard, 2004). In 2016, once again business establishments in Soho and Chinatown were the target of police raids. These raids were purported to be a ‘rescue mission’, as there were reports of trafficking and exploitation. Some (7) staff were arrested for ‘controlling prostitution for gain’, however, the majority of the arrests (17) were for immigration offences (Mullen, 2016). This draws into question the motives behind these raids, and whether the trafficking and exploitation narrative

– discussed in the following section – is simply a tool used to justify attempts to remove sex work from public spaces (Mullen, 2016). Despite such efforts, “sex work cannot easily be ‘designed out’ via police crackdowns” and continues to take place in both out-door and in-door spaces (Hubbard, 2012, p. 55)

It is worth noting here that due to the pre-occupation of removing visible forms of sex work, online sectors have been largely ignored (Sanders *et al.*, 2018; Scoular *et al.*, 2019). Sanders *et al.* (2018) have highlighted how policing and other regulatory methods have struggled to keep up with a rapidly changing market. They note that while there is a limited amount of engagement with online sex markets, this engagement is often in the form safeguarding efforts for those who are deemed to be vulnerable or have been exploited. They argue that policy debates in the future would benefit from a diverse understanding of the online sex industry which focusses on the rights and safety of sex workers. As online markets have largely been ignored in policy debates, they are therefore not a focus of this thesis, nevertheless, this is an area of consideration for future projects.

6.4 Child Sexual Exploitation and Trafficking in Women

At the turn of the 20th century, connections between sexual exploitation and sex work began to touch the political arena and underpinned the first legislative reform concerning sex work since the Wolfenden Report in 1957. *Safeguarding Children in Prostitution* was a guidance document produced by the Home Office and the Department of Health in May 2000. The document was created following campaigns from several leading children’s charities across the UK, who had highlighted the contradiction of convicting a child for prostitute-related offences when they are not considered old enough to give sexual consent (Phoenix, 2007). The guidance document positioned those selling sexual services under the age of 18 as victims in need of protection. It therefore made a distinction between adult and child sexual exploitation of which the two categories were to be dealt with in polarising ways. Those under the age of 18 were to be treated as victims of child abuse and should be offered support and care, although it is worth noting that child protection methods may include incarceration for the child’s own protection (Phoenix, 2007). The somewhat confusing element to the guidance document is the suggestion that there could be some children who do choose to be in sex work. The guidance reasons that “it would be wrong to say that a boy or girl under 18 *never* freely chooses to

continue to solicit, loiter, or importune in a public place for the purpose of prostitution, and does not knowingly and willingly break the law” (Department of Health, 2000, p. 27, emphasis in original). Therefore, in cases of ‘persistent’ solicitation and related offences – where state interventions had failed – the victim label was figuratively removed and they were once more at fault and at the mercy of the criminal law (Phoenix, 2007). Furthermore, Brooks-Gordon (2006) notes that although defining children in sex work as victims is welcomed, the legislation can be problematic due to the further criminalising of those who have been exploited into the sex industry for encouraging other children into the sex industry. They, she argues, may have been child victims themselves, but as soon as they turn 18 they are now ‘pimps’. Indeed, recommendation from their peers is reportedly a more common introduction to the industry than trafficking for example (Brooks-Gordon, 2006).

Nevertheless, this new way of understanding child prostitution made way for legislative change in England and Wales through the *Sexual Offences Act* (2003). The *Sexual Offences Act* (2003) introduces a number of offences against children (s.47-51), including paying for the sexual services of a child – of which the punishment is dependent on the age of the victim – causing or inciting child prostitution, controlling child prostitution and arranging or facilitating child prostitution – all of which carry a maximum prison sentence of 14 years. Gillespie (2005) notes that defining a child prostitute is somewhat troublesome, as it differentiates between victims of child sexual abuse – where money is not exchanged – and victims of child prostitution, the latter label arguably deflecting attention from the fact they are both victims of child abuse. Interestingly, the same Act offers a definition of prostitution for the first time:

“a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person” (The *Sexual Offences Act*, 2003, s.51).

This act was also significant as it made the offences gender neutral, despite this, strategies to tackle sex work continue to focus on female sex workers (Whowell, 2010).

In addition to increased concerns over child prostitution, anxieties had begun to spread internationally from the late 20th century around the trafficking in women. In contrast to the longstanding public nuisance framework – which came from national and regional pressures – the trafficking debate in the UK was the result of

international and European pressures. Subsequently, the UK signed the *UN Convention against Transnational Organised Crime* (2000) including the optional *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. This – coupled with growing concerns over the number of asylum seekers entering the UK – sparked a legislative focus on trafficking (Kantola and Squires, 2004). Although officially this provided another category of sex work, distinguished from voluntary forms, the trafficking/victim narrative often extended to all forms of sex work. The conflation of sex work and trafficking has been widely criticised (see Agustin, 2005; Agustin, 2007; Mai, 2012; O’Connell Davidson, 2006), with many believing the trafficking debate to be overly simple and failing to acknowledge the complexities of migration. Regardless, trafficking was on the political agenda and in a Home Office review of sexual offences legislation – entitled *Setting the Boundaries* (2000) – there was a chapter dedicated to the ‘trafficking of human beings for sexual exploitation, the commercial exploitation of children, and the sexual exploitation of adults’. While not seeking to address prostitution legislation on the whole, this chapter makes frequent reference to the links between prostitution and sexual exploitation (Home Office, 2000). The findings of this review greatly influenced the subsequent *Sexual Offences Act* (2003), which included offences on trafficking for sexual exploitation (carrying a maximum prison sentence 14 years) and amendments to brothel keeping (increasing the prison sentence to 7 years).

The shift in attitudes towards ‘some’ sex workers now being viewed as victims of exploitation, led to a focus on exiting strategies, designed to encourage sex workers to leave the industry. In contrast to the Wolfenden era – where sex work was only perceived to be a problem if it caused a public nuisance – legislative reviews were moving in a direction of the complete abolition of sex work (Phoenix, 2008). Almost simultaneously, Scotland and England and Wales published consultation papers on sex work, *Paying the Price: A Consultation on Prostitution* (Home Office, 2004) and *Being Outside: A Response to Street Prostitution* (Scottish Executive, 2004). The aim of both reviews was to kick start a public debate and to provide a coordinated strategy towards the regulation of sex work (Sanders *et al.*, 2009). In *Paying the Price* there was a focus on three key issues:

- (1) *Prevention*: preventing young vulnerable people from being exploited or coerced into prostitution;

- (2) *Protect and support*: providing help, support and pathways out of prostitution; and
- (3) *Justice*: bringing traffickers, exploiters and pimps to justice, and delivering justice for all affected by prostitution, including the families of victims and the residents troubled by it (Home Office, 2004).

Paying the Price received substantial critique from academics and those within the sex worker community, who were hoping for the opportunity to improve the legal conditions of which they work (Cusick and Berney, 2005; Sanders, 2005; Brooks-Gordan, 2006; Whowell, 2010). Sanders (2005, p. 10) states that:

“[the paper] fails to even acknowledge the historical legacy on which this contentious subject rests... any hope that this process of democratic deliberation would enable an adult discussion of the place of commercial sex in a changing world is quickly dashed in the opening statement by the Home Secretary, whose focus is only on the ‘devastating consequences’, ‘serious exploitation’, ‘problematic drug use’ and ‘organised crime’ that we are so familiar from tabloid express”.

These concerns regarding sexual exploitation and trafficking have exacerbated existing efforts to erase sex work. In England and Wales, this manifested in the introduction of Engagement and Support Orders (ESOs) through the *Policing and Crime Act* (2009). These orders can be imposed on those convicted of soliciting whereby they are required to attend meetings with a specialist support worker to address their offending behaviour, and are encouraged to cease street-based sex work (Carline and Scoular, 2017). The new exploitation discourse has intersected the public nuisance discourse to construct a reality where sex workers are both victims and criminals. This paved the way for further controls of marginalised groups through ‘forced welfarism’ (Scoular and O’Neil, 2007). The discursive shift towards exploitation, also created the ideal conditions to reignite debates regarding shifting the legislative focus on to the purchasers of sex.

6.5 Tackling Demand: Targeting the ‘Johns’

Although sex workers have faced the brunt of regulatory action surrounding the sale and purchase of sex, there has been increasing attention towards the purchaser of

sex – the client. It is worth noting that these debates tend to focus exclusively on male clients and female sex workers, ignoring the diversity within both parties (see Laing *et al.*, 2015). As mentioned earlier, during the moral panic surrounding venereal disease there were those who highlighted the imbalanced blame that was placed on sex workers and not their clients in the spread of disease (Self, 2003). This campaigning by Josephine Butler’s Ladies National Association is one early example of attempts to shift the onus away from sex workers and onto the purchasers of sex. The Women’s Movement has continued to highlight this disparity. In later years, this has been concerning the unequal use of street offences, with female sex workers being disproportionately targeted over their male clients (Phoenix, 2007).

While some critics favour removing criminal law from both parties, there are those who seek to abolish sex work but through shifting the criminal onus on to the purchasers of sex. Notably, radical feminists, who have been central to the push towards tackling the demand side of sex work. This was initially done through a focus on kerb crawling – soliciting to purchase sex – and included the opening of ‘John Schools’, as they were frequently phrased. John Schools were educational programmes offered to those caught soliciting for the purpose of sex, introduced as an alternative to a public court appearance. They sought to educate Johns to the harms of kerb crawling and buying sex in an attempt to deter future acts (Cook, 2015). The first one in England was introduced in Leeds during 1998. Other cities followed suit; however, this was not a UK-wide initiative and did not extend to Wales, Scotland or Northern Ireland (Cook, 2015). Despite the limited impact of John Schools and a lack of legislative change, efforts to shift the responsibility on to the purchasers of sex continued to intensify.

In 2008, the Home Office conducted a review: *Tacking the Demand for Prostitution*, which was initiated by the then Home Secretary Jacqui Smith. Although it was hinted at in previous reviews, this was the first to exclusively explore targeting the purchasers of sex. It argued that clients had received little attention in the past yet were responsible for creating the demand for sex work, as such there would be little supply without them (Home Office, 2008). The review suggested tightening up offences that pertain to purchasing sex on the street and also recommended a new offence which would prohibit the purchase of sex “with someone who is controlled for another person’s gain” (Home Office, 2008, p. 15). This move towards the purchaser of sex and their role in exploitation can be closely linked to sustained

concerns over 'sex trafficking' – as discussed in the previous section – and more pertinently the UK ratification in 2008 of the *Council of Europe Convention on Action Against Trafficking in Human Being* (2005) (Carline, 2010). *Tackling the Demand for Prostitution* (2008) played a key role in the introduction of Sc. 14 of the *Policing and Crime Act* (2009) in England and Wales, which made it an offence for 'paying for sexual services of a prostitute subjected to force etc.' This 'strict liability' offence meant that whether knowingly or not, anyone who purchases sex from someone who has been subject to force may be liable to a £1,000 fine – a punishment that arguably does not reflect the extreme examples of abuse and slavery that were used in justifying the law (Scoular and Carline, 2014). Despite this shift in responsibility concerning sex work, the impact of Sc. 14 has been limited, as the law has been used very little (Kingston and Thomas, 2014; McMenzie, 2015). For example, between April 2010 and November 2014 only 13 out of 41 forces across England and Wales had made arrests under Sc. 14, with a total of 23 arrests during this period (McMenzie, 2015).

Since 2008 there have been several reviews and bill proposals concerning the demand side of sex work across the UK. These documents often frame sex work as sexual exploitation and violence against women, constructing it as an issue of gender equality. In Scotland, for example, the *Cross-Party Group: Commercial Sexual Exploitation* (2010); the *Proposition to Criminalise the Sale and Purchase of Sex Bill* (2010); the *Proposition to Criminalise the Purchase of Sex Bill (1)* (2011); the *Proposition to Criminalise the Purchase of Sex Bill (2)* (2013); and the *Prostitution Law Reform (Scotland) Bill* (2015) all propose criminalising the purchase of sex. In England and Wales the *All-Party Parliamentary Group on Prostitution and the Global Sex Trade* have issued a number of publications which all focus on sexual exploitation, trafficking and the sex buyer, the first of which was entitled *Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales* (2014); followed by *How to implement the Sex Buyer Law in the UK: a report by the commission on the Sex Buyer Law* (2016); and most recently *Behind Closed Doors: Organised exploitation in England and Wales* (2018).

Despite increased efforts from both Scotland and England and Wales in making legislative changes to criminalise the purchase of sex, it is Northern Ireland who introduced this national legislation. Prior to 2012, sex work had not been a significant area of concern for policy-makers – eclipsed by political tensions following 'The Troubles'. However, the Department of Justice published two reports (DOJ, 2010,

2011) which suggested a more effective way of regulating sex work in Northern Ireland. Increased concerns can be attributed to an expansion of sex work in provincial towns, as Maginn and Ellison (2017, p. 54) note “sex work was no longer an urban problem; it had infiltrated and ‘contaminated’ the rural idyll of Ulster”. This – coupled with widespread concerns surrounding human trafficking – sparked a political debate resulting in the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) (2015)*. Amongst other offences pertaining to trafficking, the Bill criminalised the purchase of sex for the first time in the UK. Unlike Sc. 14 of the *Policing and Crime Act (2009)* in England and Wales, the Northern Ireland offence does not require the sex worker to have been subject to force, but rather mirrors Sweden’s approach positioning all sex workers as victims, something which will be explored further in the coming chapters.

6.6 Sex Workers Rights and the Pursuit for Decriminalisation

Sex worker’s voices, while still marginalised, have had a growing impact on policy discussions within the UK. During the 1960s, sex workers began to organise themselves and campaign for sex worker rights, a campaign that has continued to be necessary throughout the decades (Laithe, 2012). In 1975, Helen Buckingham declared herself to be the first spokesperson for sex workers and founded the Prostitutes United for Social and Sexual Integration (PUSSI). PUSSI called for law reform in Britain, stating that the decriminalisation of sex work laws would provide greater respect for sex workers and less threat to their safety (see McLeod, 1982). The efforts of sex workers and advocates led to the introduction of two Private Members’ Bills in 1979 and 1981. Although unsuccessful in achieving a second reading, the latter Bill ‘*The Imprisonment of Prostitutes (Abolition) Bill*’ was influential in the eventual removal of imprisonment as a punishment for those convicted of soliciting (Matthew, 2003). The English Collective of Prostitutes (ECP), also founded in 1975, were another sex worker-led organisation campaigning for law reform. In 1982, they launched Legal Action for Women (LAW), which sought to give guidance and legal advice to sex workers (English Collective Prostitutes, 1997). The ECP continue to fight for sex workers’ legal and civil rights, calling for the decriminalisation of sex work in the UK. However, despite these efforts to recognise sex work as work and improve overall rights, Hubbard and Scoular (2009) note that discourse around morality and public nuisance remain dominant in policy debates.

However, the efforts by sex workers' rights organisations in campaigning to decriminalise the sex industry has recently gained political attention in the first *Home Affairs Select Committee on Prostitution* (2016). This encompassed an extensive review of the current sex work legislation, including the gathering of written and oral evidence from more than 250 interested parties. Although the 'sex buyer law' was a key focus of the debates, discussions also centred on the possible decriminalisation of sex work – brought forward by sex workers, academics and other organisations. Decriminalisation is a favoured model by many sex workers as it removes all criminal laws in relation to sex work (see Abel *et al.*, 2010). The report considered approaches from other countries, including Sweden, the Netherlands and New Zealand. Although the committee report does not recommend any particular 'model', it does differentiate between trafficking and sex work and suggests the removal of laws against soliciting and brothel keeping in order for sex workers to work safely together (Home Affairs Select Committee, 2016). However, the HASC inquiry came under significant scrutiny when the media reported that the committee's chair Keith Vaz was a purchaser of sex (Laing, 2016). This revelation led to concerns over a possible conflict of interest, particularly from those who opposed the committee's conclusion (see for example Bindel, 2016). Subsequently, Vaz stepped down as chair, but has arguably tarnished the committee's report. To date, there has been no legislative change following the HASC, however it prompted further research into the industry, commissioned by the Home Office and the Office of the South Wales Police and Crime Commissioner. The subsequent report – *The Nature and Prevalence of Prostitution and Sex Work in England and Wales Today* – was conducted by faculty at Bristol University and published in 2019 (Hester *et al.*, 2019). They note that the data shows the diversity and complexity within the sex industry, and therefore generalised claims cannot be made. Regarding the issues of choice, they acknowledge that there are those who freely choose sex work as a career, that choice is sometimes bound by structural economic and social needs, and that there are those whose choice is taken away by exploitation and coercion (Hester *et al.*, 2019).

Although sex worker organisations have played an increased role in policy discussions, Campbell *et al.* (2018) note that England and Wales' collective movement is comparatively weaker than in other countries, stating:

“these organizing activities have often been small and found it hard to infiltrate corridors of power: sex workers are often consulted in policy process in token ways and do not have the resources, power, or capacity that some of the radical feminist and faith-based lobby groups routinely draw on to promote criminalization”.

Similarly, in Scotland and Northern Ireland, sex worker rights organisations are often facing an uphill battle in influencing policy. That said, this has been strengthened by an increase in collective efforts across the three countries, and across the world for that matter (for example the Global Network for Sex Work Projects and the International Committee on the Rights of Sex Workers). The role of sex worker organisations in policy-making will be explored further in the coming chapters.

6.7 Conclusion

Despite attempts to move away from connotations of sex work and morality, the presence of sex work in public places continues to be problematic within the UK. A public nuisance discourse has dominated the governance of sex work for decades. Spearheaded by the Wolfenden Report (1957), this has created a lasting system that, although not criminalising sex work, makes its practice extremely difficult to navigate legally. Police efforts have concentrated on ‘cleansing public spaces’ of any evidence of sex work, predominantly by targeting street-based sex work, but increasingly through targeting indoor sex work too. The latter has been justified through growing concerns surrounding exploitation and trafficking, which has fed into wider debates on targeting the purchaser of sex. Although these anxieties have spread across the UK and informed several debates in England and Wales and Scotland, Northern Ireland is unique in legislating through criminalising the purchase of sex. The rest of the UK appears to be reluctant to make substantial legislative changes, despite a consensus that current laws are outdated.

Legislation within the UK is notably different to that in Sweden and the Netherlands as discussed in the previous chapter, rather it appears to be sitting somewhere between the two regulatory approaches. Where Sweden seeks to abolish sex work through ending demand, the Netherlands seeks to legitimise the industry and regulate it. This chapter demonstrates that the UK currently regulates sex work through a number of repressive policies that surround sex work, it has not attempted to legitimise the industry, nor has it been prepared to fully criminalise it. As the UK has continued to sit on the fence – save for the recent changes in Northern Ireland – there has been increased dissatisfaction with current laws and growing pressure

from internal and external influences. That said, there are number of similarities across these countries, largely influenced by wider European and international trends. Two are worth noting here. Firstly, the trafficking debate has been extremely influential in how all of these countries have governed sex work and it continues to be part of socio-political debates. Significantly, despite varying regulatory methods, the marginalising, displacement and stigmatisation of sex workers continues across the UK, in different intensities and guises. Secondly, the positioning of gender as central to policy model creation is evident. This was noted by Hubbard *et al.*, (2008) – in their comparative work on Sweden, the Netherlands and England and Wales – wherein they argue that there is an assumption across countries that sex work is a gendered phenomenon, resultant in a shared concern for gender exploitation.

Moving forward and building on the contextual discussions in this and the prior chapter, the next chapter will explore who, how and what has facilitated the movement of Swedish and Dutch sex work policies internationally.

Chapter Seven: Showcasing the Dutch and Swedish Sex Work Policy Models

7.1 Introduction

In 2004, shortly after the implementation of both the Swedish and Dutch legislative changes in Europe, the Home Office produced a consultation paper on prostitution – *Paying the Price: a consultation paper on prostitution*. For many stakeholders this offered the long-awaited opportunity to draw attention to their favoured policy model; in doing so they were often drawing on examples from elsewhere. In *Paying the Price*, a chapter focused on ‘considering the options’ and identified several legislative models across the globe for possible lessons – including Sweden and the Netherlands. This was the first official effort from the UK government to learn about these two policy models, however knowledge regarding these approaches has circulated – and continues to do so – since their inception. Often the Swedish and Dutch approaches are positioned comparatively in ‘best practice’ discussions. This is arguably because of their stark differences, as discussed in Chapter Five: “the question that arises is why two countries in Europe choose two very different legislative approaches in regards to prostitution? Is one better than the other?” (Gender and Politics, 2013, n.p.). To answer this question, there are a number of actors who are more than willing to share their knowledge regarding these policy models, through a variety of means. The forthcoming chapter will explore this by presenting the key *messengers, mediums, and messages* involved in the mobilities of Swedish and Dutch sex work policy.

First, this chapter begins by identifying and categorising the key *messengers* involved in spreading information regarding the Swedish and Dutch policy approaches, including within the UK. The ‘messengers’ discussed in this chapter refers to the ‘actors’, ‘stakeholders’, or ‘agents of transfer’ (Stone, 1999) who seek to educate and share their expertise regarding the policy models. Secondly, this chapter explores the range of *mediums* – the technologies, tools and methods – that are utilised to package knowledge and maximise reach and impact. Lastly – and crucially – this chapter draws out the key *messages* that are presented by stakeholders, and how these have helped shape and are shaped by UK, European and Global trends as discussed in the former context chapters.

7.2 Mapping Out the Messengers

With such a divisive topic, it is not difficult to find a significant number of messengers seeking to educate others on what should be done about sex work. That said, it is possible to narrow this to several influential messengers who have played a significant role in the circulation of sex work policy knowledge. These messengers tap into various mediums in order to spread their knowledge. Comparable to other policy areas is the influence of state officials, journalists, academics and NGOs. Unequivocal – and more specific to discourse on sex work – is the role of feminist actors whose underlining and often gendered philosophy is both the reason and the reasoning to their messages regarding policy.

Table 7.1 illustrates the key messengers within the Netherlands, Sweden and elsewhere. It is important to note here that although this table is an aid to see who the key messengers are, it is not exhaustive. Additionally, key messengers are not only those who seek to endorse a particular model but also those who share ‘negative messages’ – which will be explored further in the next chapter. That said, what is striking – and exemplifies why Sweden’s policy model has gained more traction than the Netherlands – is the amount of internal and external messengers for the so-called ‘Nordic model’. These actors actively and persistently promote the ‘Nordic model’, to interested parties. The distinction has been made here between *internal messengers* (those from Sweden or the Netherlands) and *external messengers* (those from outside these countries), largely due to the significance of the geographical location of actors when it comes to policy mobility. Indeed, it is evident that those who are from the model’s ‘origin site’ – or better still those involved in the development of these policy models – are considered to possess more legitimate knowledge. Put simply, their message carries more weight.

Table 7.1 Key messengers

<i>Netherlands Internal</i>	<i>Sweden Internal</i>
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<p>A.L Daalder (WODC – Dutch Research and Documentation Centre) Association of Entrepreneurs of Relax Business Gert-Jan Segers (Christen Unie) Hendrick Wagenaar (Academic) Joyce Outshoorn (Academic) La Strada Netherlands (CoMensha) Maarten Ableman (Head of the Office Dutch National Rapporteur trafficking in human beings and sexual violence against children) Mariska Majoor Marjan Wijers (Human Rights Lawyer/Activist) Mr De Graaf Foundation Mr De Haan (Utrecht local government) Peter Valkenburg (Utrecht Police Officer) Petra Timmermans (Coordinator of the International Committee on the Rights of Sex Workers in Europe) PROUD (Sex Worker Organisation Amsterdam) Rode Draad (Red Thread) Scharlaken Koord Vakbond Vakwerk (Labour Union for Sex Workers)</p>	<p>Anna Skared (Swedish Chancellor of Justice) Åsa Regnér (Minister for Children, the Elderly and Gender Equality) Gunilla Ekberg (Swedish Advisor on Human Trafficking). Kajsa Wahlberg (Human Trafficking Rapporteur) KST (Malmö Centre of Excellence for Sexual Services) Margot Wallström (Minister for Foreign Affairs) Max Waltman (Academic) Noomi (Support for Victims of Sex Trafficking). Per-Anders Sunesson (Ambassador at Large for Combating Trafficking in Persons) Petra Östergren (Academic) Pye Jakobsson (Rose Alliance, Global Network for Sex Work Projects). RFSU (Swedish Association for Sexuality Education) RFSL (Swedish Federation for LGBTQI Rights) Noomi (Support for Victims of Sex Trafficking). Simon Häggström (Stockholm Prostitution Unit)</p>
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Table 7.1 Key messengers (continued)

<i>Netherlands External</i>	<i>Sweden External</i>
Andrew Baker (Metropolitan Police) Flo Clucas (Liverpool Councillor) Jane Pitcher (UK academic) Mark Bellis (UK academic) Martin Smith (GMB Union) Ronald Weitzer (American academic)	Alan Caton OBE (Ipswich Police) CARE (Christian social policy charity) Coalition Against Trafficking in Women (INGO) Diane Martin CBE (survivor/activist) ECP (NGO) Equality Now (NGP) European Women’s Lobby (EU umbrella organisation) Jay Levy (Academic) Julie Bindel (journalist/writer) Kat Banyard (writer/activist) Laura Lee (Sex Worker Rights Campaigner) Mary Honeyball (MEP) Mia de Faoite (survivor/activist) Nordic Model Now (NGO) NSWP (INGO) Rhoda Grant (MSP) Ruhama (NGO) SPACE (NGO) Turn Off the Red Light (Campaign) Women’s Aid (NGO)

7.2.1 State Officials

The Swedish state has been exceptional in its efforts to promote their model, with unwavering support from several state actors. Facilitated by a significant investment via state funding, officials have regularly promoted their model to an international audience. For Per-Anders Sunesson (the Swedish Ambassador at Large for Combating Trafficking in Persons) promoting the Swedish model internationally has been, and continues to be, part of his job. Through his role, Sunesson has spent a considerable amount of time abroad endorsing the Swedish model at various events, which he often documents on his Twitter account @PASunesson. Other state actors proactively promoting the Swedish model elsewhere includes Kajsa Wahlberg (the Swedish National Rapporteur on Trafficking in Human Beings) and Simon Häggström (a police officer in Stockholm’s Prostitution Unit).

Both Wahlberg and Häggström share their experiences of working within the remit of the Swedish model, therefore, positioning them as having the ‘inside story’.

Häggström has detailed his experiences in his 2016 book, *Shadow's Law: The True Story of a Swedish Detective Inspector Fighting Prostitution* which is considered a valuable resource by advocates. The American radical feminist and author Melissa Farley has hailed Häggström's book as "a much-needed tool for confronting prostitution-harm-denial and for making the links between prostitution, trafficking, and pornography" (2017, p. 1). Police officers have also played a role in the promotion of the Dutch model, albeit to a lesser extent. Specifically, police officers have been approached to provide guidance on implementing Dutch style tippelzones within regions of the UK. In 2004, police officers – notably Pieter Valkenburg from Utrecht – visited Liverpool to advise on setting up a safe area for sex workers to work in without punitive measures. In an interview with *The Guardian*, Valkenburg stated that the Dutch approach "had achieved a great deal, and he hoped that Liverpool would get Home Office backing" (in Jeffrey, 2004, n.p.).

For policymakers looking to learn lessons from elsewhere, officials from the policy's origin site are valuable resources of information. The services of 'charismatic experts and consultants' can facilitate the movement of policy by convincing other policy makers of its effectiveness (Prince, 2010a, p. 171). Indeed, consultants are in a unique position to provide territorial messages (from Sweden and the Netherlands) and assemble these with relational understandings (to UK actors). Instrumental in the bringing of the Swedish model to Northern Ireland was Gunilla Ekberg, an established advocate of the Swedish model (McMenzie, *et al.*, 2019). Ekberg's credentials include being the Special Advisor on Trafficking in Human Beings in Sweden (1998-2006), as well as the author of academic articles and briefings (e.g. Ekberg 2004; Ekberg and Werkman, 2017, the latter article was handed to me by a Swedish political representative as an important resource of information). Recognized for her expertise on the subject of trafficking and her affiliation with the Swedish model, Ekberg became an advisor for Lord Morrow and the Democratic Unionist Party (DUP) during the development of the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland)* (2015). Subsequently, Ekberg helped draft the Bill and gave evidence at the committee stage meeting at Stormont in September 2013. Her influence should not be underestimated, as one Member of the Legislative Assembly (MLA) interviewed reasoned, Ekberg is:

"an absolute world authority... on this issue; she has walked the walk, as they say, in legislation and studies [of] other countries, and we listened intently

and closely to what Gunilla Ekberg was saying in relation to the Swedish model” (Interview 10).

7.2.2 Academics

Likewise, academics frequently find themselves with a seat at the debate table and are often eager to share their position and research. While academics will often offer their support towards a certain model, it is somewhat unsurprising to find a great deal of critique. A notable critic of the ‘Swedish model’ is Jay Levy, who conducted his PhD research over a three-year period in Sweden on the Sex Purchase Law – the findings of which were later published as a book *Criminalising the Purchase of Sex: Lessons from Sweden* (Levy, 2014), and in several journal articles (Levy, 2013; Levy and Jakobsson 2013; Levy and Jakobsson 2014). In addition to these publications, Levy has tapped into a number of mediums to distribute his knowledge regarding the Swedish model, including conferences (e.g. papers on ‘*Impacts of Swedish Criminalisation of the Purchase of Sex on Sex Workers*’ at the British Society of Criminology annual conference in 2011 and ‘*Lessons of the Swedish Model and the Criminalisation of the Purchase of Sex*’ at the Decriminalisation of Prostitution Parliamentary Symposium in 2015); providing written evidence to parliamentary debates (e.g. Levy’s submission referenced in the Home Affairs Select Committee Report, 2016); and contributing to the a collaborative advocacy tool kit with the Global Network of Sex Work Projects, *The Real Impact of the Swedish Model on Sex Workers*, (n.d.).

Conference events and collaborations are not uncommon for academics, whether that is with fellow academics, practitioners, or NGOs and can contribute to wider global networks of knowledge. One collaboration that has been fruitful has been Levy’s with Pye Jakobsson – Jakobsson being a co-founder of Rose Alliance, a prominent sex worker organisation in Sweden, and President of NSWP, a global network of sex work organisations. As a former sex worker from Sweden, Jakobsson is uniquely positioned and therefore considered an ‘authentic’ voice on the Swedish model. As one admirer writes: “a resilient, focused, and dedicated critic of the Swedish model criminalising the clients of sex workers, Jakobsson speaks out on the issues she has experienced and witnessed first-hand in Sweden” (Jacobs, 2014, n.p.). Like Levy, Jakobsson shares her knowledge through a number of formats: publications, conferences (e.g. the paper ‘*Sexköpslagen law which criminalised the buying of sex*’ at the Decriminalisation of Prostitution Parliamentary Symposium in

2015), and media interviews (e.g. her interview on BBC Radio 4's *Women's Hour* in 2014, and her appearance in HCLU-SWAN film '*We want to save you! And if you don't appreciate it you will be punished*'. 2009). As to why she speaks out against the Swedish model? Jakobsson notes:

“Unfortunately a lot of my activism over the last decade has been against the ‘Swedish Model’, not out of choice I can assure, but out of necessity. I am so sick of talking about that stigma-enhancing piece of sh*t of a law but as long as Sweden is trying to promote it internationally, I will continue to fight it” (cited in HuffPost, 2014, n.p.).

The frustration of this is evident in a photo Jakobsson shared on her twitter feed labelled “I have very little left to say” (see Figure 7.1). The image speaks to wider debates – and a significant critique of the Swedish model – regarding bodily autonomy and agency (Outshoorn, 2015). Of course, it also provides a clear and concise message regarding Jakobsson’s position on the Swedish model, which will undoubtedly catch an audience’s attention.



Figure 7.1 Image of Pye Jakobsson shared on her Twitter feed.

Source: Twitter, @PyeJakobsson, 20th October 2016.

7.2.3 Non-Governmental Organisations and Activists

NGOs and activists alike play an important role in policy framings, Stone (2004, p. 556) credits these actors as giving “‘normative resonance’ to cause groups by pulling together the symbols, language and ‘cognitive frames’ that portray ‘morally compelling’ issues in a concrete manner to which the public can respond”. NGOs regularly produce bitesize, simplified, and easily digestible messages which catch readers attention and promote their position – illustrated, for instance, by these event titles: “Prostitution, not a job, not a choice!” (Swedish CSW-network, 2019) or “Decriminalise sex work, for safety’s sake” (ECP, 2011). It is worth noting here that due to the gendered nature of sex work policy debates – discussed in Chapter Three – many organisations are labelled as ‘women’s organisations’ or ‘feminist organisations’. The latter could be concerning feminists across all genders; however it should be acknowledged that the focus tends to fall predominantly on women. The exact nature of these organisations can differ, from broad support services for women to organisations aimed at supporting those who have or continue to sell sex. That said, as one participant noted, “women’s organisations don’t exist in a bubble” (NGO representative, interview 18); rather there are networks of women’s organisations working collaboratively to push their agendas, often, but not always, underpinned by feminist positions on selling sex.

NGOs are increasingly working collaboratively, across borders and often forming umbrella organisations when vested interests align. The latter part of the 20th century welcomed a surge of International Non-Governmental Organisations (INGOs) who have been influencing global policy in various fields. INGOs have a unique position whereby they have both global and local reach (Madon, 1999; Christensen, 2006), particularly in sharing ideological knowledge, arguably facilitating ‘soft’ transfers of policy (Evans and Davies, 1999). A prominent organisation campaigning for the Swedish model is Survivors of Prostitution Abuse Calling for Enlightenment (SPACE), which began as an Ireland-based NGO in 2012 and is working to “change social attitudes towards prostitution and pressing for its recognition as a sexually exploitative human rights violation” (spaceintl.org, n.d., n.p.). In 2013, SPACE decided to go international and have since worked with representatives from across the globe – all of whom have had lived experience of the sex trade. Their website states that “all of its members are outspoken public abolitionist activists, pressing for the Abolitionist (Nordic) model of prostitution legislation in their own regions of the world” (spaceintl website, last accessed 11th December 2020). SPACE have had a significant impact in the global debate and in

the UK they have lobbied for the Nordic model through various methods. When Lord Morrow introduced the Human Trafficking Bill in 2012, several representatives from SPACE visited Morrow to discuss the draft Bill on the build-up to the consultation. At the committee stage, Rachel Moran – the founder of SPACE and a ‘sex trade survivor’ from Ireland – gave oral evidence in support of the criminalisation of clients.

Rachel Moran’s autobiography has been proven to be significant to at least one political representative in Northern Ireland who suggested that this was the “genuine voice” of prostitutes and noted that it was regularly mentioned at Stormont, although he admitted that he could not get past the second chapter – saying that its content was “absolutely horrendous” (Northern Irish political representative, Interview 14). *Paid For: My Journey Through Prostitution* (Moran, 2013), while an autobiography, was also written with legislative change in mind; indeed, it dedicates a chapter to discussing policy approaches and promoting the Swedish model. Although autobiographies in general have not been a common medium used by actors to promote sex work policy models, individual statements or testimonials have. This is particularly the case for NGOs who will use excerpts of people – often women’s – life stories in order to highlight their position.

Another increasingly vocal supporter of the Swedish approach is Sabrina Valisce, a member of SPACE, who worked as a sex worker in New Zealand and Australia. Her contributions often concentrate on her experiences working under several policy regimes – prohibition and then decriminalisation in New Zealand, partial decriminalisation in Sydney, Australia, and partial legalisation in Queensland, Australia – all of which she expresses, via a number of outlets, were problematic (see for example: exitprostitution.org; spaceint.org; Bindel, 2017a; Bindel 2017b). Another unique position – highlighted by Valisce and her peers – is her involvement in campaigning for decriminalisation in the first instance, and how she too thought it would be in her best interest as a sex worker. This gives Valisce multi-layered legitimacy, first for her experience in the industry, second for her experience campaigning for policy reform, third for her geographical position (New Zealand’s approach being arguably the biggest ‘competitor’ to the Swedish model), and finally her ideological 180-degree turn. The significance of the latter has not gone unnoticed by fellow abolitionists:

“[T]he pro-prostitution lobby relies on misinformation, mythology and plain old public relations, it is particularly galling to them when one of their own crosses over to the other side” (Bindel, 2017b, p. 317).

In fact, her potential influence was deemed so significant that there was a ‘call for help’ in 2017 by HerSpace – a mental health service for women affected by exploitation – for Nordic model supporters to contribute to the travel costs for Valisce to travel from New Zealand to the UK. As a strategic activist, it was suggested Valisce would be well placed to speak face-to-face with politicians, the media and at public events to combat support for the New Zealand model and elevate the Nordic model (HerSpace 2017).

7.2.4 Journalists

Journalists are also noteworthy messengers. One reason being that they often provide the platform for other messengers to share their knowledge. Journalists often offer a simplified version of debates, giving a snapshot of the wider picture, and often reach a large audience. Frequently, journalists will act as facilitators for competing messengers and messages. For example, as local officials in Leeds introduced a managed zone in Holbeck, *The Mirror* produced an article – *Should a UK city be giving the green light to a red light zone?* (2016). Here, journalist Tom Parry spoke with two ‘experts’ – Greg Adams a local business owner, and Cari Mitchell of the English Collective of Prostitutes. Interestingly, both parties were not supportive of the approach, however they suggested different alternatives. While Adams believes “they should do what they do in places like Amsterdam” where zones are state operated, Mitchell calls for the full decriminalisation of the sex industry (2016, n.p.). For some, journalists are integral in garnering support for policy change. One interviewee signposted me to journalist Philip Bradfield of *The News Letter* – a local newspaper in Northern Ireland. The interviewee appeared to admire Bradfield’s coverage of the debate and his continuous support, stating that he was the “the only journalist prepared to take this on” (Northern Ireland political representative, Interviewee 14).

7.2.5 Religious Groups

Another supporter of the Northern Ireland Human Trafficking Bill (Northern Ireland) 2015 was Christian Action Research and Education (CARE). CARE were instrumental in the criminalising the purchase of sex in Northern Ireland – with members Daniel Boucher and Mark Bailey working alongside Lord Morrow. They have been active advocates for the Swedish model across the UK, with commercial

sexual exploitation being one of their main causes. Former MP and Chair of the All-Party Parliamentary Group (APPG) on Prostitution Gavin Shuker credits their work:

“CARE’s work keeps the issue of prostitution and sexual exploitation on the government’s agenda. As Chair of the All-Party Parliamentary Group on Prostitution, I have seen the urgent need to create good policies that protect the vulnerable – I appreciate their hard work and commitment in lobbying for innovative approaches to what is a very complex issue”. (CARE website, n.d., n.p.).

It is worth noting that CARE were the Secretariat to the APPG on Prostitution and the Global Sex Trade. The role of religious organisation in the debate, while disputed, is not unexpected. With a long history of moral objection towards prostitution, church members are keen to facilitate legislation to manage the ‘problem’. Of course, the level of contribution and impact of this depends on the state – for example, a greater number of church actors contributed to the consultation in Northern Ireland as opposed to England and Wales. This too can be said for policy-makers and their receptiveness to religious influences, with religion being deeply intertwined in Northern Ireland’s culture and subsequently its policy-making (see Maginn and Ellison, 2017).

7.3. Mediums – Getting the Message Heard

As discussed in Chapter Two, as well as paying attention to the key actors, it is important to explore *how* they get their messages across – specifically, what mediums they are utilising. There are of course numerous technologies to employ, some of which have been mentioned in the previous section and illustrated here in Table 7.2. Messengers make use of several mediums comprising an informational infrastructure in order to educate audiences in both formal and informal settings. Such events include conferences and study tours, which provide the ideal conditions to capture the attention of spectators and garner support (see Cook and Ward, 2012b; Gonzalez, 2011; Temenos, 2016).

Table 7.2 Key mediums

<i>Type of Messenger</i>	<i>Preferred Medium(s)</i>
NGOs	Websites Leaflets Conferences Policy documents

Journalists	Newspaper articles (in various forms) Media Interviews
Academics	Journal/book/website publications Conferences Media interviews
Consultants	Email Publications Study tours
Activists	Websites Leaflets Videos Conferences
Political representatives	Conferences Study tours Policy documents
Police	Conferences Media interviews Study Tours

7.3.1 Study Tours

Study tours are favourable and increasingly accessible for policy actors seeking to learn about sex work policy in different contexts. Gonzalez states:

“policy tourism just like its leisure counterpart involves the rescripting of places, the reassembling of cities out of the bits and pieces that are visited.... some sites get turned in to ‘sights’ worth photographing, while others are ignored or downplayed” (2011, p. 1400).

Interestingly, in the sex work context, Amsterdam is *the* city for both types of tourism. Amsterdam’s visible red-light district (RLD) and its position within Europe – with Schiphol airport being a major transport hub – makes it the ideal site to host conferences and study tours. Indeed, in 1998 Amsterdam hosted the first international conference for sex workers, sparking a new generation of activism (Beer and Tremblay, 2014). An important site within Amsterdam worth noting here is the Prostitution Information Centre (PIC) situated in the heart of the De Wallen RLD. PIC is an education and resource centre which offers tours and advice about sex work in Amsterdam – it has proven to be a popular destination for tourists and delegates visiting the area. PIC was founded in 1994 by former sex worker Mariska Majoor who was keen to educate others in order to reduce the stigma attached to the industry (PIC-Amsterdam, n.d.) In 2007, Majoor conceived the infamous ‘Belle’ statue in De Wallen, which reads “respect sex workers all over the world” (see Figure 7.2).



Figure 7.2 “Belle” statue in De Wallen, Amsterdam

Source: Authors from field work (2017).

In 2008, UK officials were looking to learn lessons from elsewhere regarding sex work policy. As discussed in the previous chapter, increased concerns surrounding human trafficking sparked a shift to ‘tackling demand’, which resulted in a six-month review into how to reduce demand. Part of this included fact-finding trips to both Sweden and the Netherlands by Ministers Vernon Coaker (Home Office), Vera Baird (GEO), and Barbara Follett (Solicitor General). Positioned as having “one of the most liberal prostitution laws in the world” (politics.co.uk, 2008, n.p.), it was appealing for policymakers to see the Dutch model in action. As then Home Office minister Vernon Coaker states:

“Today’s visit to the Netherlands gives us an opportunity to look at the challenges they have faced, the pros and cons associated with a regulated commercial sex industry and the work they are currently undertaking to reduce exploitation and harm, including trafficking” (politics.co.uk, 2008, n.p.).

The subsequent report *Tackling the Demand for Prostitution* (2008) credits this visit with providing a picture of the impact of the measures put in place by the Dutch,

stating that agencies were concerned about the number of trafficking victims they had. In addition to visiting the Netherlands, Ministers also ventured to Stockholm, Sweden. In Stockholm and Amsterdam, the delegation met with government representatives, practitioners, and toured the red-light districts. In contrast to the Amsterdam visit, the report stated “when Ministers visited Sweden it became clear that the Swedish offence of paying for sex could have some advantages – not least because the message it sends out is very clear” (Home Office, 2008, p. 13). For some, study tours such as these provide a crucial opportunity to confirm the position they already have:

“In 2015 I visited Sweden, as part of a group, to meet with those responsible for developing and implementing the Sex Buyer Law. This approach decriminalises the selling of sex and makes paying for sex a criminal offence. It is designed to end the demand that drives the prostitution and the trafficking of women and promotes specialist exiting support services. It is a model I support and my visit strengthened those views” (Diane Martin, 2016 written submission to Home Affairs Select Committee).

Diane Martin is a Scottish survivor of prostitution and trafficking, an activist, and an exiting practitioner who has worked with organisations such as UK Feminista and End Demand. The trip to Sweden she is referring to in the above quote was commissioned by the APPG to inquire how to implement the Sex Buyer Law in the UK (APPG, 2016).

In 2019, UK Feminista organised and sponsored a fact-finding trip to Sweden for Scottish parliamentarians. Dr Jacqui Stoye – the secretariat of the Cross-Party Group on Commercial Sexual Exploitation in Scotland – wrote an article sharing the key findings of the visit. One of the key purposes of the trip was to “establish how similar ‘demand reduction’ legislation could be effectively implemented in Scotland (Stoye, 2019, p.1). Per-Anders Sunesson – the Ambassador at Large for Combatting Human Trafficking in Persons – hosted the Scottish delegates during their two-day visit (see Figure 7.1).



Figure 7.3 Scottish delegates in Stockholm with host Per-Anders Sunesson.

Source: Nordic Model Now! (2019,n.p.).

Stoyle shares her key findings from the trip and presents who the key actors on the visit were (see Table 7.3). She opens her concluding comments by stating:

“My overall impression from the two days of presentations, discussions, and listening intently to the key players in this battle was their passion and enthusiasm for the Sex Purchase Act, and their total commitment to implementing it. They were all on board, not one of them had any doubt about its effectiveness” (Stoyle, 2019, p. 8).

Table 7.3 Fact-finding trip itinerary

UK Participants	Swedish Participants
Ash Denham – MSP for Edinburgh Eastern and Minister for Community Safety	Per-Anders Sunesson – Ambassador at Large for Combating Trafficking in Persons
Detective Chief Inspector Rory Hamilton – Police Scotland	Detective Superintendent Kajsa Wahlberg – National Rapporteur on Trafficking in Human Beings
Jeremy Balfour – MSP for Lothian	Detective Inspector Simon Häggström – Expert, National Operations Department, Swedish Police Authority
Lynsay Ross – Scottish Government	Anna och Josefine. Talita – a non-profit organisation offering help and support to women who have been exploited in prostitution, pornography or human trafficking for sexual purposes.
Paddy Makin – Scottish Government	Marie Lind Thomsen – Senior Prosecutor, Swedish Prosecution Authority
Eilidh Dickson, Engender	Eva Wintzell – Senior Prosecutor, Swedish Prosecution Authority
Jacci Stoyle, Secretariat of the Cross-Party Group on Commercial Sexual Exploitation	Sofie Lidbeck and Maria Dorrian, Mikamottagningen – a municipal organisation that offers help to persons who have experience of sexual exploitation.
	Anna Skarhed: Former Chancellor of Justice (2009-2018) responsible for the evaluation the Sex Purchase Act in 2010 on behalf of the Swedish Government.

Source: Stoyle (2019, p. 1).

7.3.2 Consultations

Another formal opportunity to influence the discursive landscape is through the democratic process of consultations. Consultations – in the context of UK policy-making – is a process whereby the scope of a proposed Bill or policy change is

presented to the public and interested parties are given the opportunity to inform the debate (usually via written submissions). This process has several opportunities to shape the debate beginning with the scripting of the 'Terms of Reference' which can be instrumental in setting the agenda and manipulating the subsequent responses. This is often put together by a 'specialist advisor', which leads one to question what qualifies someone to hold this post? The discursive power here does not go unnoticed. In one written response to the Home Affairs Select Committee (HASC) consultation, Amy Vergnés (SAAFE³ administrator and independent sex worker) responded:

“I object to the loaded and inaccurate language used in the terms of reference and find it particularly egregious given its clear intent to both influence the outcome and demonstrate an inherent anti-prostitution bias; since when has prostitution been 'recognised' as 'violence against women'?”

Individual and organisational written responses to consultations, as exemplified above, are opportunities for stakeholders to voice their concerns and support, and they are often littered with references to policy models elsewhere. Increasingly present within these written responses are connections to other mediums, such as URLs to websites, articles, books, and videos. Increasingly, advocates will provide templates to one another in order to get as many written responses submitted as possible within a short period of time – this was evident in the written submissions to the Northern Ireland consultation on *Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 2015*.

The next stage of the process is identifying and requesting certain actors to provide oral evidence. This creates a space for a small number of actors – usually, but not always, selected to encompass various positions – to have a chaired discussion with policy actors. This will often include some discussion around policy models. Let's take one example. A meeting for the above HASC inquiry held in Parliament on Tuesday 10th May 2016 began with Chair Keith Vaz asking Paris Lees – an English former-sex worker, trans rights activist, and journalist – if she believes the laws needed changing in the England and Wales. Here, Vaz noted that the committee had looked at both Sweden and Denmark, to which Lees responds, asking if they had looked at New Zealand and subsequently suggesting they do so.

³ SAAFE (Support and Advice for Escorts) is a collaboration of escorts who – since 2003 – have provided support and advice for sex workers through their website and forum. The website provides guidance, primarily to new beginners on how to get started, business, health and safety, the law, and other tips of the trade.

Although HASC members asserted that they had no preconceived views prior to the oral evidence, it makes one wonder where the decision to look at those particular policy models came from (see parliamentlive.tv for video recordings of these meetings). Furthermore, Paris Lees – along with former sex worker Brooke Magnanti, famously known as Belle De Jour⁴ – question their presence at the committee hearing, as Magnanti argues:

“This is the thing. We have both left sex work. Of the four sex workers that you have spoken to face to face, three of us are not doing it any more. You have only spoken to one person face to face who is actually currently a sex worker. Who are the people who should have been asked to be at this table instead of us today? The current sex workers—people from Sex Worker Open University, from the English Collective of Prostitutes, from SCOT-PEP. But they weren’t asked because me and Paris, we come with great big media platforms; we come and we bring attention. We are the merkin for these proceedings, so you can tick a box and say, “We spoke to some ex-sex workers.” I retired in 2004. I can tell you everything about what was happening in 2003 and 2004. What is going to happen in the laws going forward does not affect me. You need to speak with the biggest stakeholders—those who are the current sex workers and the organisations representing them” (HASC oral evidence, 2016).

Tensions were raised when MP David Burrows (Conservative) – who brought forward the enquiry – was questioned by Paris Lees as to why sex work had been framed as a violence against women’s issue and highlighted that men and trans people also sell sex. She continued by asking: “With the greatest respect, may I ask you if you have ever been in a position where you felt that you needed to sell your body for sex?”, to which Burrows replied “I am asking the questions” (HASC oral evidence, 2016). In case the power imbalance was unclear, MP James Berry (Conservative) continued:

“If any changes need to be made to the law, Parliament is the only place that is going to do that. Dr Magnanti suggested a sensible change about the brothel keeping issue, because not allowing two women to work in the same room can lead to risk. That change is not going to be made unless this Committee makes a recommendation and the Government accepts it, which is why we are holding this inquiry and why your evidence will be really helpful if you answer the questions” (HASC oral evidence, 2016).

⁴ Bell de Jour is a renowned sex worker who created a blog in 2003 which documented her experiences in the sex industry – ‘Diary of a London Call Girl’ – which was subsequently made into two books and television series. In 2009 – strongarmed by a Daily Mail expose – Bell de Jour revealed her identity as Dr Brooke Magnanti.

This demonstrates what is often the case in debates about sex work, that any legislative change is dependent on – often male – political representatives who the policy change is unlikely to affect. Highlighting once more the gender disparity within policy-making as discussed in Chapter Three.

Following consultations, documents are produced. Here key arguments are selected and favoured findings are shared. These documents are a vital resource in justifying policy change. Indeed, government produced documents are respected in giving the official position of a political party and/or state and are often used as a justification for those lobbying a particular policy model. This does not end after the implementation of a policy. One resource often cited by state and non-state actors are policy evaluations. Evaluations can be utilised by key actors to provide evidence that a particular policy is or is not achieving its intended effect. Both the evaluation of the Swedish (Skared, 2010) and Dutch (Daadler, 2002; 2007; 2014) models are points of reference for advocates and critics alike.

7.3.3 Campaigns

Another distinct informational infrastructure is campaigns – a collaborative effort that often draws on several mediums to get the message across. A notable campaign, particularly in the adoption of the Swedish model in Northern Ireland, was the Turn Off the Red-Light campaign (TORL). The TORL website states:

“The aim of the Turn Off the Red Light campaign was to end prostitution and sex trafficking in Ireland.... to raise public awareness about the dangers of prostitution and sex trafficking and to lobby the Government to introduce legislation to end the exploitation of women, men and children in the sex industry”.

The TORL campaign was clear that they wanted to adopt the ‘Nordic model’ in the Republic of Ireland and later Northern Ireland. They championed the Nordic model by various means, including public speaking events and their website. The website has a section of ‘campaign resources’ which include links to a number of materials including international resources, which predominantly look at Sweden e.g. ‘learning from Sweden’, and ‘less violence under the Swedish law’. Members of the campaign have been central in the consultation process; several members submitted written responses and members Rachel Moran and Mia de Faoite gave oral evidence during the committee stage meeting at Stormont. One member interviewed explained how the campaign built an alliance of 72 partners:

“what the campaign really did was, we reached out to civil society, all aspects of it. You know because a campaign like this, of course it gets support from who you would imagine it would get support from, you know all the NGOs like Ruhama, or refugee agencies or Banardo’s or Children Rights Alliance, it gets support from the Rape Crisis etc. So we needed to go out, we needed the unions because they are the ones who represent workers as such...we needed the business community because you know, if you do what Holland and Germany did, you do turn pimps into businessmen...we needed our nurses, our doctors, psychologists, you know it was quite a varied group of people and it took an awful lot of travelling to villages and local radios ... and every county...it did involve going and speaking and explaining” (Survivor/Activist, Interview 13).

The efforts of such campaigns to reach out further, and to local contexts, may help explain the input from several local councils in Northern Ireland during the consultation of the *Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill (2015)*.

7.3.4 Informal Spaces of Learning

In addition to the more formal and structured spaces of learning, it is important to note that there are many opportunities for informal learning to take place. The impact of these, however, is less evident and may often be unbeknown to key actors themselves. That said, opinions about sex work – its (un)acceptability, its links (or lack of) with trafficking and violence against women – can influence policy-making significantly. These views and ideologies are often moulded through many informal spaces of learning, such as television, books, and theatre. The stories they tell can be the driving force for some policy-makers, for example before introducing the Human Trafficking and Exploitation Bill in 2012, Lord Morrow noted how he was “inspired after reading about Abraham Lincoln, and William Hague's biography on the anti-slavery campaigner William Wilberforce” (BBC, 2012, n.p.). One respondent to the Home Affairs Select Committee, Diedre O’Reilly (2016) stated in their written submission that:

“I have read MANY TRUE STORIES OF SEXUAL EXPLOITATION, biographies of those exploited. There are many of such books now available. E.g. 'You Can't Have My Daughter' by Elizabeth McDonnell, 'Trafficked' by Sophie Hayes, 'Girl A' by (Anonymous Girl A)”.

This is the first point she makes in her submission in favour of introducing the Swedish model in England and Wales. This, her experience volunteering in a ‘drop-in for female prostitutes’, and other resources from the likes of SPACE Intl and Equally Safe (Scotland) are used to justify (1) the bringing together of sex work and

trafficking, and (2) the need to criminalise the purchase of sex. Similarly, one participant interviewed shared how a play they had attended had influenced him, although conversely this play had made him question the conflation of human trafficking and sex work:

“[There was] a play that was put on by a small Belfast production company on trafficking which literally showed the issue of people involved in domestic servitude and the sex trade together, and also showed how somebody could become a victim and then by given privileges could then become complicit in the trafficking of others. All of that showed some of the complexities that just don’t come across when people say it’s all about prostitution, and there are only victims and perpetrators” (Northern Ireland Political Representative, interview 15).

Subsequently, they opposed the criminalising the purchase of sex, believing that it was not necessary in a Bill concerning Human Trafficking. This highlights how informal mediums – particularly visual and performative mediums – can be influential and memorable in shaping the views of policy-makers. Such mediums have the ability to tell complex and emotive stories that text in a policy document cannot. This is something that the Swedish government have also recognised and demonstrated by the inclusion of a film showing in their “battle for Europe”, as The Economist (2004, n.p.) report:

“[the Swedish Government] even have a roadshow, which begins with a showing of the film ‘Lilya 4-Ever’, about a trafficked Russian teenager, and proceeds with speeches from ministers, police inspectors and reformed prostitutes”.

In this sense, the film can be understood as an ideological primer in order to prepare learners for the policy discussions to follow. As discussed in previous chapters, these ideological underpinnings can be extremely influential in policy debates and decision-making.

7.3.5 Legitimising the Messenger

Often at the beginning of each policy consultation response, actors will write about their experience and or expertise in the field in order to ‘sell’ the value of their response. It is not surprising that messengers want to showcase the basis of their knowledge, as the purpose of their response is to get their position heard. Therefore, they structure their response starting with who they are, what their knowledge is

based on, and finally the knowledge itself. Of course, sometimes this is simply part of the terms of reference, nevertheless respondents will often seize the opportunity to legitimise themselves and their message. Within this segment actors frequently assert that they are representing others – i.e. this is not just one person’s view but many peoples. Therefore, it is not particularly unusual in consultation submissions – and other forms of evidence-giving – to state that their view is representative of others, specifically marginalised people. In the context of sex work, the necessity to speak for others is somewhat exacerbated by the precautions many sex workers take in remaining anonymous – attributed to the significant stigma that sex workers face. Weitzer (2018) notes that the stigma of sex workers is well documented and suggests any efforts to resist and normalise the sex industry will be opposed by established institutions, specifically in contexts of criminalisation where sex work needs to be viewed as deviant. This draws further question into the selection of voices that are being uplifted. Indeed, a consequence of criminalisation and stigma, is that sex workers are marginalised and their voices often facilitated through a third-party. A number of key actors have made comment to being the ‘voice to the voiceless’, particularly feminist organisations who, depending on their flavour of feminism, will state that they are speaking in place of sex workers or ‘prostituted victims’, who do not wish and/or feel safe enough to come forward themselves:

“its always been the case, that the women we support have been exploited, abused and are dealing with that every day and they don’t want to talk about it. They’re not going to be going on television or anything like that so it is our job to speak on their behalf. I think it was really important for us to be there and say well actually we are representing women who have or are sex workers, who disagree with Laura Lee⁵, so it was important for us to be doing that” (Northern Irish NGO Representative, Interviewee 18).

Therefore, although we have addressed those who are overtly facilitating knowledge regarding these policy models, the ‘messengers by proxy’ must also be acknowledged. Specifically, consideration needs to be given to the weight of individual messengers, and NGOs, and whether their claims that they are speaking on behalf of third parties therefore places more value to their statements. The importance of this should not be understated; NGOs especially find themselves in a unique position, where they can “speak...of [and for] the affected” (Batliwala, 2002, p. 395). In echoing Batliwala (2002), van Toon (2020) notes that NGOs are

⁵ Laura Lee was a UK based sex worker and sex worker rights activist. She campaigned in Ireland and Scotland against the ‘Swedish Model’, independently and alongside SWAI and SCOT-PEP. In 2016 she took legal action against the law that was introduced in Northern Ireland, arguing it infringed on human rights to privacy and freedom from discrimination (see NSW, 2018). Laura sadly died in February 2018.

significant in advocating for oppressed groups; they have unique moral status – often with a transnational reach – as well as access to policy-making sites. However, she also highlights that their role in policy mobilities is predominantly “theoretically asserted, rather than empirically demonstrated” (van Toon, 2020, p. 4)

Nevertheless, the power of these claims has become a concern for other key actors, with debunking efforts spilling over from messages to messengers. This appears to be a necessary step for one UK learner:

“we were being lobbied intensely by the Union of Sex Workers and their representative actually came before us and spoke. But when you look a bit deeper you find that they were being funded by the prostitution industry, and the difference was, as I discovered, that [sex worker organisation], that their website was being funded by the wife of a leading provider of services. And when you actually look a bit deeper, they were not the authentic voice of the prostitution industry. They were those who were staff in the prostitution industry, they were the prostitution industry. And it came very, very apparent to me that we were not getting the impartial view of the actual women on the ground” (Northern Irish Political Representative, interview 14).

In addition to these efforts, messengers commonly seek to add value to their message by referencing other – often more reputable – actors who have informed their knowledge base and/or hold the same view. There are several notable supranational organisations that have been referenced in both written and oral evidence. As Scotland based sex worker organisation SCOT-PEP demonstrate:

“Numerous international agencies have accepted the evidence that we have summarised above, and therefore a) support the decriminalisation of sex work, and b) reject the Swedish Model...WHO, UNAIDS, World Bank, UNFPA, UN Women” (SCOT-PEP written submission to the Human Trafficking and Exploitation Bill Northern Ireland).

Actors are also keen to highlight if their favoured policy approach fits in with wider international obligations. For example, advocates of the Swedish model have made efforts to frame how adopting the model would adhere to the EU directive (2012). In the consultation document *Criminalising the Purchase of Sex (Scotland) 2012*, Rhoda Grant MSP quotes excerpts of the EU directive which urges member states to take measures to tackle human trafficking, whilst simultaneously highlighting that Sweden have reduced trafficking through criminalising clients.

7.4 Messages on the move

Sweden has been particularly effective in promoting the success of their model. Specifically, the content of these stories of success have included the Sex Purchase

Law's ability to reduce prostitution, reduce trafficking, tackle violence against women, and improve gender equality. The Dutch – although more critical of their own model – advertise a pragmatic approach, one which encourages sex workers' rights, has a harm reduction focus, and tackles organised crime and trafficking. Through the analysis of both documents and interview transcripts, it has been possible to categorise these messages in to three broad themes. That is, the policy is (a) successful, (b) transferable, and (c) the right thing to do.

7.4.1 Successful

As previously noted, many Swedish actors have been unwavering in their support of the Sex Purchase Law and are confident in its success. Sweden has a history of showcasing, the promotion of Sweden as 'The People's Home' – the exemplar for social welfare – has been joined in recent decades by assertions that Sweden is the blueprint for a feminist society (Levy, 2015; Smith and Mac, 2018). There is a touch of arrogance towards the Swedish self-image, as a social worker in Stockholm notes:

"I think it is a lot to do with Sweden's self-image, because we are a progressive, feminist, gender equal country. We really see this problem and we think that we are a little bit better than we are and this is a success, and you can't say anything else. And the evaluation says it is a great success and we want to export this great success... there isn't only the law we want to export but also our really good gender equality and our way to see the woman isn't just in the home. It's the self-image, Sweden's self-image. It's a lot about our, we are saying we are so good at this question, we are at the front of this, we are really working for women's health and women's right[s] and now we have done this too. And we want to export it to the whole of the world because these immoral countries who don't understand that this is a success, and it is, we have to keep this picture of this success" (Interview 2).

The positioning of Sweden as a pioneering country in its efforts to achieve gender equality places Sweden as the idyllic place to set an example on this perceived women's issue. Equally, tackling sex work can be viewed significant in the move towards achieving gender equality (Agustín, 2008). One Swedish messenger summarised the purpose of the law: "we are doing it to reduce acts of violence against women, to improve equality between men and women, but also to deter organised crime activities" (Swedish Political Representative, Interview 4). These aims are reported to have been successful, notably in their ability to create a normative change surrounding the acceptability of purchasing sex (Skarhed, 2010). However, it has been argued by critics that "the Nordic model's sole invention is a

repackaging and marketing of old rhetoric as a necessary measure to achieve true gender equality and to end male-perpetrated violence against women" (NSWP, n.d., n.p.) Regardless, these repackaged messages have travelled and are often cherry-picked to fit in with contemporary, local contexts.

As discussed in the previous chapter, there has been a discursive shift that has dominated policy talks internationally, one which seeks to change the criminality from women selling sex to the men buying it. Indeed, there have been increasing calls to tackle demand, to change the onus, or shift the burden – phrases that have dominated UK documents (see *Tackling Demand, 2008* and *Shifting the Burden, 2014*). Arguably this shift is due to the pioneering actions of Sweden, as one participant reasoned:

"well the Nordic model, as we would call it, the reason we homed in on Sweden was that they were the first to introduce this legislation and had the greatest experience of it. The major success is that the onus and prosecution passes from the women to the man. The women, often when you dig deep, the woman has had huge emotional, social, economic, and addiction problems. You very, very seldom come across a women who's made a logical, coherent decision to go into prostitution. They are driven into prostitution often by poverty, and huge numbers of people who are addicted to drugs, so therefore they are the victim. It is the man who is the perpetrator, so therefore the fundamental basis of the Swedish model is that the conviction is on the man and not on the women. And having spoken to so many people, both within the industry and who have come out of it, all of these women have a subtext of a story which is dreadfully upsetting. And you know, life has dealt them a very, very bad hand, and therefore they are driven in desperation in to prostitution" (Northern Ireland political representative, Interview 14).

It is asserted that sex work – and the harms associated with it – could not exist if there were no demand for it. While the above quote focusses on the 'rescuing women' rhetoric linked to tackling demand, it cannot be ignored that criminalising clients addresses another prolonged concern in the UK: street-based sex work. With the Swedish model evaluation purporting to have successfully reduced street-based sex work (Skared, 2010), it is not surprising that UK actors looking to remove such 'public nuisance' from the streets are interested. As this excerpt from the *Co-ordinated Prostitution Strategy* (Home Office, 2006, p. 7) indicates:

"many respondents to the consultation exercise supported the principles underpinning the Swedish model, including a shift of the enforcement focus onto those who create a demand for prostitution. This would be an effective way to disrupt the market; it was also clear from the responses from

communities that the activities of kerb crawlers are of the greatest concern in terms of neighbourhood nuisance. Anecdotal evidence suggests that warning measures and enforcement of the law against kerb crawlers have a deterrent effect. More sustained enforcement could have a significant impact on the demand for a street sex market and improve the quality of life and security of those living in red light areas".

That said, the Dutch model has also offered a method of managing street-based sex work in the form of managed areas or *tipplezones*, transnationally hailed as a pragmatic approach (van Sommerian, 2004). This approach has a level of acceptance to sex work, recognising its inevitability, while simultaneously seeking to control and confine it. The appeal of this is explained here in *Paying the Price* (Home Office, 2004, p. 82):

"An alternative option to control street-based prostitution is the introduction of managed areas. There has been considerable enthusiasm expressed for managed areas in both Doncaster and Liverpool where local agencies have been struggling to deal with the issues arising from street-based prostitution. In both places it is suggested that managed areas could bring significant benefits, providing greater safety and fewer stigmas for those who engage in prostitution by choice. What is proposed is a formalised 'red light' area, where those involved in prostitution and their users are permitted to trade in a defined area regularly monitored by the police and provided with drop-in health services and other facilities. The model is based on the zones that have been operating in a number of Dutch cities."

Dutch style *tipplezones* are frequently mentioned as a regulatory option for the UK, the influence of this will be discussed further in the next chapter.

As the debate has transformed, so too have the messages of success. Specifically, increased concerns over trafficking – particularly for the purposes of sex – has opened another avenue to promote the policy model. Furthermore, the necessity for international cooperation to tackle this global phenomenon enables increased opportunities for messengers to work collaboratively across borders and explain how their policy model on prostitution can help reduce it to various stakeholders across the globe. Again, advocates of the Swedish model have seized this opportunity to send the message that the model works in reducing trafficking – several actors in Sweden and the UK have referenced that Sweden has now become a hostile place for traffickers and warned that “if you do not do anything, you will be the most attractive place in Europe. The traffickers know that” (Gunilla Ekberg, Justice Committee Report on Human Trafficking Bill, 2013, p. 145). For Northern Ireland stakeholders – who believe their already concerning trafficking

statistics are the ‘tip of the iceberg’ – a resolution is needed and found in the Swedish model:

“I am confident that we can get out the same message that Sweden has got out, now the Swedish police were able to tell us that these trafficking groups, they have heard them say, through their wiretapping mechanisms, don’t send your women to Sweden. It’s a very bad matter, now we’re trying to get the message out: don’t send your women to Northern Ireland, it’s a cold house for this sort of activity” (Northern Ireland Political representative, Interview 10).

The trafficking debate played a key role in the decision to lift the ban on brothels in the Netherlands in 2000, where it was believed that through legitimising the industry and opening it up, it would be easier to support those vulnerable to exploitation (Hubbard *et al.*, 2008). Since then the Dutch credit themselves on being transparent with their trafficking figures and record all possible victims as to avoid any slipping through the net. Not ones to showcase, Dutch messengers tend to have a more ambivalent outlook on their approach:

“what we do is we collect all the data that are available on trafficking and the Netherlands and also show what is happening in the country, showing how the Dutch model works, with all its flaws and all its benefits” (Dutch Political Representative, Interview 5).

Messengers in Sweden and the Netherlands purport in various ways that ‘their’ policy model can help prevent violence – although interpretations of what constitutes as violence and how it can be prevented differ greatly. *Kvinnofrid 1999* – the Bill that criminalised the purchase of sex in Sweden – was a Bill to tackle violence against women, spearheaded by the Women’s Movement who positioned the purchase of sex as an act of violence towards women. This framing is crucial, supported by (mainly) radical feminists, and disputed by several academics. For instance, in his written response to the Human Trafficking and Exploitation Bill (Northern Ireland) (2014), Ronald Weitzer – an American academic – argues:

“Ms Gunilla Ekberg, an opponent of all sexual commerce, recently gave testimony regarding this Bill. In her testimony, Ms Ekberg claims that “97%” of sex workers are victims and that only “a few individuals” sell sex voluntarily. She can make this claim because she considers all prostitution to be inherently “sexual violence” (to use her term), but the claim is absolutely not supported by the evidence from multiple research studies.”

Why, then, does this message continue to gain traction? A Dutch human rights lawyer interviewed sheds some light:

“of course, it works, because one, the message is very simple, much more simple than a rights message. A violence message is far more easier: ‘it is

violence against women, we have to fight it, we can't afford to do nothing, we have to do something, it doesn't matter what, we have to do something'. That is much more easy than a message which is much more complicated analysis about rights and about working conditions and a more nuanced view about agency and victimhood" (Interview 25).

This nuanced view acknowledges that violence in sex work occurs. However, it also recognises other harms linked to the stigma attached to the industry – particularly in criminalised settings. In legitimising the industry, it is arguably easier and far more likely for sex workers to report instances of violence. They are also far less likely to experience violence from police officers, something that cannot be said for other regimes (Dutch Human Rights Lawyer, interview 25). Again, messages regarding this have a precarious tone:

"Dutch prostitutes do still get hurt [but the Netherlands has made] many more women's lives safer and gone a long way in challenging many long-held biases that have let killers off the hook" (Petra Timmermans, the coordinator of International Committee of the Rights of Sex Workers, BBC, 2006, n.p.).

However, this type of impact is not quantifiable, unlike statistics regarding the deaths of sex workers. This is another story of success for advocates of the Swedish model who report comparatively low numbers. Figure 7.4 below shows an infographic from the website of Nordic Model Now! The website also highlights that the UK has had 153 murders of sex workers since 1990 in order to demonstrate the need for legislative change. Of course, the presentation of these statistics is designed to promote the emulation of the Swedish model, whilst simultaneously delegitimising alternative options found in the Netherlands, Germany, and Spain. Although many would view these statistics critically – noticing how the variables from each country are not comparable – others, however, will take these on face value. This snapshot may subsequently influence some stakeholders to agree with Nordic Model Now! in that "the Swedish murder statistics provide proof that this approach works. Dead bodies don't lie" (2019, n.p.).

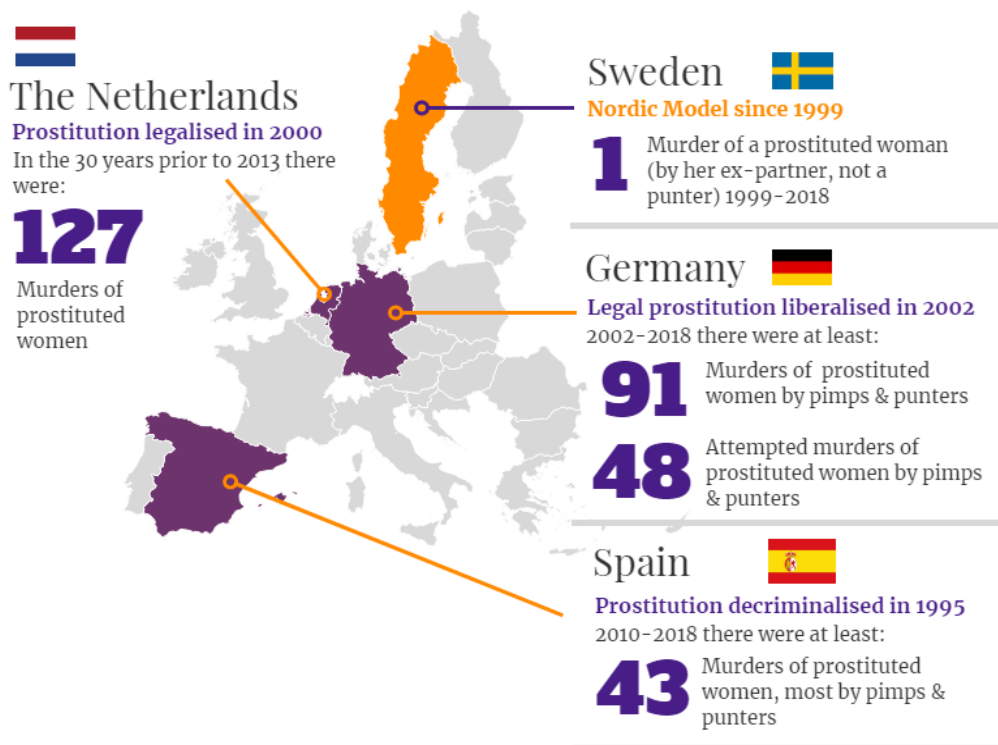


Figure 7.4 “Number of known murders of prostituted women in four European countries”

Source: taken from Nordic Model Now! (2019, n.p.).

7.4.2 Transferable

The transferability of the Swedish model has been a key message from Swedish and non-Swedish advocates. Messages often promote that a) the model has been successfully transferred to several other countries already, and b) through adopting the model, they can pave the way for other parts of the UK, Europe and beyond. Arguably, this acts as a selling factor to policy-makers who are hoping to influence elsewhere, as one Northern Ireland political representative stated:

“I think, to some degree, we were pioneers at this stage, now we did know about the Nordic model but whenever you come across into Britain, across into Ireland, whether its Northern Ireland or Irish Republic, there was very little there that we could draw on... On the scheme of things, some things that have begun in Northern Ireland have now taken on elsewhere and people are looking at our models and no doubt tweaking it to suit their circumstance” (Interview 10).

The message that the Swedish model is transferable is not surprising given that its export was purposeful and one of the aims of the model.

“Export of sex-purchase criminalisation and its accompanying ideology has remained a key aim of the Nordic Model; its implementation overseas is seen as ultimate proof of its success. Its spread requires public support, and

publicity for the model has refuelled a tired, circular debate on sex work in the public sphere, deeply reinforcing stigma. Sweden also encourages countries that have adopted the model to take part in building political pressure focused on other countries considering the model” (NSWP Swedish Model Advocacy Toolkit, n.d., n.p.).

To facilitate and solidify this message, some actors have provided specific guidance in how to transfer this model to the UK. The Commission on the Sex Buyer Law, for example, have fashioned a guide for the APPG on Prostitution and the Global Sex Trade titled *How to Implement the Sex Buyer Law in the UK* in 2016, which outlines specifically what aspects of the Swedish model can – and should – be implemented. Here, they draw specifically on their own ‘fact-finding’ trip to Sweden in March 2015, where they met with criminal justice agencies in order see how the law was enforced and how this could be transferred to the UK. Drawing on their findings from Sweden and elsewhere – including local strategies in England – they highlight several “key points of learning” (The Commission on the Sex Buyer Law, 2016, p. 11). Subsequently, they offer readers a number of ‘good practice’ recommendations, concerning policing, enforcement, and support services. This includes the police being joined by a specialist advisor who shall engage with the individual who has been subject to exploitation. Their recommendations also note the importance of leadership from the police on a national level, as well as local level ‘buy-in’. They suggest integrating the Sex Buyer Law into existing Violence Against Women and Girls strategies. This ready-made guide to implementation was produced to coincide with the HASC inquiry, however there is no evidence this was utilised, much to the dismay of Swedish model advocates (Nordic Model Now!, 2016).

While there are overt assertions regarding transferability, there are subtler ways of implying that a policy is transferable, notably by turning it into a ‘model’. The Swedish and Dutch approaches were framed as models almost immediately in the UK context. The Home Office report *Paying the Price* (2004, p. 81-83) broke down, or rather defined, how these ‘models’ could be understood (see Figure 7.1 and Figure 7.2).

The Swedish model

- no equivalent offence to 'loitering or soliciting'
- government-funded outreach programmes exist to support women to leave prostitution
- paying, or offering to pay, for sexual services – on or off the street – is a criminal offence

Figure 7.5 The components of the Swedish model according to *Paying the Price*

Source: *Paying the Price* (2004, p. 81-83).

The Dutch model

- an area for soliciting, a 'working' area and a drop-in shelter are considered essential elements of a managed area
- managed areas are regularly patrolled
- in other respects, the models vary from city to city. For example, in Heeren women are required to be licensed
- drug dealing is officially prohibited in managed areas but is generally tolerated to avoid women with problematic drug use leaving to work elsewhere where they can buy drugs
- managed areas have become overcrowded following the licensing of brothels when migrant workers were forced onto the streets – three areas are now closed, or planning to close

Figure 7.6 The components of the Dutch model according to *Paying the Price*

Source: *Paying the Price* (2004, p. 81-83).

These models have since been defined in various ways, but interestingly Sweden's 'model' is often broken down into three ways, whereas the Netherlands is presented in more complex terms – arguably this could be slightly off-putting for policy-makers. Language is an important tool in inferring the transnational transferability of a model – one advocates of criminalising the purchase of sex have taken advantage of. Noticeably, is the use of the term 'Nordic model', used in place, or alongside the 'Swedish model' to imply a common approach across the Nordic region. Of course, the use of this phrase has been disputed due to Denmark not having this legislation and Finland only having partial decriminalisation in place (see Skilbrei and

Holmström, 2013). This may explain why some advocates, albeit to a lesser extent, use terms such as the ‘end demand model’, the ‘Scandinavian model’ or the ‘equality model’. The Dutch approach to sex work is far less likely to be referred to as a ‘model’, possibly due to the differing regional approaches – such as the number of brothels or *tippelzones* in any given area. Arguably, this makes it more difficult to promote a specific Dutch policy model, however broad ideas or approaches to a specific issue can be transferred. As one Dutch political representative notes on their pragmatic approach to sex work:

“I think that would be something to promote. The way we do it exactly? Like I say, we still don’t really have a coherent approach, cities do it in different ways, but I think the Dutch are pragmatic on these kind of things” (interview 7).

7.4.3 ‘The Right Thing to Do’

A number of messengers have highlighted how notions of ‘best practice’ or ‘successful policies’ regarding sex work are largely influenced by which ideology one aligns itself to. This has not gone unnoticed by policy-makers:

“To a large extent the different arguments were based on different moral viewpoints on the legitimacy of prostitution, with those in favour of the sex buyer law arguing that prostitution is commercial sexual exploitation of women and girls and incompatible with gender equality, and those in favour of decriminalisation arguing that prostitution between consenting adults is a legitimate occupation which women and men choose to pursue as a way of earning an income” (HASC, 2016, p. 6).

The framing of prostitution as a moral issue has a long, stubborn history – as discussed in Chapter Three. Advocates of the Swedish model especially assert that sex work is not acceptable in society and seek to abolish sex work. These messengers often justify this through the use of morally driven and emotive language regarding the abuses sex workers – or to borrow abolitionist language ‘prostituted women’ – face. These messages tend to focus on violence, rape, trafficking, child exploitation and male clients’ disrespect for women. Ruhama, for example, wrote an article in favour of the ‘Equality model’, which opened with quotes of client reviews from Escort Ireland. They utilised these to demonstrate their position that purchasers of sex do not care if a woman is trafficked, as long as they “ejaculate”, arguing that “prostitution is not about meaningful consent and mutual pleasure: it is a man using a woman’s body for his own sexual gratification”

(Ruhama, 2019, n.p.). These moral messages are facilitated and kept alive by ‘moral entrepreneurs’ (Nadelmann, 1990) such as Ruhama. These messages are designed to put pressure on policy-makers to implement legislative change and position sex work as violence against women. These messages are subsequently emulated by political representatives, as MSP Rhoda Grant (Labour) exemplifies here:

“Prostitution is sexual servitude, reducing humans down to a commodity to be bought and sold for sexual activity. It perpetuates gender inequality and legitimises the actions of purchasers of sexual activity to use the bodies of individuals” (*Criminalising of the Purchase of Sex (Scotland) Bill (2) 2012*, p. 18).

In order to personalise the message that sex work is ‘wrong’, actors will often use individual’s stories. These stories have made their way to policy documents too. For example, the cover of *Paying the Price* (2004, p. 2) begins with an image of a young girl entitled ‘*Girl Inside*’, which was completed by an artist who had formally been a sex worker and wanted to represent “brokenness”. The *Tackling Demand* (2008) report provided ‘case studies’, including a story lifted from *The Independent* newspaper about a woman who had been trafficked to the UK, titled ‘I was kept locked in at all times’ (2008, p. 7). These narratives are shared in order to justify the necessity for the adoption of the Swedish model. It cannot be underestimated the impact these stories can have on policy-makers, as one participant demonstrates:

"there was one horrific trafficking case in Northern Ireland and I met the young woman, and I had dinner with her and Lord Morrow and stuff, and she had an impression on him, you know, her story deeply affected him, the pain the citizens of his state had done to her, it brought shame in the same sense that I feel great shame toward Romanians or Nigerians for what Irish men have done to their daughters. It is embarrassing for my country, you know, that there are men here prepared; it is just shameful. But it kind of bypasses all the arguments about all the stuff that you sometimes get in academia" (Irish Survivor Activist, Interview 13).

Messages of morality have transnational reach, often travelling through international networks and events. However, the impact of this is also dependent on ‘moral geographies’ (O’Brien *et al.*, 2013), as perceptions of morality can differ from place to place. As Wylie (2017, p. 13) notes, “transnational neo-abolitionism comes to intersect in ways that are both influential upon and constrained by the moral geography of particular places and spaces”. Indeed, leaning into these messages comes more naturally to certain messengers than others. Specifically, radical feminists and right-wing Christians – whose coalition will be discussed in the next

chapter – were instrumental in the adoption of the Swedish model in Northern Ireland. Something that can be attributed to their joint distaste for transactional sex (Huschke, 2017). Admittedly, some actors are more susceptible and struggle to separate from their moral beliefs, as exemplified by one Northern Irish Political Representative:

“I mean prostitution is a nasty, evil, activity that causes huge hurt to the women concerned... the anger was that the people who were opposing this sort of tried to portray themselves as women’s, as the women’s rights movement. When in fact, there is nothing that is less supportive of women’s rights than the prostitution industry. Because women have no rights in this industry, non whatsoever, no minimum wage, no basic hygiene, no medical treatment, no salary, nothing. And one of the things that we discovered as we were investigating it was that on [sex industry website] – which is the leading prostitution ring in Ireland, north and south – each man who used the women was encouraged to go online and to rate the woman, and score 1-10 for various sexual services provided. I mean, that’s treating them like cattle, you know. You’re a lady, you sound like a very young lady so I’m not going to quote some of those services, but you know there is a list of what she provided and you are asked to rate her out of ten. And the other shocking thing was that in Ireland, [sex industry website] would rotate the prostitutes around on a six day basis because the men demanded new meat. You know, after they had abused one women then the prostitute was then moved on to somewhere else, where a new fresh group of women were brought in. The vast majority of whom were not Irish by the way, they were from Eastern Europe or Africa, who were brought in to be abused by the same men, you know. I mean, am I living on planet mars or is this not the way to treat women? I’m sorry but I just, I mean I suppose there is a moral judgement here, I don’t believe you should treat men or women in this way in society” (Interview 14).

These moral judgments, on the surface, may appear to be about simply the purchase of sex, or trafficking, but this can also extend to ideas about what is considered to be ‘good’ or ‘bad’ sex. As discussed in Chapter Five, Sweden has a particular view of what constitutes as good or bad sex, something that is mirrored by this Northern Irish political representative:

“well maybe you don’t need to hear some of this; but this isn’t a question of men having straight sex with women. This is men who have the most bizarre taste, putting women through absolutely humiliating and degrading practices and those women having no choice in that. So even happily married couples, many of them wouldn’t perform these types of acts. And if you go onto the websites you will see some of them, and the women have no choice, they have no choice as to whether they have sex in the first place and they have no choice as to the very humiliating associated activities. That is not sex, you would not treat anyone who had consented to sex in the way that some of these women are treated. When you read Moran’s book you will see some of those humiliating rituals and frankly that is no way to treat them” (Interview 14).

These moral judgements may explain a disregard for empirical evidence and the resistance to academic input during the committee stages of Morrow's bill (McMenzie *et al.*, 2019). As an academic who provided written and oral evidence to the commission, Graham Ellison, argues: "empirical evidence from research into commercial sex was either ignored or treated as inferior to that conducted by a number of advocacy groups which was based normatively on feelings, emotions and particularistic moral stances" (2017a, p. 309). Other actors have emphasized that the sex work policy discourse often boils down to empirical vs morality. As SCOT-PEP argue, in response to Rhoda Grant's *Criminalising the Purchase of Sex* proposal (2012, n.p.),

"You begin this section with 'Prostitution is inherently harmful and dehumanising'. A clear statement of belief and not backed up with any evidence to support such a global view of sex work. It could be hoped that elected politicians would seek to develop legislation that is evidence-based and backed up by empirical study – rather than push through bad laws that are based on personal, moral or dogmatic belief. Just because you don't like sex work is no reason to criminalise it."

In contrast, for some actors the 'right thing to do' is removing any moral judgments from sex work and recognising that sex workers need rights, as "only rights can stop the wrongs" (PROUD, cited in Garcia, 2015, n.p.). The Dutch government differentiate between coercive and voluntary forms of sex work. Through this, the model seeks to 'improve the social position of sex workers', achieved through labour rights (Daadler, 2007; 2014). There is an acceptance of sex work in the Netherlands, and a recognition that sex work is work, unlike in many jurisdictions. This view cannot be separated from the Dutch culture of pragmatism, which recognises that sex work is going to happen and there is no perfect way to deal with it. This is a message one Dutch Political Representative said is focal to his guest lectures:

"the Netherlands is saying, look buying sex is something that people will do and what is the best way to deal with it without denying that it is there? And that is what the Netherlands is searching for, what is the best way to deal with it but still understanding that it is not perfect. Everyone you speak to from police, prosecution office, Ministry of Security and Justice, the big cities, they say yeah, there is no way you can organise it in such a way that it is actually perfect... there is no golden standard" (Interview, 5).

However, they acknowledge that for some, the tolerance of sex work is inconceivable:

"well, what you sometimes see is that people are very critical about the Dutch model, but for me that is fine. Quite often if you look at the people reacting, they react from their own culture, their own beliefs, their own religion, and

their own system. And if you feel that it is not OK to pay a woman for sex and that is your belief, and you are looking at the way we organise it in the Netherlands, I can understand that you are really critical” (Interview 5).

This could explain why Dutch actors tend to focus their efforts ‘in house’, trying to perfect their own policies and do the right thing for their citizens. Certainly, there is significantly less confidence from the Dutch that their approach is exportable:

“the funny thing is that we never promoted it so much, and I think that is also the fundamental difference between Sweden and the Netherlands, we have never been so convinced about the superiority of our model and that I think has to do with the difference between pragmatic and moralistic policies, for the Swedish it is not so important what happens in practice, they want to send a moral message” (Dutch Human Rights Lawyer, Interview 25).

Right or wrong, this ambivalence towards their own model, from both state actors and sex workers, has created the ideal conditions for moral neo-abolitionism to cut through (Heumann *et al*, 2017), which will be discussed further in the coming chapter.

7.5 Conclusion

This chapter has mapped out the key messengers involved in sex work policy debates within the UK context, specifically in relation to Sweden and the Netherlands. What is clear is that these ‘models’ have travelled, facilitated by the work of messengers from both within and outside of the ‘original’ policy sites. It is evident that many of these messengers are feminist organisations whose motives are underpinned by their ideology. The ‘Swedish model’, or ‘Nordic model’ as it is often termed, has had a somewhat remarkable impact on policy discourse, tales from the origin site, from the mouths of Swedish actors, have travelled with confidence, and gained momentum from transnational actors. The Dutch model – specifically anecdotes from Amsterdam and Utrecht – have also dominated policy discussions, although it fails to garner as much transnational support and there has been a lack of effort to export the model due to internal unease.

In addition, attention has been given here to the informational infrastructures which actors tap into in order to get their message heard. Particularly impactful are the conferences and study tours organised and hosted at the ‘origin-site’ where learners can see first-hand the policy in action. Supporters of the Swedish model in Northern Ireland have expressed the impact of these visits and of the state actors’ firm belief in the success of the policies – an attitude they would later mirror themselves. Equally, experiences of messengers visiting cities like Amsterdam – with a very

visual presence of sex work – have fed policy rhetoric, both positive and negative, which will be explored further in the coming chapter.

Now that the messengers, mediums and messages have been established, the next chapter turns its attention to the assemblage of internal and external elements that create mutated versions of the ‘original’ policy model. It specifically looks at what parts of the policy are being emulated in policy and most importantly implemented. Finally – and more specific to the Dutch model – it will explore the factors that render a policy immobile.

Chapter Eight: Situating Sex Work Policy from Elsewhere

8.1 Introduction

While the previous chapter focused on the key messengers, mediums and messages involved in the mobility of the Swedish and Dutch policy models, this chapter is concerned with tracing how these models have been received within the UK. There is considerable acknowledgement that policy debates in the UK have been influenced by policies from Sweden and the Netherlands, and as the previous chapter demonstrated there have been significant efforts to showcase these models both from the 'origin' site and elsewhere. However, to attribute mobility to these efforts alone ignores territorial endeavours which help prime local contexts to 'receive' these models. This therefore raises further questions: how have these models been received in the UK? In what context has mobility been possible? What has curtailed mobility? What has *actually* been emulated? And, how have these models been adapted? This chapter seeks to explore these questions, first by examining traces of Sweden, followed by traces of the Netherlands across the UK. Within these sections, attention will be given to the policy mobilities concepts outlined in Chapter Two concerning policy mobility/immobility, assemblage, mutation and policy levels.

Building on Chapter Six which explored sex work policy in the UK, each section will begin by assessing the context and assemblages that have supported the mobility of these models and how they have been shaped to align with territorial interests and discourses both nationally and locally. Following this, to gain a broader understanding of sex work policy circulation, attention will be turned to the barriers, processes and the socio-political settings which inhibit policy mobility. This is particularly relevant for the Netherlands whose model has made less of an impact than the Swedish model – certainly in the national context of the UK. Another useful aspect of a policy mobilities approach which will be explored here is the notion of policy levels. Indeed, it is insufficient to simply view policy emulation as one-dimensional, rather it is multifaceted and multi-layered. Although on the surface it would appear that the "Swedish prostitution law is spreading worldwide" (Goldberg, 2014, n.p.), it is vital to ask what is *actually* being emulated? As discussed in Chapter Two, Newburn and Jones (2007; also see Newburn *et al.*, 2017) usefully identify three elements of policy mobility which will be analysed here: (1) *policy ideas*,

symbols, and rhetoric, (2) policy content and instruments, and (3) implementation. This is particularly useful in illuminating the various levels of emulation within different local contexts across the UK.

8.2 Traces of Sweden in the UK

8.2.1. Contextualizing the Swedish Model

After decades of problematic governance and increased international concerns regarding trafficking and exploitation, the turn of the century saw ignited demands for prostitution reform across the UK. In England and Wales, it was the *Paying the Price* consultation in 2004 that set the foundations for national policy interest regarding the Swedish model which has continued to influence policy debates and developments since. The then Home Secretary David Blunkett (Labour) opened the consultation with the recognition that “many of the laws relating to prostitution are outdated, confusing and ineffective” (*Paying the Price*, 2004, p. 5). It was evident that there was – and remains – widespread dissatisfaction regarding the current legal framework in place concerning sex work. McLean and Borén (2015, p. 1494) usefully highlight that, “dissatisfaction is a catalyst in a search for useful tools and initiating a policy transfer is a pragmatic response as policy-makers lack the time or resources to develop an ideal policy on their own”. That is why it is unsurprising to find the *Paying the Price* consultation focusing on policies elsewhere, including Sweden. However, for the Swedish model to garner serious consideration, it was important for it be framed in such a way that it aligned with territorial interests.

A promising baseline has been the role of morality in historical attempts to legislate against sex work in England Wales, as well as a focus on visible sex work (see Sanders, 2005). This, and the implication that legislation is necessary in order to ‘prevent’ sex work, aligns nicely with what Sweden has to offer. However, with policy makers not quite ready to commit, it was some years before any notable legislative changes were made. The consultation proceeding *Paying the Price* – the *Tackling Demand* (2008) consultation – was more overt in its attempts to mobilise the Swedish model, with Ministers travelling to Sweden to learn more about how it could be emulated in the UK (as discussed in the previous chapter). Despite a perceived will from legislators to emulate the Swedish model, what transpired was a “watered down” version (English Police Representative, Interview 19). *Paying the Price* notes

perceived difficulties in enforcing the Swedish model in the context of the UK at the time and recommended criminalising the purchase of sex from a person who was being controlled for someone else's gain (Home Office, 2004). This was seconded by the *Tackling Demand* consultation which was also cautious in the transferability of the Swedish model in the context of the UK (Home Office, 2008).

The compromise came to fruition when the then Home Secretary, Jacqui Smith (Labour) introduced section 14 of the *Policing and Crime Act 2009* which criminalised the purchase of sex from anyone subject to force and made it a strict liability offence. This partial emulation has been described by Scoular and Carline (2014) as 'creeping neo-abolition', suggesting this is one of a number of tools that have been implemented in an attempt to reduce demand. That said, the trajectory of the Swedish model has arguably been disrupted in England and Wales by the recent Home Affairs Select Committee (2016) inquiry which has outlined the benefits of decriminalisation:

“We received evidence that the model of decriminalisation implemented in New Zealand has worked successfully. Research suggests that it has resulted in a number of benefits, including a clear policy message, better conditions for sex workers, improved cooperation between sex workers and the police, and no detectable increase in the size of the sex industry or exploitation of sex workers” (p. 39).

That said, efforts have been made to discredit this outcome – largely due to the revelation that the chair Keith Vaz was a purchaser of sex – and the report's recommendations are yet to influence any legislative changes. That said, it did recommend further research into the industry, which will be discussed in the next section.

The move towards neo-abolition in Scotland began in 2003 when the Scottish Executive formed the Expert Group on prostitution to “review the legal, policing, health and social justice issues surrounding prostitution in Scotland” (Scottish Executive, 2004, n.p.) The subsequent report *Being Outside* focussed on street sex work, and mirrored the tackling demand agenda in England and Wales (Scoular and O'Neill, 2007). This report was initially meant to be part of a three-part exploration of sex work also looking at indoor sex-work, male sex work and trafficking (Scottish Executive, 2004). However, once street-based sex work had been examined, the research stopped. The only legal change to follow was the criminalising of kerb crawlers through the *Prostitution (Public Places) (Scotland) Act 2007*. This, the Scottish sex worker organisation SCOT-PEP notes, was “ignoring the advice of their

own expert group” which, they argued, recommended “that the law should ‘avoid any tendency to increase risk to vulnerable people and to communities through unplanned displacement” (SCOT-PEP, response to the *Criminalising the Purchase of Sex (Scotland) Bill*, 2011, n.p.). Since then, several female politicians – MSP Trish Godman (Labour), MSP Rhoda Grant (Labour and Co-operative Party), and MSP Ash Denham (SNP) – have plugged the Swedish approach to sex work as the exemplar model and made several attempts to criminalise the purchase of sex in Scotland. For example, MSP Rhoda Grant has made two attempts to emulate the Swedish model in Scotland in 2012 and 2013. First, the *Criminalising the Purchase of Sex (Scotland) Bill* (2012) which she inherited from MSP Trish Godman who had missed the cut-off to introduce a new members bill in 2011 and then opted not to stand for election the following term. Grant picked out what she believed to be the most important aspect of Godman’s bill – the criminalising the purchase of sex – however this bill fell due to a lack of consultation on the draft proposal. Grant tried once more through the *Criminalising the Purchase of Sex (Scotland) Bill (2)* (2013) which was also unsuccessful due to not getting enough cross-party support. Despite numerous attempts, advocates have been unsuccessful in emulating the criminalising of clients, which begs the question why? One participant seeks to shed light on this:

“the reason it was pushed back in the first place is because we, we have got a very strong sex workers rights movement here in Scotland and we push back. We were ready to push back I think, whereas in Ireland it was relatively new. But also what it comes down to in the end I am afraid to say is that Rhoda Grant is not a very likeable politician at all, in fact she is despised and that is even by members of her own party. So in order to get the law through, she had to get a certain number of signatures from all across the board, all different parties, and quite simply she didn’t get the support” (Sex worker and Activist, Interview 12).

Also threatening the emulation of the Swedish model in Scotland has been MSP Jean Urquhart’s (SNP) proposed Bill for *Prostitution Law Reform (Scotland) Bill 2015*, which is more in line with the New Zealand model of decriminalisation. Since then, however, MSP Ash Denham – alongside Fiona Broadfoot, an English activist and former sex trade survivor – once again proposed the criminalising of clients in Scotland, calling for a ‘Scottish model’ which was successfully passed at the SNP conference in March 2017 and is now party policy (Denham, 2017). In December 2019, Ash Denham spoke at an event in Scottish Parliament entitled ‘*Twenty Years On: What can Scotland learn from Sweden’s ground-breaking law to tackle demand for prostitution and sex trafficking?*’, where she spoke about her fact-finding trip to

Sweden (Nordic Model Now!, 2020). Others present on this trip included MSP Rhoda Grant – who remains invested in this policy area, notably as a co-convenor to the cross-party group on Commercial Exploitation with MSP Ruth Maguire (SNP) who was also present. Also in attendance was Nordic model advocate Mia De Faoite – an Irish activist and former sex trade survivor – who, following successful campaigns in both Northern Ireland and the Republic of Ireland, has now turned her efforts towards Scotland. Of course, the adoption of the Swedish model in Northern Ireland has arguably given the model more teeth, this coupled with a SNP majority, could be the contextual setting that even a strong sex workers’ rights movement may struggle to fend off.

There have been significantly fewer attempts to emulate the Swedish model in Northern Ireland, which is somewhat ironic given that they have been the first in the UK to successfully criminalise the purchase of sex. In 2012, Lord Morrow (DUP) began sketching a legislative proposal to address increased trafficking concerns within Northern Ireland. Similar to other jurisdictions, there was a desire to learn from elsewhere, and on the recommendation of CARE – a UK based Christian charity focussing on law and policy – Morrow looked to Sweden. The parliamentary debate that followed was influenced significantly by radical feminist ideas and fears over trafficking – which will be explored in the coming section. What was evident was that the Northern Ireland debate had all the makings of morality politics as outlined by Wagenaar and Altink, who usefully define six characteristics:

“[morality politics] is ruled by an explicit ideology; experts have limited authority as everyone feels they “own” prostitution policy; it is highly emotionally charged; it is resistant to facts; the symbolism of policy formulation is seen as more important than policy implementation; and it is subject to abrupt changes” (2012, p. 279).

These characteristics resonate with the outright rejection of evidence and experts’ findings during the parliamentary hearings as discussed in the previous chapter. However, this is not uncommon in the Northern Ireland context (see Ellison, 2017b), making it the ideal environment for the morality-driven Swedish model to flourish.

It is worth noting here that the criminalising of clients in Northern Ireland is significant in shaping the mobility of the Swedish model elsewhere. Indeed, messengers note that this made “Northern Ireland the *first* region of the UK to make the buying of sex illegal, following in the footsteps of Sweden and other Nordic countries such as Norway and Iceland” (Topping, 2014 n.p emphasis added). The suggestion that this is the *first* implies that there will be a second, that other parts of the UK will follow

suit. In this sense, we may come to view Northern Ireland as the first domino or, even, a guinea pig in criminalising the purchase of sex in the UK (Ellison, 2017a). Subsequently, some Northern Irish advocates have transformed from learners to educators, recognising the significance of its adoption there:

“we think it should be introduced to other countries because if we can do it here when we have a very desperate political set up here, [and if] we can do it here in Northern Ireland it is possible to do nearly anywhere” (Northern Ireland Political Representative, Interview 10).

In addition to the influence of policy changes within the UK, Börzel (2001) reminds us that European factors can make a significant impact on domestic policy making. Concurrent with the criminalising clients in Northern Ireland in 2014, the European Parliament resolution hailed prostitution as an issue of gender equality and endorsed a European-wide adoption of the Nordic model (Honeyball, 2014). Although the resolution is non-binding it was adopted by 343 votes to 139, with 105 abstentions and carries “significant symbolic and political weight” (Carline and Scoular, 2017 p. 105). Unsurprisingly, this resolution has been a point of reference for advocates who have lobbied for the Swedish model to be adopted in the UK, as has the *Council of Europe Convention on Action against Trafficking in Human Beings 2005*. This was deemed significant by several stakeholders during the debates in Northern Ireland who all wrote in their evidence submissions – almost verbatim – that they “believe this Bill will assist greatly in ensuring Northern Ireland properly fulfils its international obligations as set out in the European Directive and the Council of Europe Convention” (for example, Jason Blean, written submission to the Northern Ireland Assembly regarding the proposed Human Trafficking and Exploitation Bill, 2013). This is despite Northern Ireland already meeting the requirements. Of course, it is unknown as to how the UK’s divorcing from the EU will impact the EU’s role in sex work policy-making going forward.

8.2.2 Not at this Time: Barriers to Emulating the Swedish Model

While policy-makers in Northern Ireland appeared to dismiss the need for evidence in order to implement the Swedish model in their context (Ellison, 2017a), a lack of evidence appears to be a contributing factor in halting its emulation in other parts of the UK, at least for now. As discussed earlier, Scotland introduced a consultation in 2004 that looked to Sweden regarding sex work policy. Despite the subsequent

report drawing heavily on the Swedish approach, they did not endorse its emulation at the time. For example, *Being Outside* stated:

“the Group, whilst attracted to aspects of the Swedish approach (e.g. the programme of public education) sees insufficient evidence to support the totality of the approach and would not chose the Swedish way forward for this country *at this time*” (2004, p. 57 emphasis added).

Emphasis is added here to highlight the temporality of their views: not now but perhaps later – leaving it open for future emulation. Of course, this report was conceived shortly after the inception of the policy models in both Sweden and the Netherlands, and therefore evidence was limited, as the Expert Group on Prostitution in Scotland concluded:

“Despite the extensive debate in both Sweden and The Netherlands, however, the Group recognises that there are still ambiguous and, in some respects, under-researched outcomes in the contrasting approaches of the two countries. This leads to limited reliability of these ‘precedents’” (*Being Outside*, 2004, p. 58).

Similar anxieties can be found in England and Wales. However, here concerns focussed more on the models’ transferability *at this time*, as opposed to its efficacy. For example:

"Although the Review examined the possibility of applying the Swedish model directly to the UK, it concluded that it would be a step too far *at this time*, given the relative size of the UK sex industry compared to that in Sweden and current public attitudes in the UK” (*Tackling Demand*, 2008, p. 13 emphasis added).

The report noted that the introduction of the Sex Purchase Law in Sweden was only possible after years of consultation and a gradual change in attitudes towards the purchase of sex. They therefore concluded that a similar shift would need to be achieved in the UK before criminalising clients would be a viable option. Again, this alludes to the future emulation of the Swedish approach. How this shift will be achieved is not stated, however; and perhaps ironically, the Swedish government sometimes suggest that the Swedish model itself is a tool that can be used to shift public attitudes towards the acceptability of purchasing sex. Nevertheless, this caution in implementing the Swedish model in the UK may explain the ‘creeping neo-abolition’ or ‘almost abolition’ that scholars have highlighted (Scoular and Carline, 2014; Carline and Scoular, 2017) – which will be discussed in the coming section.

In addressing concerns over a lack of evidence from Sweden and within the UK, policy-makers have requested for further research to be conducted. In Scotland, the Cabinet Secretary for Justice requested research to be conducted in 2015 following the introduction of the *Human Trafficking and Exploitation (Scotland) Act 2015*. This was requested due to a perceived failure of the Act in addressing sex work. The remit of the research was to “investigate the reliability of the evidence available on the criminalising the purchase of sex”, which was subsequently tasked to the Scottish Centre for Crime and Justice Research (SCCJR, 2017, p. 3). Their report *Evidence Assessment of the Impacts of the Criminalisation of the Purchase of Sex: A Review*, highlighted the problems around evidence, arguing that “evidence can only provide so much ‘scientific’ knowledge in this area” (p. 37). They note that in this sense, in the absence of conclusive evidence, there is an expectation that decision-making in this area requires a political element and contextual consideration. The 2016 HASC inquiry also recommended further research to be conducted, specifically from within England and Wales in order to better understand the current scope of the sex industry. This was eventually conducted in 2018 and published in 2019, and was entitled *The Nature and Prevalence of Prostitution and Sex Work in England and Wales Today* (Hester *et al.*, 2019). However, this research was not tasked with looking at specific regulatory models, nor did they offer any future policy recommendations – therefore no conclusions can be drawn on how this will impact policy emulation going forward.

8.2.3 Conflating Sex Work and Trafficking

As discussed in previous chapters, the conflation of sex work and trafficking has been well documented as having a significant impact on policy debates internationally with “concern[s] about the erosion of national sovereignty becoming condensed in the figure of the trafficked female prostitute” (Hubbard *et al.*, 2008, p. 148). With growing calls for international collaboration on this global phenomenon – accelerated by the UN protocol in 2000 – the trafficking debate has become a convenient corridor for sex work policy ideas to travel through. This was evident across a number of documents analysed. As one contributor to the HASC consultation reasoned: “we also argue that the exploitative practice of trafficking is unlikely to be eliminated until the international community act in solidarity with substantial measures to combat the purchase of sexual service” (Immigrant Council

of Ireland written submission to the Home Affairs Select Committee, 2016, n.p.). Despite the criminalising of the purchase of sex in Sweden being developed as part of a violence against women's bill (*Kvinnofrid*), it has been given new life through its framing as a tool to combat human trafficking. Svanström (2017) credits this shift in discourse to the increasing 'in-house' support for the Sex Purchase Law, as well as a growth in international interest. The trafficking narrative is another area that cannot be divorced from gender, as notions of forced labour seem to fall heavily on women, and sex working women in particular (Day, 2010). The supposed success of the Swedish model in dealing with human trafficking aligns perfectly with spreading concerns across the UK about exploitation, trafficking and immigration. The latter arguably exacerbated by the broadening of EU borders – specifically including states from the former Soviet bloc – of which trafficking concerns have provided a convenient front (Ellison, 2017b; Davies, 2009; Fitzgerald, 2011; Mai, 2011).

As previously discussed, the conflation of trafficking and sex work is widespread, making any debate on sex work in the UK almost impossible without a consideration of trafficking. Conflation efforts have been considerable from Swedish model supporters, which is problematic to some:

“trafficking is already an offence, as is rape, kidnapping, sex with a minor or holding a person against their will. Targeting the purchasers of sex is not only erroneous in its aims of tackling trafficking but it is completely misguided in that it affects consenting adults, not those who would abuse and commit violence towards sex workers” (Laura Lee, Home Affairs Select Committee Report, 2016, p. 25).

However, in Northern Ireland, Ellison notes “the issue of trafficking has been almost exclusively refracted through the lens of sexual exploitation” (2017b, p. 198). Of course, the criminalising of the purchase of sex through a human trafficking bill in Northern Ireland perfectly illustrates the power of this assemblage. As one Northern Irish Political Representative reasoned:

“the main driver for trafficking in Northern Ireland was sexual exploitation, that was irrefutable. Now there are other drivers, labour exploitation also, but in Northern Ireland the main driver for trafficking is sexual exploitation, primarily amongst young women and children” (Interview 10).

A perceived need to specifically target sexual exploitation through criminalising the purchase of sex was further justified by DUP Member of Legislative Assembly (MLA) Jim Wells, who argued in Stormont that “without clause 15 the Bill is meaningless” (Northern Ireland Assembly 2014a, n.p.). Clause 15 being the criminalising of the purchase of sex. However, this belief – that sex work and human trafficking should

be tackled together – was not shared by all committee members as MLA Rosaleen McCorley (Sinn Féin) questions:

“do you not think that we should treat prostitution separately here rather than as a single clause in a human trafficking Bill? Although the two issues may be linked — in fact, they are — they are still separate issues, and I believe that we should treat them separately” (Northern Ireland Assembly 2014b, p. 236).

This was seconded by other stakeholders who suggested that “in an ideal world, there would be no reference to prostitution in a bill that dealt quite adequately with trafficking” (Northern Ireland Political Representative, Interview 15). Nevertheless, a Swedish-style sex purchase law has found its place in a human trafficking bill in Northern Ireland, as these concerns were outvoted 10 to 81 in December 2014.

In Scotland, there have been cross-party efforts to conflate *all* forms of sex work with trafficking. The Cross-Party Group on Commercial Sexual Exploitation was formed in 2016 by a number of MSPs – including Rhoda Grant – and organisations – including Nordic Model Now!, UK Feminista and Community Safety Glasgow – who define Commercial Sexual Exploitation as:

“a function of gender inequality, and a form of gender-based violence. We work to the Scottish Government’s National Violence Against Women and Girls Approach, Equally Safe, and their definition of Violence Against Women, which includes prostitution, pornography, trafficking, lap-dancing, stripping, pole-dancing and table-dancing as forms of commercial sexual exploitation. We believe that these activities have been shown to be harmful for individuals involved and can have a negative impact on the position of all women through the objectification of women’s bodies. It is essential to separate sexual activity from exploitative sexual activity” (Scottish Parliament, n.d., n.p.).

They call for legislation to tackle demand by penalising those who create it – the purchasers – and offering support services for those involved in the sex industry to exit, mirroring the Swedish or Nordic model. This is not surprising considering the involvement of actors such as Rhoda Grant, who has made persistent attempts to criminalise the purchase of sex, where the conflation of sex work and trafficking has also made an appearance. For example, in the consultation draft *Criminalisation of the Purchase of Sex (Scotland) Bill (2)*, a section discusses trafficking and is in agreement with “Northern Ireland [who], like Sweden, recognises that the sex industry and human trafficking are ‘fundamentally linked’” (2012, p. 16-17).

8.2.4 Improbable Political Pairings

The Northern Ireland parliamentary debate shed light on an unlikely coalition between secular radical feminists and the Christian right. Broadly speaking, these two groups would strongly disagree on a number of issues – such as abortion and LGBTQ+ rights – however, a common goal was found in their desire to abolish sex work (Ellison, 2017a, 2017b). In contrast to Sweden – where religion appeared to be insignificant in the debate – the Christian right played a central role. Of course, this is unsurprising given the context in Northern Ireland – for instance, the links between Lord Morrow and the DUP with the Free Presbyterian Church (Huske, 2017; McMenzie *et al.*, 2019). Indeed, on the lead up to the vote, Morrow noted that “taking action was very much motivated by my Christian faith and principles” (Northern Ireland Assembly, 2014a: n.p.). This improbable pairing most clearly manifested itself in the way in which Morrow worked closely with both Gunilla Ekberg – a Swedish lawyer and ‘expert’ on sex work and trafficking – and members of CARE in the development of the bill (Ellison, 2017a; Ellison, 2017b). This did not go unnoticed by commentators and created some controversy in the parliamentary hearings when it was questioned as to why they were working together (see Ellison, 2017a). One interviewee offered an explanation for this unlikely coalition:

“because they all get money out of it, they all do. The DUP get their precious law that they wanted through, so they get their whole, holier than thou moment, about how wonderful they are. Lord Morrow gets to have his great career going out, and then Ruhama get their raising awareness money. CARE get their money for providing sheltered housing which hasn’t actually happened yet, and everyone is happy” (Sex Worker and Activist, Interview 12).

Geographically then, this pairing should also be understood as an assemblage of Swedish social paternalism and Northern Irish religious paternalism. Chapter Five of this thesis noted a history of social paternalism in Sweden, where the state is trusted to implement repressive policies in order to protect and control what they perceive to be less favourable facets of society (Levy, 2015). Similarly, in Northern Ireland, religion and religious groups have carried significant “political clout” within policy-making, which has also resulted in repressive policies (Maginn and Ellison, 2017, p. 818). Therefore, although there are stark ideological differences behind a host of repressive policies in Sweden and Northern Ireland, there is a shared history of paternalistic control. It can also be argued that this coalition has been strategic

and selective, as Huschke warns “[i]n Northern Ireland, the feminist rhetoric is merely used as a way of packaging sex-negative, repressive policy measures based on conservative Christian values, thereby rendering them more appealing” (2017, p. 201). Of course, this strategy has worked in terms of getting the legislation through in Northern Ireland, it will be interesting to see how this will be drawn on elsewhere in the future.

Indeed, the union of the Christian right and radical feminists is not reserved for Northern Ireland. Arguably as a result of the success of this alliance in the Northern Irish debate, actors in England and Wales and Scotland have followed suit. One interviewee from Scotland noted working with Gunilla Ekberg “[as] she was instrumental in drafting the legislation in Sweden, and she has offered to do the same for Scotland”, as well as CARE who “have provided support for events” and “any organisation who work with prostituted women” (Scottish Political Representative, Interview 17). Interestingly, this interviewee noted a prior relationship with CARE before becoming a political representative, which therefore brings further questions around these ‘pairings’ and how these assemblages are facilitated. The peculiarity of this collaboration has not escaped key actors in England and Wales either:

“Very interesting thing, when I was getting this report [on the sex industry] through the European Parliament, was actually the religious organisations were supporting me. Which was slightly bizarre because it was quite a big thing for the church. And I have had quite a lot to do with the catholic project [with women in the sex trade]...So, I have tried to visit the sort of real grassroots places as well as talking theoretically about it, trying to go and see what's actually going on on-the-ground” (Political Representative, Interview 20).

Certainly, there is a pattern emerging where the Christian right – who have a history of wanting to abolish sex work – have borrowed the language of radical feminists in order to achieve this goal. This is exemplified in the introduction of the Home Affairs Select Committee by the Conservative MP David Burrows – who is an Evangelical Christian – when he states in the terms of reference:

“I am pleased that the HASC has agreed with my request for an inquiry into prostitution. I also view prostitution as violence and commodification of women. I will be interested to see whether evidence before the Committee confirms my view” (cited in Sex Work Research Hub Newsletter, 2016).

Later in an interview with Premier Christian News, Burrows discusses the HASC interim report and how he believes, like in Sweden and France, that it is not just about a change in law but societal attitudes towards sex, he argues that HASC is about:

“opening up the debate further and hopefully we can – Christians and others – can be very much involved in leading and shaping that debate. On the basic principle – concerned around in any way going down the route of prostitution and paying for sex – we recognise the harms to women and also the harms to society” (2016, n.p).

This speaks to a radical feminist framing of violence against women, coupled with a religious tradition of viewing sex work as a harm or ‘evil’ of society. CARE – who have been instrumental in debates across the UK, as discussed in the previous chapter – are not blind to the power this assemblage can have on easing critiques about their motives. A section on their website regarding the *Not for Sale Project on Commercial Sexual Exploitation* directly addresses this:

“Is this just Christians trying to control what people do with their bodies?”

CARE advocates for legislation that will deliver justice for the vulnerable. When seen as a whole, the evidence demonstrates that prostitution is an exploitative experience for the vast majority of individuals. Given the harmful nature, it is necessary for the Government to seek to reduce overall levels of prostitution and to target those who facilitate prostitution by paying for sexual services. The most effective model that does this is the Nordic model.

An accusation often levied at organisations campaigning on this issue is that our perspective derives from moralistic, religious view of sex and a desire to control other people’s bodies, particularly women.

But this completely misses the fact that many of those campaigning for the Nordic model do not share our beliefs, and would emphatically disagree with us on other issues we work on” (CARE, 2019, n.p.).

What is clear is that Christian actors – such as CARE – will continue to work with radical feminists – such as Gunilla Ekberg – in order to push for the criminalising of clients in Scotland and England and Wales, and therefore appealing to disparaging views. Subsequently, as was the case in Northern Ireland, it may be key in the emulation of the Swedish model in places throughout the UK.

Another significant political pairing during the Northern Ireland debate has come from the backing of the law by Sinn Féin, having initially opposed the law. Considered an all-Ireland party, political alignment with the DUP has been historically uncommon. One participant attributes Sinn Fein’s change of heart to the

evidence being “indisputable” (Survivor and Activist, Interview 13); whilst another credits the last minute switch to them being “party whipped from down south” (Sex Worker and Activist, Interview 12) – eluding to the idea that Sinn Féin members from the Republic of Ireland had some influence on their counterparts in Northern Ireland. Nevertheless, it would seem sex work policy is an area that has united policy-makers in the North and South. It joins the limited number of policy areas which have narrowed the North/South divide – for example sexuality and reproduction (Smyth, 2006). Smyth (2006, p. 672) notes that unlike other policy areas – that seek to distinguish between Ulster and Ireland – this “highly gendered religious or moral form of cultural politics” is more concerned with separating Ireland (both North and South) from the rest of the UK. Being one of few policy areas that has united both the Republic of Ireland and Northern Ireland is symbolic in itself. Subsequently, the successful implementation of the Swedish model in Northern Ireland gave advocates further ammunition to push for its adoption by its neighbours, one advocate did not hesitate in doing this:

“An all-Ireland approach is necessary to combat the serious crimes of sex trafficking and organised prostitution. It is therefore crucial that the Minister for Justice, Frances Fitzgerald follows suit by implementing legislation to criminalise the purchase of sexual services in the Republic. This will ensure that the whole island of Ireland sends a clear message that society is determined to minimise the harm of this horrendous crime and avoid becoming a safe haven for sex buyers, pimps and traffickers” (Ruhama press release, 2014 n.p.).

An all-Ireland approach was subsequently achieved when, two years after Northern Ireland criminalised the purchase of sex in their jurisdiction, the Republic of Ireland criminalised the purchase of sex as part of the *Criminal Law (Sexual Offences) Act 2017*.

8.2.5 Policy Ideas, Symbols, and Rhetoric

Moving onto policy levels, there is significant evidence of the emulation of the Swedish model in terms of policy ideas, symbols, and rhetoric. Most notable is the overall message of ‘tackling demand’ which has greatly influenced UK policy debates. In acknowledging the differences in socio-political and cultural context, the transfer of the basic principles of the model has been considered a more realistic step. This is demonstrated in the *A Coordinated Prostitution Strategy* where it highlighted that “many respondents to the consultation exercise supported the

principles underpinning the Swedish model, including a shift of the enforcement focus onto those who create a demand for prostitution” (2006, p.7. emphasis added). How this message manifests itself in the UK differs. For example, in 2007 – shortly after the much-reported murder of five sex workers by Steve Wright in Ipswich – the *Ipswich Street Prostitution Strategy 2007-2012* was produced by the Ipswich Crime and Disorder Reduction Partnership that echoed the principles of the Swedish model. With the overall aim to “*remove street prostitution from Ipswich*”, one of the key areas of the strategy was tackling demand (Ipswich Street Prostitution Strategy, 2007-2012, emphasis in original). A police representative interviewed explains a tackling demand focus:

“that was the key ethos for us because without the demand there is no prostitution and the demand is these men driving around Ipswich looking to buy women and it was to me something that we needed to target and by coincidence more than by design that does sit with the Nordic model of policing prostitution” (Police Representative England and Wales, Interview 16).

Although, arguably a coincidence, it is interesting to note that the strategy makes reference to the Home Office documents *Paying the Price* (2004) and *A Coordinated Prostitution Strategy* (2006) – both of whom explicitly supported the Swedish model and suggested that respondents had supported a shift in focus towards kerb-crawlers (Kingston, 2013). Therefore, the emulation of policy ideas, symbols and rhetoric can often be indirect, yet inspire practical decision-making on-the-ground.

Despite no national policy change following the 2006 Home Office review, the ‘tackle demand’ rhetoric appears to have had on-the-ground impact and demonstrates the often unconscious emulation of policies from elsewhere. Indeed, Nordic Model Now! – an UK based campaign group for the Nordic model, no less – have credited the Ipswich strategy for aligning with the Nordic approach in an article featured in the resource section of their website entitled “*how a Nordic Model approach to tackling prostitution was implemented in Ipswich, UK, after a series of brutal murders of prostituted women in the town*” (Nordic Model Now!, 2017, n.p.). Of course, this article does not concern itself with whether the strategy was due to lessons learned from Sweden, only that it provides further evidence that the Nordic model is workable in the UK context. Therefore, at the very least, this strategy has given the Swedish model further impetus, suggesting that despite national legislation, local authorities have the power to adopt the principles of the model.

The Swedish symbol of ‘tackling demand’ has also made its way to Scotland. The *Prostitution (Public Places) Scotland Act 2007* introduced offences relating to kerb-crawlers. Although the Act retained the offence of soliciting – which targets the sex worker – there was a notable shift of focus on to the purchasers of sex, as the then Cabinet Secretary for Justice Kenny MacAskill (2007) notes:

“This new approach to the problem of street prostitution shows we will not turn a blind eye to the people who sustain and fuel this exploitative trade [...] It corrects an unfair legal position where only those engaged in prostitution could be targeted, while the kerb-crawlers demanding their services – often harassing the wider community in the process – get off scot-free [...] But while we rightly seek to help those individuals trapped in prostitution, we simply cannot, and will not sit back and let the demand that fuels this deeply damaging and dangerous trade go unchallenged” (cited in Grant, 2012, p. 14).

This shift is viewed as a step in the right direction for Swedish model advocates. As MSP Rhoda Grant notes in her proposed bill to criminalise the purchase of sex, it “showed a political commitment to tackle prostitution and recognition by the police authorities that purchasers of sexual activity perpetuate exploitation” (Grant, 2012, p. 14). Following the legislative change in 2007 police across Scotland have utilised these additional powers in systematic ‘crackdowns’ of kerb-crawlers. The legislation also brought an end to a managed zone in the city of Aberdeen which had been in operation since 2001 (Herald Scotland, 2007). Indeed, these ‘tackle demand’ approaches across the UK have focussed more on the nuisance of those purchasing sex on the street, and less on the needs of street sex workers (Kingston, 2016).

8.2.6 Policy Content and Instruments

As discussed in the previous chapter the Swedish model can be defined in various ways, however more often than not this has included three key aspects: (1) criminalising the purchase of sex; (2) decriminalising sex work; and (3) government funded support services for those wishing to exit sex work. In the UK, a partial adoption of the Swedish model can be seen in Section 14 of the *Policing and Crime Act 2009*. However more concrete traces can be found in Northern Ireland. Section 15 of the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*, makes ‘paying for the sexual services of a person’ a criminal offence. This aspect was relatively easy to transfer. More

contentious, however, was the decriminalising of sex work. Initially left out of the bill, one participant stated regarding the decriminalisation of soliciting:

“it was lobbied for and to be honest it was the price we had to take to get the bill through. But our view was that we knew from the stats provided by the PSNI that street prostitution was rapidly dying out in Northern Ireland anyhow, because it was all going online” (Northern Ireland political representative, interview 14).

This compromise did not extend to brothel keeping. Therefore, this arguably does not constitute as the full decriminalisation of sex workers – as sex workers can be prosecuted for brothel keeping if working with another sex worker – distinguishing Northern Ireland from Sweden.

The third aspect regarding funding was another area that required some labour in order for it to ‘fit’ in the Northern Ireland context – specifically due to the glaring differences in social welfare. Early drafts of the Bill neglected to account for this which resulted in lobbying from women’s organisations for Lord Morrow to include an exit strategy in the Bill, as without one “there would be a fundamental weakness in the whole strategy” (Morrow, Northern Ireland Assembly, 2014d, n.p.). This included funding for support services, although it is unclear if this extends solely to those wishing to exit the industry – something that has come under criticism in the Swedish context (Levy, 2015). Regardless, one Northern Irish political representative was proud of this revision:

“the fundamental difference to the law in Northern Ireland with the rest of Europe, we had introduced a scheme for the rehabilitation, training and support of those coming out of the industry. Because these women coming out of prostitution have very, very low life skills, very – whether it be numeracy, literacy or academia. So therefore they needed a huge degree of emotional, social and employment support. So that – I mean these people were driven into prostitution because they have nothing else – so therefore when they come out of prostitution they have to be given an alternative and therefore after a lot of lobbying we agreed to fund support for women and a small number of men coming out of the industry” (Interview 14).

Other aspects of the Swedish model that have travelled to Northern Ireland include the penalty of a one-year maximum sentence and the use of fines as a punishment. However, separating Northern Ireland from Sweden is the option to impose both a prison sentence *and* a fine for a single offence – whereas in Sweden it is one or the other. A further distinction is in how this fine is calculated, in line with sentencing guidelines in Northern Ireland, the fine is based on the seriousness of the offence, unlike the fine in Sweden which is based on the offender’s income (*Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern*

Ireland) 2015; Levy, 2015). Some aspects of the model have not travelled to the Northern Ireland context, such as covert surveillance and phone tapping – tools utilised by Swedish police when policing sex work (see Häggström, 2016). This caused some concern for the Police Service Northern Ireland (PSNI) during debates, who asserted that the payment of sex between two consenting adults would not meet the threshold to justify such surveillance under the UK-wide Regulation of Investigatory Powers Act 2000 (Northern Ireland Assembly, 2014b).

8.2.7 Implementation

“While the expectation of comparable results is a principal appeal of policy models, differences in institutional arrangements, political alignments, and economic and sociocultural histories of places can complicate implementation” (Gotham, 2014, p. 1173).

Whilst the movement of the Swedish model to Northern Ireland was celebrated by some, early evaluations pointed towards promise unfulfilled. In a similar fate to Sc 14 of the *Policing and Crime Act 2009*, the implementation of the criminalising the purchase of sex in Northern Ireland has been limited. After the first year, spectators reported “No prosecutions’ for paying for sex in NI despite new law” (BBC News, 2016, n.p.) shedding doubt on the new approach. Subsequently, Morrow states that he was ‘disappointed’ but assured the public that the police believe it to be a valuable resource. In September 2019 Queens University Belfast, in conjunction with the Department of Justice, produced an evaluation on the sex purchase law in Northern Ireland. Although the evaluation is limited due to it only being over three years, it is based on comparative data that was gathered before the sex purchase law was implemented, distinguishing Northern Ireland from their Swedish counterparts, and other jurisdictions for that matter. The evaluation reported that both supply and demand has in fact increased since the law, and that neither of the two convictions under the law were related to human trafficking for sexual exploitation, which of course is its purpose (Ellison *et al.*, 2019). Writing in the *Independent*, Bindel (2019) states that despite the evaluation focussing on the failings of the Nordic model, she believes that the weakness lies with the implementation of the law. Of course, policy implementation is not static and this may indeed change during the lifetime of the policy in Northern Ireland. Nevertheless, a lack of implementation problematises the significant amount of labour that goes into mobilising favoured policy models.

This disparity in implementation is not unique to Northern Ireland, Kingston and Thomas (2018, p. 423) have argued that the so-called ‘Nordic model’ – referring to the criminalising of clients in Sweden, Norway, Iceland and Finland – is “no model in practice”. They highlight how the emulation of the Swedish approach in other Nordic jurisdictions has taken different rather than the same form. This, they argue, is dependent on the support of practitioners and politicians. In Norway, for example, there is notable political will to remove the legislation that criminalises the purchase of sex, demonstrating the potentially limited temporality of policy mobility (Kingston and Thomas, 2018). In Iceland, feminist groups continue to lobby for better implementation, with one group – Stóra Systir (Big Sister) – taking matters into their own hands by setting up fake advertisements to catch would be purchasers. They reasoned that this was necessary due to the inaction of the police in implementing the law, which of course has been a concern in Northern Ireland too (Kingston and Thomas, 2018). This is not surprising, however, given that the PSNI were originally against the adoption of the Swedish model. In the evaluation, researchers highlighted that the PSNI reiterated their initial distinction between voluntary and coercive sex work, noting they will continue to focus on the latter. Similarly, they maintained that there are difficulties in enforcing the law and gaining enough evidence for prosecution (Ellison *et al.*, 2019). In contrast to major cities in Sweden, Northern Ireland does not have a specialist policing unit on prostitution. However, they do have sex work liaison officers, in line with National Police Chiefs Council (NPCC) UK-wide guidance. Nordic Model Now! are particularly critical of the NPCC guidelines, stating that it “implicitly advises against enforcing Article 64A” (Nordic Model Now!, 2019, n.p.) – referring to the amendment to *The Sexual Offences (Northern Ireland) Order* (2008) which criminalises the purchase of sex. They believe that Northern Ireland have the right law, but critique its implementation:

“The change in the law alone is unlikely to bring about significant change without the political will to enforce the law and implement, fund and prioritise all the things that are needed to bring about success – including training for the police, a public information campaign, high-quality exiting services and real alternatives for women, and championing from the top of all the relevant institutions [...] Just think what this approach could achieve if it were implemented properly and wholeheartedly” (Nordic Model Now!, 2019, n.p.).

Another area to consider here, is how national policy models are then implemented in local jurisdictions. In the Swedish context, the sex purchase law has been unevenly implemented across the state (Levy, 2015). For example, a Malmö based

social worker noted that in comparison to the city of Stockholm the law is barely used in Malmö, she attributes this to the police:

“within the [Stockholm] police they prioritise it, in Malmo they don’t because we have a lot of bombings and shootings and people being murdered in the open arena – I know, watch out when you go. So even though they have police officers who are meant to work with the purchasing of sex or human trafficking or whatever, they don’t have time to do it. So it is not prioritised in this region. And they [police] say themselves, ‘well we don’t work with this, end of story, we don’t’. So we have the law but nobody knows it, so big difference. (Social Worker, Interview 1).

Levy (2015) notes that the city of Malmö has a contrasting model, an alternative ‘Malmö model’, which focuses more on harm reduction and service provision. Again drawing into question a coherent Swedish model, and how so-called ‘models’ can differ greatly in practice, from state to state, city to city, and so on.

8.4 Traces of the Netherlands in the UK

8.4.1 Re-territorialising Dutch Style Toppelzones

Despite the Lifting of the Ban on Brothels in 2000 being a focal point of policy discussions, the most significant policy influence from the Netherlands in the UK context appears to be their *toppelzones* (*‘street walking zone’*). These zones were introduced in various cities across the Netherlands during the 1980s in order to help manage issues with street-based sex workers who use drugs, their drug dealers, and their ‘pimps’ (Bisschop *et al.*, 2017). Many cities across the UK have also grappled with issues surrounding street-based sex work, wanting to ‘contain’ the issue and/or improve the safety of sex workers (van Doorninck and Campbell, 2006; Hubbard, 2012). The concern for safety being fuelled, in part, by the acknowledgement that the police are duty bound to protect *all* citizens. This, and an increased realisation that enforcement does not work effectively, has led some local authorities to consider alternative approaches, including multi-agency strategies which seek to create a collaborative effort in dealing with the ‘problem’ (see Campbell and O’Neill, 2006). Despite efforts, many homebound ‘solutions’ have fallen short, leading some stakeholders to look across to the Netherlands for guidance in managing street-based sex work (van Doorninck and Campbell, 2006). Interest primarily came from local municipalities as opposed to national policy-makers.

A significant exploration into the Dutch approach came from Liverpool City Council in the mid-2000s (see Howell *et al.*, 2008). A proposal for a managed zone in Liverpool was developed by its Community Safety Partnership CitySafe. They sought alternative solutions following the murder of two sex workers and growing unrest in the community towards street-based sex work (van Doorninck and Campbell, 2006). The murder of sex workers often ignites policy debates, with local authorities wanting to – or at the very least be appearing to – deal with this in some way. Change needs to be swift, therefore the adoption of policy from elsewhere can be a convenient path – and can also defer responsibility if it fails. Of course, this is not to suggest that some actors are not searching for the best way to improve the situation for sex workers. Liverpool’s proposal was based on the success of Utrecht’s tippelzones, with the proposal mirroring their approach. A keen supporter of Liverpool adopting Dutch style tippelzones was the executive member of the city council for community safety, Flo Clucas, who reasoned “the city had turned to Utrecht, where a tolerance zone has operated in an industrial area between 7pm and 2.30am for the past 17 years, because it was a model it could easily borrow” (quoted in Howell *et al.*, 2008). In 2005, Liverpool City Council voted to request Home Office approval to launch a three-year pilot of a managed zone, having garnered public support, and considered evidence from abroad (Utrecht) and elsewhere in the UK (Scotland) (Bellis *et al.*, 2007). However, the pilot did not go ahead, as Liverpool City Council (City Council meeting minutes, 26th Jan 2005, n.p.) noted:

“following discussions with the Home Office in relation to a managed zone, advice received indicates that because prostitution is currently illegal it would be inappropriate to name a zone until there has been a change in primary legislation”.

Of course, this change in primary legislation has not transpired following the *A Coordinated Prostitution Strategy* (2006, p. 9) where the government “reject[ed] the option of managed areas” aiming instead to “reduce the numbers involved in street prostitution”. Bellis *et al.* (2007) suggest that this was likely due to the influence of the Association of Chief Police Officers (ACPO) and the Local Governments Association (LGO), who did not support tolerance zones. Indeed, ACPO have typically opposed managed zones, arguing that they attract crime, that communities would be victimised, and children would be placed in “moral danger” (2011, p. 16). However, Katherine Raymond – who at the time was a senior advisor for Home Secretary David Blunkett and worked closely on *Paying the Price* – reported that

despite his desire to liberalise sex work, there was “opposition from Number 10, which was terrified of a hostile media response” (The Guardian, 2006, n.p.).

For many years, Scotland experimented with unofficial ‘tolerance zones’ for street sex work, across a number of cities – notably Edinburgh and Aberdeen. However, in the early 2000s and echoing the Dutch experience, growing issues associated with tolerance zones led to local MPs seeking ways to better manage them. Therefore, the *Prostitution Tolerance Zones (Scotland) Bill* was proposed by MSP Margo MacDonald (SNP) in October 2002. Mirroring the Netherlands, the Bill proposed to give local authorities the power to officially allocate designated areas where prostitution would be tolerated. It also had a public health and safety focus, as well as an aim to minimise criminal activity. Despite similarities with the Dutch tippelzones, there is no concrete evidence that this was an emulation of ideas and may have been a coincidental likeness. Nevertheless, this proposal was arguably ambushed by the *Being Outside* consultation – introduced by the then Expert Group on Prostitution in 2004 – as it was believed that this was a more robust exploration of sex work on the whole as opposed to focussing on the one issue of street-based sex work. In light of this national review, Macdonald withdrew her bill. The *Being Outside* consultation overtly sought lessons from the Netherlands, focussing on the Lifting of the Ban on Brothels and managed zones, however they concluded that this simply re-enforced the difficulties in adopting policy from elsewhere:

"The history of zones in The Netherlands has been far from wholly positive in their effect. The problems that some zones have faced show that there is no easy solution which can be transferred from another jurisdiction. The Group sought to learn from the Dutch experience and meetings in The Netherlands revealed that some of the problems had stemmed from a lack of consultation, the placing of zones too far from the city-centre and from services, and in some cases from insufficient policing and poor maintenance of zones. Infiltration by organised criminal interests has also been a problem" (Being Outside, 2004, p. 58)

Of course, as mentioned earlier in this chapter, the subsequent report and policy development fell more in line with the Swedish model’s principles than the Dutch. That said, talks of introducing tolerance zones in Scotland did not disappear here. In 2008, the Edinburgh Civic Trust proposed a tolerance zone to be implemented in Leith. However, this was labelled a naïve attempt, with the Chairman of the Leith Links Residents Association stating that “it seems this organisation hasn’t looked at the history and the battle the community has fought to liberate the streets for local women” (The Scotsman, 2008, n.p.). This quote, of course, reminds us that the

rights to the city are reserved for a selection of women, with sex workers in particular frequently being Othered (Mitchell, 2003; Hubbard and Sanders, 2003). A significant development in the Scottish socio-political landscape has been the merge of police forces across the nation in 2013, creating a centralised Police Service of Scotland. Prior to this there were stark operational differences in policing sex work across Scotland – for example Glasgow’s ‘zero tolerance’ approach, is significantly different to Edinburgh’s ‘harm reduction’ approach (Scottish Government, 2017). However, the merger has led to a national policing strategy on sex work being created, which does not include tolerance zones.

Interestingly the Netherlands also centralised their police force in 2013. However, they retained regional units, unlike Scotland who abolished locally elected police authorities (Tepstra and Fyfe, 2015). Two months after the inception of the Police Service of Scotland, 150 officers in Edinburgh – where authorities have traditionally had a more relaxed approach to sex work – conducted raids on a number of saunas operating in the city (Fogg, 2013). The local authority and organisations who had previously developed a strong partnership with local police were not informed about these raids – confirming fears that the introduction of a single police force would override local initiatives (Tepstra and Fyfe, 2015). These changes, along with an increase in indoor sex work practices, make managed zones far less likely in the Scottish context.

8.4.2 Immobilising the Dutch Model

When analysing the Dutch model – especially through a comparative lens – it is evident that the Dutch approach has had less of an impact on UK sex work policy than the Swedish model. This can partially be explained by limited attempts to promote the model from advocates – as discussed in the previous chapter – but should also be understood as a process of immobilisation. Specifically, in UK policy debates, the Netherlands has been used consistently as a negative example or ‘worst practice’ and has increasingly been pitted up against the Swedish model. For example, Goldberg (2014, n.p.) argues that:

“supporters of the Swedish model say that in countries like the Netherlands, where pimping and brothel-keeping were legalised in 2000, trafficking has increased and the welfare of prostitutes has suffered. They are right”.

Indeed, comparisons often centre on trafficking figures, with the research of Cho, Dreher and Neumayer (2012) – *Does Legalized Prostitution Increase Human Trafficking?* – often being a point of reference. This is despite the problems of this type of comparative research being highlighted by scholars such as Weitzer (2015), who argue that the conclusions drawn here are unsubstantiated. Regardless, Cho *et al.*'s (2012) research – in conjunction with other sources – has been used to undermine the Dutch approach and “has been embraced by politicians and prohibitionist activists in a number of countries as the definitive ‘scientific’ proof of the alleged damaging impact of the legalising of prostitution” (Proud, 2015, p. 5). Therefore, for many stakeholders, the Dutch approach is far from the exemplary model, as one police representative in England and Wales reasoned, “for me it’s been about what not to do in all honesty” (interview 19). The Dutch model has therefore had an important function in the mobility of the Swedish model as a ‘worst practice’ example, providing the alternative to Sweden’s ‘best practice’ model. With calls for a European-wide approach to prostitution and trafficking, debates often boil down to one or the other. Although advocates for the Swedish model are far more likely to make this comparison, or endorse a European-wide model:

“that is something I always tell students, it’s very hard to copy a model to another country where people morally, culturally or religiously are thinking in a very different way. That is not going to cut it, and that’s why you will see no European solution” (Dutch Political Representative, Interview 5).

Another theme notable in the immobilising of the Dutch model links to the previous chapter in terms of showcasing their model. In policy debates, a key difference between Sweden and the Netherlands is the idea of offence vs defence. For some UK policy makers, the boastful confidence of the Swedes is appetising, whereas the Dutch are merely seen to be on the back-foot defending their model, which is made more difficult by disparities in operational practices within the state. In pragmatic tradition, one Dutch participant notes:

“it is difficult to talk about a Dutch model, because as [participant] said in the other big cities, yes they have a model looking a bit the same, but in all the cities it is regulated in all ways. It’s a bit difficult, its more about how to handle prostitution. Maybe you could label it the ‘Dutch ways to handle prostitution’, but it is not a model, it is not to copy” (Dutch Police Representative, Interview 8).

This lack of confidence can be confusing for some actors who note that there are parts of the Dutch approach that they should be proud of. Therefore, questioning

why they do not promote this – liking it to the “Calvinist idea of, you know, punishing yourself, which is weird” (Dutch human rights lawyer/activist, interview 25).

This ambivalence has been exacerbated by a perceived movement within the Netherlands towards the Swedish approach. It has been suggested that the Netherlands, along with Germany, are ‘abandoning legalisation’ in favour of the Nordic approach (Scoular and Carline, 2014). This message has travelled to the UK as one policy-maker notes:

“from what we could gather through our research and through what was coming through there, there was a message coming through from the Netherlands that they now felt that they had gone too far, too much on the other side of this whole issue, you know?” (Northern Ireland political representative, interview 10).

The fact the Netherlands – “long a centre for sexual liberation” – is considering adopting such a strikingly different model is something the BBC reports to be “sparking debate about sex work elsewhere” (2019, n.p.). Interestingly, the BBC also note that the debate within Dutch Parliament was due to the sex industry “facing opposition from both the Christian right and feminist left” – echoing the situation in Northern Ireland – leaving sex workers in Amsterdam’s RLD “under pressure to protect their right to work” (BBC, 2019, n.p.). One can only speculate about the impact this could have on other jurisdictions if the Netherlands did do a ‘U-turn’ and adopt the Swedish model.

When considering the immobility of the Dutch model, it is important to note that while the emulation of managed zones has had some success in the UK, other aspects of the model – such as licensing brothels – have made little progress. This lack of interest is arguably due to a focus on street-based sex work by key actors across the UK. That said the Dutch approach to licensing was considered in the *Tackling Demand* consultation in 2008, however this concluded that “there is no evidence to suggest that overall demand, would be reduced through a licensing system, adopting the Dutch approach is not considered to be an effective option” (Tackling Demand, 2008, p. 12). There have, however, been increased concerns over legislation across the UK which makes brothel keeping illegal (HASC, 2016). However, lessons regarding licensing brothels appear to be drawn from New Zealand as opposed to the Netherlands. For example, the *Prostitution Law Reform (Scotland) Bill* (2016) – proposed by MSP Jean Urquhart (SNP) – looked at the New Zealand model to form the basis of legislative change. Although this did not result

in legislative change, the New Zealand model has attracted increased support in recent years.

Advocates in the UK and beyond who predominantly align with a sex worker rights perspective believe that New Zealand is *the* exemplar model for sex workers. This model is also positioned against the Swedish model and – given that the debate often comes down to the two opposing ideological positions underpinning these models – the Netherlands either gets left out of the debate or is used as the negative example. Therefore, while the Dutch model may have been *the* model of liberalisation following the Lifting of the Ban on Brothels in 2000, it has since been usurped by the New Zealand model following its legislative change in 2003. Subsequently, the Dutch model receives criticism from both advocates of the Swedish model and advocates of the New Zealand model. For example, the English Collective of Prostitutes note: “A managed zone is no substitute for decriminalisation. Some women complain that the police wash their hands of the area and they feel segregated from the protection of the local community” (quoted in *The Independent*, 2016, n.p.). In a hierarchical sense, for many sex workers’ rights advocates, the New Zealand model is now ‘best practice’, the Sweden model ‘worst’, and the Netherlands is somewhere in between. The negative messages associated with the Dutch model – notably its perceived failings – are so strong that advocates of the Swedish model conflate it with the New Zealand model in a move to disarm its biggest competitor. Mac and Smith (2018, p. 178) highlight that “if the decriminalisation of prostitution is falsely characterised as legalisation and the two are semantically bound together, then advocates for prohibition can blame both policies for the failures of one”. Other sex worker rights activists have recognised the intentional blurring of legalisation and decriminalisation, as one participant notes:

“abolitionists increasingly and deliberately conflate the two. And so they say, ‘oh but look at the absolute mess of Germany’. Yeah, but Germany is legalised, it’s not decriminalised, the same with the Netherlands, and they refuse to look at, for example, New Zealand” (UK Sex Workers’ Rights Activist, Interview 12).

Nevertheless, the Dutch model appears to be a tool, rather than a contender, in policy debates within the UK and beyond.

8.4.3 Harm Reduction and Public Nuisance

As discussed in Chapter Three, a public nuisance discourse has been well established within the UK for decades. Traditionally, this has been managed through criminal sanctions towards both street-based sex workers and (more recently) their clients. This approach has increasingly drawn criticism – not only for its ineffectiveness but also for its unfairness (particularly towards sex workers). However, with a long-standing tradition of criminalising, particularly visible forms of sex work, the emulation of Dutch style managed zones would require some reframing. That said, since the 1990s there have been growing welfare concerns towards the women involved in sex work:

“the focus then as with most forces was specifically around the on-street scene and the nuisance, antisocial element, which was what was promoted by the City Council, it very quickly evolved in that we were looking primarily at the act of safeguarding welfare in relation to the women” (police representative, interview 19).

Nevertheless, this focus on women’s welfare is subjective. For some, it has been a focus on the elimination of sex work, for others – and more in line with the Dutch model – a pragmatic, harm reduction approach has been promoted. Of course, the Dutch are well known for their predisposition for pragmatism and have been admired by some onlookers for their ability to be rational with even the most emotive of topics (Pakes, 2003). This has been a point of focus for those seeking to educate others on the Dutch approach. For instance, at a conference speech delivered in Liverpool, Jan H. Visser of Mr A. de Graaf Foundation commented:

“Once this mental step of accepting the reality of street prostitution is taken, the way is open for a realistic, pragmatic policy where state power is used to manage problems rather than vainly strive for extinction. Similar as in The Netherlands it may take mayors and councillors years of hard lessons before they will draw this conclusion” (1998. p. 8).

With similar lessons in mind, policy actors from some UK cities have merged ideas of public nuisance with a harm reduction approach. As one respondent demonstrates:

“I mean you aren’t going to get rid of prostitution and even if you reduce it these things take an awfully long time. In the meantime, you know, we have got to look at a range of options which we have to protect the working girls, health and safety, and actually protecting the population from a range of infections and other problems that might be associated with that” (English Academic, Interview 21).

The *Paying the Price* consultation (2004) included a chapter on “protecting communities” (p. 61). This chapter begins with an excerpt from a local resident from Leeds discussing how the area where street sex workers operate had become “totally unsafe”. The consultation asks how communities can “reclaim their neighbourhoods”, and “how the nuisance associated with prostitution is best dealt with” (p. 73). Although positioned in a less favourable light than Sweden, the consultation notes that managed areas could be an “alternative option to control street-based prostitution” (p. 82). Based on “zones that have been operating in a number of Dutch cities”, cities in the UK, including Doncaster and Liverpool, expressed interest in introducing managed zones. The consultation states that they suggested it “could bring significant benefits, providing greater safety and fewer stigmas for those who engage in prostitution by choice” (p. 82). Indeed, the consultation of managed zones in Liverpool drew specifically on the Dutch model and framed this as a harm reduction approach (Bellis *et al.*, 2007). The consultation concluded that a managed zone could improve the health and safety of existing sex workers as well as the communities of which they work. That being said, Howell *et al.* (2008) have highlighted that Liverpool already has a long history of managing sex work through spatial policing, suggesting the contemporary managed zone proposal is not ‘new’. It poses the question whether drawing on policies elsewhere is a strategic rebranding by policy actors in order to re-legitimise former strategies and appeal to national contemporary concerns or whether it is done because there is a belief that new and practical lessons can be learned.

8.4.4 Policy Ideas, Symbols, and Rhetoric

For UK policymakers looking to emulate the Dutch model, it is arguably easier to mobilise the basic principles of the model as opposed to actual policy content. Not at least due the evolving nature of sex work policy throughout the Netherlands. In contrast to Sweden, the Dutch are not as confident with their approach and therefore seek to adapt it. These constant changes create a barrier to policy mobility – how can you adopt a model that is evolving and changing? That said, the overall ethos of the Dutch approach – notably the acceptance of sex work as a job – is a message that has travelled far. As soon as the Dutch proposed the Lifting of the Ban on Brothels, the UK media reported how overnight the Dutch have “turned prostitution into a profession... a real job” (the Guardian, 1999). This notion has been rejected

by some UK policy-makers, including those in Northern Ireland who have positioned all sex work as violence against women. However, some UK actors have embraced this message and recognised sex work as work. Specifically, a number of NGOs have adopted this, for example SWARM (Sex Worker Advocacy and Resistance Movement – established in 2009) who are active in their message that “sex work is work” and “sex worker solidarity is radical” (SWARM Twitter feed, 2015, n.p.). Although it should be noted that the sex worker’s rights movement – and the recognition that sex work is work – is international and therefore it is unclear if these messages have come directly from the Netherlands. That said, the Netherlands have been recognised for the efforts of their Sex Worker Rights Movement, as one UK policy actor notes:

“one of the wonderful things that has happened in the Netherlands actually, is they formed a collective to fight for rights as well and they call themselves PROUD. The local mayor started shutting down some of the windows and some of the women went out on a march to say stop shutting down our windows. So they are coming on leaps and bounds in the Netherlands” (Sex Worker Rights Activist, interview 12).

Figure 8.1 shows an image that has been widely shared from PROUDs march in 2014. The International Committee on the Rights of Sex Workers in Europe (ICRSE) utilised this image in their *Nothing About Us Without Us* report (2015) where they wrote about Europe’s Sex Workers Rights Movement. Indeed, the ICRSE was founded in the Netherlands in 2002 and has since become significant voice within sex work policy debates – particularly within Europe and Central Asia (ICRSE) – including the UK.



Figure 8.1. Image of members of PROUD protesting against the closure of window brothels in Amsterdam.

Source: ICRSE (2015).

Related to this is the notion of tolerance which has also travelled from the Netherlands. Tolerance is a broad notion that is easily adaptable in the UK context, and can have on-the-ground impact. This is important, as van Doorninck and Campbell (2006) note, an official zone in the UK is rare and unlikely to be written into local by-laws or policy like in the Netherlands. The positive to unofficially ‘turning a blind eye’, is that it reduces the risk of being accused of ignoring the legislation or being tolerant to what is often an unpopular practice. On the other hand, it can also be more difficult to manage, particularly in terms of geographical location as well as preferred times etc. Hence why the Netherlands moved to officially tolerating the sex industry.

8.4.5 Policy Content and Instruments

In terms of policy content and instruments, the clearest example of emulation is that of zoning. Broadly referred to as managed zones or tolerance zones, Dutch tippelzones predominantly comprise of three elements: (1) a pick-up area for sex workers to offer their services and negotiate with clients; (2) a service area where sexual services can be provided; and (3) a ‘living room’ area, where sex workers can see health and welfare professionals (van Soomerem, 2004). Liverpool overtly sought to adopt policy instruments from Utrecht. However, Bellis *et al.*, (2007) of John Moores University – who were commissioned to conduct a consultation on a managed zone in Liverpool – note that despite being based on the success of the tippelzones in Utrecht, the Liverpool managed zone would be a far less sophisticated version, at least to begin with. More specific lessons drawn from the Netherlands are exemplified here by one participant who was instrumental in a UK managed zone proposal:

“it was very useful to see what they done in terms of mobile units to provide drop in centres in those areas, where they had located them. So not so far out of the way that people wouldn’t use them, but a realistic distance so that they weren’t interfering with other, either commercial or tourist type activities. So there were issues around that. There were practicalities about how people could drive to them, what things were and weren’t recorded about people, and some quirks. For instance, [...] a lot of them had built garages in the road without a roof on, so you could drive in between concrete walls and park there in what is like an outdoor booth where prostitutes will have sex with the clients. So seeing things like that, and as I said in the Netherlands because of the culture they have, they have smaller booths for people who picked up

sex if they had gone when on their bicycle, and things like that. So there were all sorts of nuances and things they had thought of, some of which would translate in to a UK environment and some of which wouldn't" (English Academic, Interview 21).

As previously mentioned, the Liverpool zone did not come to fruition, however some years later – in 2014 – the Safer Leeds Partnership introduced a Managed Approach in Holbeck, Leeds which remains in operation at the time of writing. Although there is no concrete evidence that the Leeds Managed Approach was drawn directly from the Netherlands, like other cities, the proposed strategy aims appear to mirror that of the Dutch tippelzones:

"This initiative aims to:

- (1) reduce the *problems caused by street prostitution to residents and businesses which currently suffer from such nuisance.*
- (2) better engage with street sex workers *to improve their safety and health*, with a view to enabling them to exit this way of life
- (3) reduce the prevalence of street sex working" (Roach *et al.*, 2020, p. 10, emphasis added).

It is important to note that details regarding the official/unofficial capacity of the Managed Approach are noticeably lacking. Despite the media dubbing the Leeds zone "Britain's first legal red light district", Safer Leeds have stated that it is "categorically not a legal red light zone" (cited in Sheridan, 2020, n.p.). Rather, Leeds Managed Approach is a strategy of tolerance to existing activity – i.e., they do not enforce soliciting offences – as opposed to introducing something new, stressing they do not have the power to change the law on sex work. Meaning that there has not been a legislative change and solicitation remains an offence in England and Wales, therefore it could still be enforced within the zone if the police initiative changed. That said, it is a formal strategy that is recognised by local authorities, in co-operation with the police and other agencies. Interestingly, legislative changes in the Netherlands in 2000 were understood simply as the legal stamp on the zones of tolerance already operating in many Dutch cities (Brants, 1998).

8.4.6 Implementation

The Leeds Managed Approach is a scheme that was introduced in October 2014 by the Safer Leeds Partnership. Initially a one-year pilot, it was extended following a

review. Since its implementation, sex work has been officially tolerated in the area of Holbeck between the hours of 8pm and 6am. Additionally, support services and outreach for sex workers are provided, through agencies such as Basis Yorkshire. Although this mirrors parts of the Dutch approach, a distinction must be made regarding the law. As discussed above, the Leeds Managed Approach is not an official zone, but rather its implementation is possible under the National Policing Sex Work Guidance, which encourages police forces and partners to create strategies to manage street-based sex work (Roach *et al.*, 2020).

At the time of writing this, the zone is still in place. However, the existence of this local initiative is fragile and has had significant resistance from some local residents and other actors who oppose any kind of tolerance towards sex work. This has been exacerbated by the 2016 BBC Three documentary series *Sex, drugs, and murder: life in the red light zone* which was filmed in the area. Subsequently a campaign has been created evocatively called *Save Our Eyes*, which seeks to close the zone, using images of local debris and horror stories from local residents to make their case (see saveoureyes.co.uk). Unsurprisingly their focus is on the impact of the zone on local residents, businesses and children. Interestingly however, is the sites use of language as they refer to the local sex workers as ‘prostituted women’ who are ‘enslaved’ by drug addiction – which of course speaks to a radical feminist perspective. Regardless, their warning – “please be aware that we live with the problems of the FIRST ‘managed zone’ [...] the next one could be where you live!” (Save Our Eyes, 2018, n.p.) – could be a possible barrier to further emulation of a managed zone elsewhere in the UK. That said, a recent independent evaluation of the Managed Approach (MA) in Holbeck reports that:

“The MA was found to be more effective at reducing the impact of problems associated with on-street sex working than any other approach or model. There are currently no alternative models or approaches that promise to be more effective and which fit within existing UK law on sex working. The MA needs to be fluid enough to react swiftly to changes in on-street sex work or a change in UK law. The MA must continue to evolve and adapt when needed as it has done over the past six years” (Roach *et al.*, 2020, p. 12).

As the Managed Approach continues it would seem that the Safer Leeds partnership is fine tuning its strategy. Nevertheless, if lessons are to be learned from the Dutch experience the spaces where sex work take place are consistently under threat.

A significant threat worth noting here is the gentrification of spaces of street-based sex work across cities in Europe – whether this be through state-led strategies or

more local processes (Singelenberg and van Gent, 2020). Although gentrification concerns often centre on zones operating in city centres – suggesting the Holbeck zone, based in an industrial estate, may be safe – these efforts can extend elsewhere. One Dutch political representative interviewed noted that one of the zones in Utrecht is to be moved due to plans to build houses in that area, they warned of the issues in finding the right area for such zones when existing ones have been displaced (Interview 7). Of course, there is no way of knowing the longevity of the current managed zone within Holbeck, Leeds, whether more zones will be established elsewhere in the UK, or the ways in which it may be adapted,

8.5 Conclusion

This chapter has considered how the Swedish and Dutch policy models have been received in the UK. It has demonstrated how policy mobility can be understood as an assemblage of external influences and territorial interests. The Swedish model has infiltrated several states and its influence in the context of the UK is evident through a number of policy debates and consultations that have referenced learning from the Swedish example in some way. This has been possible due to widespread dissatisfaction regarding current legislation and due to several aligning interests and assemblages – notably the conflation of sex work and trafficking, and radical feminism and the Christian right. In order to understand the impact of these lessons, attention has been given to the policy levels – looking at *what* has been emulated. The most concrete manifestation of the Swedish model in the UK is the criminalising of clients in Northern Ireland, however it is clear that this has been adapted in order to ‘fit’ the Northern Irish context – for example the addition of a funding. A focus on policy levels highlights the partial adoption of elements of the Swedish model in Scotland, England and Wales, including the ‘tackling demand’ rhetoric. What is also clear is that regardless if the ‘Swedish model’ has been adopted, its application and implementation differs from place to place – demonstrating the non-linear process of policy mobilities.

The Dutch model has also influenced policy debates in the UK. However, a focus on immobilities alongside mobilities has revealed how the Dutch model – despite its notoriety – has made significantly less of an impact on UK policy than Sweden. Crucially, there has been a concerted effort to immobilise the Dutch model, with many UK actors referring to the ‘negative’ lessons they have learned. That said,

'best practice' lessons have been learned at a local level, notably regarding tippelzones. This has manifested in the UK as 'tolerance' or 'managed' zones, with a number of attempts to implement these areas across various cities. How much these have drawn on the Dutch example differs, with Liverpool collaborating with Utrecht officials to learn practical lessons – although this never came to fruition. Again, an attention to policy levels has revealed the broader lessons learned, such as philosophical understandings of sex work as work and how this has mutated in the UK context to the acceptance of sex work as work but only in the private sphere.

The upcoming, and final, chapter will attend to how this thesis has achieved its overall aim of understanding the policy mobilities of Swedish and Dutch sex work policy within the UK. It will conclude the key contributions of this thesis, highlighting what the wider implications of the findings are. It will also offer some direction for future research on sex work – and more broadly criminological – policy mobilities.

Chapter Nine: Conclusion

9.1 Introduction

This thesis has sought to understand *how* and *why* particular sex work policy models circulate and land in places elsewhere. As such, the thesis is responding to a noticeable absence of such studies within the literature. Sex work research – and criminological research in general – has traditionally placed more value in critiquing particular policy models as opposed to seeking to understand how and why these models are made mobile, and what happens in the process of this movement. In order to achieve this overall aim, a case study was utilised focussing on the influence of Swedish and Dutch sex work policy models on the UK. Through semi-structured interviews and documentary materials the following four key objectives were achieved:

- (1) To explore the evolution of sex work policy in Sweden and the Netherlands;
- (2) To explore how Swedish and Dutch sex work policies have been framed as international policy models;
- (3) To explore if and how these policy models have influenced policy and practice across the UK (including England and Wales, Scotland and Northern Ireland); and
- (4) To explore the role of gender in the mobility of the Swedish and Dutch sex work policy models to the UK.

This concluding chapter will revisit the key findings pertaining to the above objectives – discussed in Chapter Five, Six, Seven and Eight. It will contextualise these findings within the literature discussed in Chapter Two and Three and consider their wider implications. Following this, the limitations of this research will be addressed, which will in turn inform the direction of future research regarding sex work – and more broadly criminological – policy mobilities.

9.2 Understanding Sex Work Policy Models on the Move

The methodological chapter of this thesis (Chapter Four) made the case for the focus on Swedish and Dutch policy models, and their impact on UK policy, as a way of understanding sex work policy models on the move. Since their inception at the

turn of the century, these policy models have been – and continue to be – central to policy debates and academic inquiry, often in a comparative sense (see for example, Kilvington *et al.*, 2001; Bernstein, 2007; Hubbard *et al.*, 2008; Smith and Mac, 2018). Analysis of key documents has further confirmed their position within UK debates; however, it has also demonstrated that their position is the result of the labour of a variety of stakeholders, through a variety of means. To better understand the position of these models, their notoriety, and their mobility, Chapter Five of this thesis explored the evolution of these models within a historical and contemporary context, thus responding to objective (1). It demonstrated that while the Swedish and Dutch policy models may appear to be considerably different, their evolution has been the product of patently similar trends. These trends include, longstanding concerns regarding sexually transmitted diseases, issues of morality, the ‘cleansing’ of public spaces, and increased anxieties surrounding trafficking, organised crime and immigration. Furthermore – and linked with these concerns – have been gendered developments around sexuality and equality which have influenced the (re)framing of sex work and facilitated legislative changes. In both jurisdictions, sex work is problematised to some degree and in need of control. In Sweden, sex work is predominantly controlled through criminalising the purchasers of sex; in the Netherlands sex work is controlled through municipality measures such as zoning and licensing. Troublingly, this chapter highlighted that these policy developments in both Sweden and the Netherlands have had significant consequences for sex workers, including displacement, marginalisation and stigma.

That said, the aim of this thesis was not to add to the wealth of literature critiquing these policy models, but rather to see what influence they have – ‘rightly’ or ‘wrongly’ – on UK policy. Therefore, Chapter Six provided an overview of the governance of sex work in the UK to better understand the context in which policies from elsewhere may be considered. This highlighted that the UK has been heavily reliant on legislation from the 1950s – influenced by the Wolfenden Report (1957) – which is underpinned by notions of private morality and public nuisance. However, there have been some legislative additions since then, in line with wider trends which reflect those in Sweden and the Netherlands, including a focus on trafficking and demand. Nevertheless, despite many attempts, there has been no substantial legislative overhaul in Scotland, England and Wales since the 1950s. In contrast, in 2015 Northern Ireland deviated from this indecision by criminalising the purchase of

sex through the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*.

With a contextual understanding of policy models in Sweden, the Netherlands and the UK, Chapter Seven was the first empirical chapter which presented some of the key findings from the analysis and responded specifically to objective (2). Mirroring scholars such as Dolowitz and Marsh (1996) and McCann and Ward (2013), this chapter began by highlighting the labours of several loud and influential messengers who have been instrumental in showcasing and critiquing sex work policy models. Notable messengers include state officials, consultants, academics, activists and NGOs/INGOs. Crucially, the data showed that feminist/women's organisations have been instrumental in sex work policy mobilities. Interestingly, feminists – of all persuasions – often claim to be the 'voice for the voiceless', which raises further questions around power and representation. In the context of the UK there are a number of powerful and dominant voices that are concerned with sex work and its supposed incompatibility with gender equality. These actors – many of whom align with a radical feminist view on sex work – have the privilege of being at the centre of debates. For example, Julie Bindel has been a prominent and authoritative voice in the sex work policy discourse in the UK and across the globe, curating and sharing messages about both Swedish and Dutch policy models. Voices that are often missing from debates are the queer voices that do not 'fit in' with the gendered discourse that permeates sex work policy. This is evident in, for example, parliamentary debates which rarely include male, trans or gender non-conforming actors in the oral evidence stages – not to mention a lack of representation from those currently working in the sex industry.

This chapter also revealed the significance of messengers from the models' 'origin site', who are considered to be experts and hold first-hand knowledge of the policy model. This often makes them the 'go-to' people to speak to for those interested in learning about a specific policy. For example, this was the case for police officials in England and Wales when they wanted to know more about the tippelzones operating in Utrecht. Moreover, attention to these messengers exposed the concerted efforts of state officials from Sweden in exporting their 'model' elsewhere. Gunilla Ekberg, for example, has been central in the emulation of the Swedish model in Northern Ireland, where her expertise as Sweden's former Specialist Advisor on Trafficking in Human Beings was deemed to be invaluable to policy-makers in Northern Ireland, such as Lord Morrow. Her 'expertise' continues to be appealing to

policy-makers across the UK who are looking to implement the Swedish model in their jurisdiction.

This chapter also showed the ways in which messengers have employed various mediums in order to get their message across. Prominent mediums include conferences and study tours, which are often organised and orchestrated by state officials and feminist organisations who – often collaboratively – cherry-pick messengers to share knowledge deemed valuable and appropriate. The meeting of state officials from the origin site and visits to the locality are often used as a justification tool by policy-makers – they’ve heard it straight from the horse’s mouth, so to speak. As such, this often makes fact-finding visits a prerequisite for attempts to mobilise policy. Alongside these visits, there are a host of informational infrastructures that are utilised in order to educate policy-makers, and subsequently influence which policy they may land on – and which city they may land in (McCann, 2008). An often over-looked medium within the policy mobilities literature – which has been influential in the mobility of Swedish and Dutch policy models – are the Terms of Reference for consultations. These shape the direction of the debate by deciding which policy models are noteworthy and which are not. This, too, is influenced by flows of knowledge regarding sex work and the labours of actors who form campaigns, create websites, publish articles and books, speak on the radio, appear on TV, create leaflets, post on social media platforms, and host conferences. Comparatively, these efforts have been significantly greater coming from supporters of the Swedish model than supporters of the Netherlands.

Chapter Seven also revealed three key messages promoted by the messengers about both policy models: that they are (1) *successful*, (2) *transferable*, and (3) *‘the right thing to do’* (and rival models are not). These persuasive messages vary in form and impact. Messages from Swedish advocates are often confident, unwavering and in line with the government’s objective of exporting the model globally. Supporters of the Dutch model, on the other hand, are often more modest and context specific, with messages often failing to pack the punch of their Swedish counterparts. The content within these key messages often addresses the concerns of many policy-makers globally and appeal to those seeking to change their policy on sex work. By paying close attention to the role of gender – something lacking in other policy mobilities research – it was possible to identify the gendered nature of these messages, thus responding to objective (4). Indeed, gender runs through all of the key messages, which include issues around gender inequality, violence

against women, trafficking and exploitation, and – often more subtly – containing street sex work. Chapter Eight demonstrated the ways in which these messages have been received – sometimes accepted, sometimes challenged – within the UK, thus responding to objective (3).

The emulation of the Swedish model, specifically the criminalising of the purchase of sex, has been attempted multiple times within the UK. There is firm evidence the Swedish model – or at least parts of it – have travelled here, notably in Northern Ireland who criminalised the purchase of sex in 2015. Interestingly this was their first attempt and was introduced through a human trafficking bill, demonstrating the regular conflation of trafficking and sex work within much public policy. This conflation is one of several assemblages which have helped bring the Swedish model into territorial and relational coherence. Corroborative of Ellison (2017a, 2017b), findings have highlighted the unlikely pairing of the Christian right and radical feminists whose collaboration has been significant in implementing the Swedish model in Northern Ireland, and has also been central to sex work policy debates across the UK.

As Chapter Two highlighted, where there are mobilities there will be immobilities. The export success of the Swedish model in Northern Ireland is not matched in the rest of the UK. A partial emulation can be seen in section 14 of the *Policing and Crime Act* (2009) which criminalised the purchase of sex from someone subject to force, threats, coercion, or deception. This is viewed and positioned as an inadequate step for those seeking to impose the Swedish model in the rest of the UK. The failure of many attempts to mobilise the Swedish model in Scotland, and England and Wales is down to a combination of resistance efforts – notably by sex worker rights organisations, often in support of full decriminalisation – and a lack of evidence to support the model within the context of these jurisdictions. Nevertheless, when considering Newburn and Jones' (2007) notion of policy levels, there is significant evidence of the journey of *policy ideas, symbols and rhetoric* from Sweden to the UK – for example, the 'tackle demand' principle. A focus on *policy content and instruments* revealed several mutations that transpired on the journey – for instance, the addition of funding for support services in Northern Ireland and the alteration in how clients are punished. Crucially, and demonstrating the unpredictability and instability of policy emulation, the *implementation* of the Swedish model in the UK has been considered underwhelming by its advocates; it's the right policy, they argue, but not used enough (Bindel, 2019). For many sex

workers and critics, however, this emulation has had adverse effects for those involved in the sex industry (Levy and Jakobsson, 2014).

In terms of the Dutch model, my research findings show that while this model is high-profile in national debates, emulation is most evident through local-to-local learning where UK stakeholders have proposed initiatives that mirror Dutch style *tippelzones*. For local authorities across a number of major cities in the UK, the managed areas running in cities across the Netherlands – notably those established in Utrecht – have provided practical guidance. A shared desire for a pragmatic approach by key actors has been facilitated by an assemblage of a public nuisance discourse (that seeks to control visible forms of sex work) coupled with a sex worker rights approach (which focusses on sex worker wellbeing). There is less evidence of the emulation of the Dutch model in the UK when it comes to *policy ideas, symbols and rhetoric*. However, the Dutch model has been influential in professionalising the sex industry, a message that has travelled internationally. The emulation of *policy content and instruments* surrounding managed zones can be traced to lessons learned from the Netherlands. A Managed Approach continues to be *implemented* in the city of Leeds, however there are a number of differences to those found in Utrecht, Netherlands. For example, although solicitation is allowed in Holbeck, Leeds, they must leave the area to provide services, whereas in the Netherlands there are areas for cars and bikes to park while services are provided in the locality.

A significant finding, and one that chimes with Lovell's (2017a, 2017b) notion of 'worst practice', is the positioning of the Netherlands as *the* negative example in policy debates. Specifically, messages focus on their apparent and comparatively high trafficking figures and the idea that legalisation is a 'free for all', epitomised by images of very visible examples of sex work in cities like Amsterdam. Again, these messages are highly gendered and focus on the exploitation of women and girls. This negative message is strong enough that those who oppose the New Zealand model will purposefully conflate the Netherlands with New Zealand and, in turn, legalisation with decriminalisation. The Netherlands, therefore, has been positioned as a 'straw man' that can be blown down by the apparent successes of the Swedish approach. Paradoxically, the Dutch example is discursively used a tool to facilitate the movement of the Swedish model, while simultaneously immobilising the Dutch model. A cocktail of ambivalence from state actors, damning efforts from Swedish model supporters, and a more viable alternative coming from New Zealand have all contributed to the immobilities of the Dutch model.

9.3 Limitations of Research

It is important to recognise the limitations of this research in order to be transparent regarding the findings and to inform future research. Firstly, the use of a case study approach – while offering an in-depth exploration – only captures a very specific example, within a specific timeframe. Furthermore, the data collection process was dependent on the ability to contact and secure an interview with key actors, which of course meant that there were key actors who were not identified, could not be contacted, or were unable/unwilling to participate. This was reliant on several factors including resources, time, ability to speak English, and the desire to participate in a research project – taking into account the tensions surrounding sex work policy and academic research. The use of documentary analysis helped fill in many gaps, and although it is not possible to apprehend *all* documentary materials, there was enough collected in order to reach saturation. This relates to another important methodological consideration discussed in Chapter Four: the positionality of myself as a researcher. Peck and Theodore (2015, p. xxi) remind policy mobilities researchers to avoid the risk of getting drawn in by the “catchiest policy-making tunes”. It is, therefore, important to recognise that this research is limited – despite best efforts – by which lines of inquiry were followed.

A complementary method which would increase the robustness of future research would be the use of ethnographic methods. Further insight could be apprehended through the experience of being present at the sites and situations where policy knowledge is shared (Cook and Ward, 2012; Baker and McQuirk, 2017), although again this is dependent on access, resources and time. Ethnographic methods may assist in uncovering more subtle influences in the policy-making process that are not apparent in the data collection from interviews and documents. Indeed, there are likely to have been influences and experiences that the participants may have intentionally omitted or unintentionally forgotten during the interview process. Additionally, it is worth remembering that documents – and, to a degree, speeches and interview discussions – are often polished versions of particular narratives. While it is important to recognise that the findings are case-specific and methodologically bound, the research conducted nonetheless provided a much needed examination of sex work policy mobilities.

9.4 Implications of Findings and Future Research

The above findings – and the methodological approach that underpin them – have both practical and theoretical implications. Specifically, I argue that this thesis provides three important conceptual contributions, which in turn should inform and enhance future research. These will be presented here in turn.

First, this thesis has contributed to the field of criminology through a focus on policy mobilities. Conceptually, it contributes and extends Newburn *et al's* (2017) call for a move towards criminological policy mobilities. In agreement on the shortcomings of a policy transfer approach – which has dominated previous criminological inquiry – this thesis has developed a framework that criminologists and other studies can use when studying the movement of criminal justice policy. It is clear that criminal justice policies move from place to place, yet this area of enquiry is often overlooked, or conceptually flawed within criminological research. This thesis has demonstrated how criminologists can explore this phenomenon, and the benefits that criminologists will reap when using a policy mobilities approach. Echoing Newburn *et al.* (2017), this thesis has utilised the policy mobilities concepts of mobilities, mutation and assemblage, coupled with Newburn and Jones' (2007) earlier work on policy levels. This approach has facilitated an understanding of the conditions and contexts in which policy mobility is possible, as well as how this manifests in the 'receiving' jurisdiction. That said, this thesis has built on this by suggesting that such studies would benefit from drawing on the concepts of learning and educating, showcasing, and policy immobilities – areas that criminologists are yet to consider. A focus on these concepts allows researchers to follow the ebbs and flows of policy (im)mobilities and recognise the power of key messengers, how they shape their messages, and the ways they circulate knowledge about so-called 'best practice' policy models. Through this, I argue, a fuller picture of the processes of criminal justice policy (im)mobilities and mutation can be ascertained.

Secondly, this thesis has contributed to the geographical field of policy mobilities by (1) exploring 'competing' policy models and (2) introducing a focus on the role of gender in policy (im)mobilities. When thinking about competing models, the thesis has demonstrated that we need to think about the relationship between mobilities and immobilities. The thesis has revealed how competing policy models interplay with one another – for instance, by setting themselves up as superior models – and this comparative form of persuasion can – certainly in the case of the Swedish and

Dutch sex work policy models – be contributing factors in each other’s emulation, or lack of. The (im)mobilities of one policy ‘model’ does not happen in isolation, it is often contextualised by alternative policies, which are positioned as ‘good’ or ‘bad’. Therefore, geographically and criminologically research on policy mobilities can benefit from seeing the bigger and more relational picture through an analysis of multiple policy models which are placed in competition with one another. Specifically, for sex work policy mobilities, future studies would benefit from exploring other jurisdictions. Notably, an exploration of the evolution of the ‘New Zealand model’, its influence on UK policy debates and how it interplays with the Swedish and Dutch models. Indeed, the world of ‘fast policy’ (Peck and Theodore, 2015), and the evolving nature of policy (im)mobilities, speaks to the need to revisit the Dutch and Swedish policy models in the future.

Furthermore, this thesis has demonstrated that geographers and criminologists would benefit from a focus on the role of gender in the process of policy (im)mobilities. This would bring policy mobilities research in-line with other research on policy, which has recognised the significance of gender in the policymaking process. While this thesis is the first study to look explicitly at the role of gender, recent work by van Toorn (2020) has also demonstrated the benefits of considering the role of feminist movements in policy mobilities. Indeed, the field of policy mobilities would be enriched by further studies focussing on the role of gender and feminism. Here, attention to gender has revealed the labours of (mostly) women in the education of sex work policy models – notably regarding policy ideas, symbols and rhetoric – yet more concrete manifestations of policy mobility appear to have been facilitated by (mostly) male policymakers. Furthermore, and linked to the importance of a policy models origin story is the perceived international standing of states within gender equality issues – of course, this is more relevant for polices with a gendered element, of which sex work has been firmly positioned. Regardless, the process of policy mobilities cannot and should not be separated from gender; the messages, messengers and mediums are so often gendered. As such, research on policy mobilities can no longer side-line the role of gender.

Third and finally, this thesis contributes beyond academic as it can help those involved in sex work policy and activism. In showing that policy models are put together and framed in certain ways, never neutrally, it invites policy-makers and advocates to explore their decision-making process and consider their role in policy (im)mobilities. It furthermore offers a way to evaluate polices from elsewhere, by

critically examining the origins of a policy, its context, and by considering what conditions may impact its mobility. The nature of sex work policy domains requires further considerations, particularly regarding policy models that appear frequently in debates – such as New Zealand. This is important as the international sex work policy arena has been dominated by debates regarding which national policy model should be adopted by other countries – including the UK. The popularity of certain policy models – such as the Swedish model – has not gone unnoticed by academics and stakeholders within the sex work policy arena. That said, there are limited explorations about how these policies circulate and what happens to the ‘models’ as they travel. This is a significant oversight; as this thesis has demonstrated, there have been – and continue to be – considerable efforts made by key stakeholders to frame and package policy models in order to facilitate their implementation elsewhere.

Furthermore, a focus on policy mobilities has uncovered how policies mutate as they travel and can often manifest noticeably differently in adoptive countries. This problematises the on-going efforts to adopt foreign policy models, which is often done in place of home-grown initiatives. It is, therefore, important for scholars, policy-makers, and other stakeholders to consider this when advocating and contesting policy ‘models’ or they risk getting caught in the ‘best practice’ trap. This thesis has highlighted how a focus on national policy models, often stems from demands – mostly from feminists – to work on the ‘bigger picture’. However, as Smith and Mac (2018, p. 209, emphasis in original) highlight, this often dismisses sex workers’ “*current material needs* – for income, for safety from eviction, for safety from immigration enforcement – as trivial”. Indeed, in the UK, national debates in particular continue to focus on which policy model should be adopted. The Swedish model in particular continues to gain traction, motivated further by Northern Ireland’s emulation. For example, in December 2020 Dame Diana Johnson (Labour MP) proposed a sexual exploitation bill in England and Wales which mirrors the so-called ‘Nordic model’ and conflates sex trafficking and sex work (see Hansard HC Deb, 9 December 2020). At the time of writing, this bill has failed to complete its passage through parliament and therefore will not progress. However, time will tell if further attempts will be made to criminalise the purchase of sex in the UK. Another recent development has been the closure of the Managed Approach in Leeds, which once again highlights the temporariness of policy and the power of the ‘tackle demand’ rhetoric – with Leeds city council claiming to be targeting kerb-crawlers going

forward (Yorkshire Evening Post, 2021). What is clear is that these efforts to emulate sex work policies from elsewhere are not diminishing. Therefore, there remains a lot more to be uncovered and more reflections to be had about sex work policy mobilities.

There is much to learn from a policy mobilities focus on sex work and there are many more stories to tell. This thesis has importantly contributed to the fields of criminology, policy mobilities, and sex work, and has provided a stepping-stone and a guide for how to conduct similar research in the future.

Appendix A – Information Sheet



Participant Research Information Sheet

Title of the project – Sex Work and the Transnational Circulation of Dutch and Swedish Policy

This sheet will tell you all about the research. We would like you to take part in the research and this sheet helps answer questions you might have about it. Once you have read the sheet, or talked about it with the researcher, you can decide whether you would like to take part or not.

Background to the research-

The postgraduate researcher, Laura McMenzie, is a full-time PhD student at Northumbria University. This research will form the primary data component – the part in which the voices, opinions and understanding of people are heard – and will contribute towards the final doctoral thesis, due to be completed by September 2018. The research is funded through a scholarship granted by Northumbria University, and will remain the property of the university to be archived with other doctoral work upon completion. In addition to this, some of the data gathered may be used in a journal article by the researcher, to be submitted for peer-review in an academic journal.

What is the research trying to find out?

This work is examining the international circulation of sex work policy, focussing on Dutch and Swedish policy models. It will look at how these policy models are formed and how they have influenced policy decisions elsewhere, focussing particularly on the UK. Therefore this research is trying to uncover these processes through the key actors involved in the formation of sex work policy models and their circulation.

What will happen as part of the research?

If choosing to participate in this research, you will partake in a single interview held between you and the researcher, Laura McMenzie. This will be conducted in a safe and private venue agreed with yourself and the researcher prior to the interview, and at a time that is convenient for you. The timeframe for an interview depends on what you have to say within it, but they tend to last anywhere between forty-five minutes and two hours. During the interview, you will be asked a number of questions about sex work policy, including your views and role in policy-making decisions. At any point during the interview if you feel as if you need to take a break, then this is perfectly OK. The most important thing is for you to feel comfortable and to take something positive from the experience.

Why do you want me to take part?

You have been specifically chosen as a participant for this research because you are deemed to have played a role in the formation or circulation of sex work policy and therefore are well positioned to inform this research.

What if I don't want to take part?

You do not have to take part in the research if you do not wish to. If this is the case, just inform the researcher that you are not interested. Nothing negative will happen as a result of you choosing not to partake, it is completely up to you and what you would like to do. That being said, it is hoped that this interview will be a positive experience for you to be part of, and become a platform that can begin or continue a reflective process. Interviews of this type are a two way process between you and the researcher, and the goal is to aim for an enriching experience in which you can explore your thoughts in a confidential and open environment.

What if I change my mind?

If, after a session, you change your mind about taking part in the research, then that is perfectly alright. You might have started off wanting to partake in the research, but afterwards you might change your mind. Or perhaps first of all you did not want to participate, but now you do. Either of these scenarios is fine, just let me know.

You said you're going to take notes/record the interview. Will you write down things that I say?

Yes, it is possible that I may make notes during the interview, however these will be kept to a minimum. This is because the interview is recorded, and the recording of what we have talked about is transcribed after the interview. The transcription will be securely kept, and the recording of your voice deleted immediately. We will not identify you in the finished work, or throughout the writing process, and your real name will not be used.

Will anyone know I've taken part in the research?

Everything said during the interview will be kept in strict confidentiality and anonymity. The finished doctoral thesis, as well as any other publications, will only refer to you by a pseudonym. Only the researcher has access to the information you provide, and this will only be kept until the research project is completed.

How do I know that you're going to keep my information safely?

Interview recordings will be securely stored on the university system. Once stored, the audio file on the digital recording device will be deleted straight away. All interviews once transcribed will likewise be securely saved onto the university system. All physical transcriptions will be securely locked away in a cabinet in the PhD area at Northumbria, which is itself a secure area with electronically locked doors. Only the PhD researcher will have access to the locked cabinet. After the project is complete, data will be retained in accordance with the retention schedule of Northumbria University, for the relevant amount of time, after which both physical and electronic data will be disposed of securely.

What's going to happen after you've done all this research?

The information that you provide will contribute towards the analysis section of my doctoral thesis. This is not itself a published work, but will likely contribute to some work that will be published. These will be in the form of one or more academic journal articles, and paper presentations at academic conferences. Regardless of the format in which the work is presented, your views and all of the information you have given will remain confidential as outlined above.

OK, I think I want to take part

On the next page there is a consent form to sign. If you do not want to sign it, then you can just tell the researcher that you are happy to take part. They will make a note on the form for you.

You should keep this information sheet, just in case you have any questions now or further down the line.

I want to know more about the research

You can ask me whenever you meet me about the research. I will be happy to answer any questions you might have.

In addition, the best way to reach me is by e-mail at laura.mcmenzie@northumbria.ac.uk

Alternatively, you can contact me by phone on 07920408541

I want to complain about the research or report something about the research I'm unhappy with

If there is anything you are unhappy about regarding your participation in the research, then please inform me directly or in one of the above contact formats. If you are not happy to do that, my supervisor is Dr Ian Cook, also at Northumbria University, and his email address is ian.cook@northumbria.ac.uk and telephone number is 0191 227 4685.

Thank you for taking the time to read this information sheet. If you have any further questions, please do not hesitate to ask me.

Appendix B – Consent Form



Faculty of Arts, Design and Social Sciences

Research Consent Form (participant)

Name of project

Sex Work and the Transnational Circulation of Dutch and Swedish Policy

Organisation(s) initiating research

Northumbria University

Researchers' names

Laura McMenzie

Research Organisation

Northumbria University, Department of Social Sciences

Participant number

- I confirm that I have been supplied with and have read and understood an Information Sheet for the research project and have had time to decide whether or not I want to participate.
- I understand that my taking part is voluntary and that I am free to withdraw at any time, without giving a reason. The deadline for my withdrawal of consent is 01/09/2017 to coincide with the end of the research period for data collection.
- I agree with Northumbria University recording and processing this information about me.
- I understand that this information will only be used for the purposes set out in the information sheet.
- I have been told that any data generated by the research will be securely managed and disposed of in accordance with Northumbria University's guidelines.
- I am aware that all tapes and documents will remain confidential with only the research team having access to them.
- My consent is conditional upon the University complying with its duties and obligations under the Data Protection Act.

I would like a copy of the report when it's published:

	Please tick
Yes	
No	
I'll decide later	

Signature of Participant (even if below 18 years old)

Date

I can confirm that I have explained the nature of the research to the above participant and have given adequate time to answer any questions concerning it.

Signature of Researcher

Date

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