

**ICRSE**

**International  
Committee on  
the Rights of Sex  
Workers in Europe**

[www.sexworkeurope.org](http://www.sexworkeurope.org)



Amsterdam

November, 31<sup>st</sup>, 2013

Dear Lord Morrow, dear members of the Northern Ireland Assembly,

Please find below the submission from the International Committee on the Rights of Sex Worker in Europe. Our regional network includes 68 organisations of sex workers and organisations supporting sex workers rights in Europe and Central Asia.

We would like to limit our comments to the section 6 "Paying for sexual services of a person" of the Human Trafficking and Exploitation Bill.

The criminalisation of the purchase of sexual services or Swedish Model has been evidenced as not only having no proven effect in the reduction of clients, sex workers or trafficked persons but as having detrimental effects on the health, well-being and access to justice of sex workers themselves.

Most international organisations including World Health Organisations, International Labour Organisation and UNAIDS have explicitly called for decriminalisation of sex work.

The UN's Global Commission on HIV and the Law calls for countries to "repeal laws that prohibit consenting adults to buy or sell sex". This is based on evidence that shows that the criminalisation of the purchase of sex only endangers sex workers by forcing them to work underground, unable to report abuse to the police, and with difficult access to health services.

The International Committee on the Rights of Sex Workers is demanding that Northern Ireland join the growing list of countries that are committed to the realisation of sex workers' human and labour rights. Only by consulting directly sex workers and our organisations, and by including us meaningfully in policy-making, will Northern Ireland be able to protect those facing exploitation and abuse.

We attached to our submission an extract from our guide providing evidence against the criminalisation of clients of sex workers. We are hopeful that you will look closely at the evidence contained in the reports quoted in this document and will base your decision on proven facts and not the dangerous ideology.

We are available to provide oral evidence if needed.

Sincerely,

Luca Stevenson,

Coordinator International Committee on the Rights of Sex Workers in Europe

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# The Evidence

## 1 Responses from Swedish Academics/Activists

### Dodillet S., and Östergren P. 2011. The Swedish Sex Purchase Act: Claimed Success and Documented Effects

**EVIDENCE:** There is no evidence that the criminalisation of clients reduces the number of sex workers, or trafficked sex workers.

**QUOTE:** “The Sex Purchase Act **cannot** be said to have decreased prostitution, trafficking for sexual purposes, or had a deterrent effect on clients to the extent claimed”

**EVIDENCE:** Since the criminalisation of the purchase of sex street workers are being displaced, which makes it harder to know how many workers there are.

**QUOTE:** “According to social workers interviewed by the National Council for Crime Prevention (in Sweden) it has become more difficult to count the number of sex workers, since they have moved to side streets and cover a larger area than before.”

**EVIDENCE:** Any potential decrease in street based sex workers can be attributed to other factors, such as the growing use of new technologies.

**QUOTE:** “This shift from street to indoor is believed not to be necessarily a result of the Sex Purchase Act, but part of the general trend of decreasing street-based prostitution. The Board of Health and Welfare writes that prostitution has developed along with society in that new technology is being used, and that buyers and sellers of sexual services now make contact with each other by multifarious means.”

**EVIDENCE:** The Ban on the Purchase of Sex does not have the support of the general population, nor has it changed the views of the population.

**QUOTE:** “Newsmill, a much-read on-line debating forum, routinely lets their readers express their feelings [‘mill’] on the topics of the articles. As we write this article, 49 articles have been posted on the topic of the Sex Purchase Act where 13,855 people have voted on the question ‘How do you feel about: The Sex Purchase Act’, out of whom 81 percent are ‘angry’ with the ban, 12 percent are ‘happy’ with it, 4 percent are ‘bored’ and 1 percent are ‘curious’.

**EVIDENCE:** The law has negative effects for sex workers, including increased stigmatisation.

**QUOTE:** “The most common and perhaps most serious complaint regarding sex workers themselves is that they experienced an increased stigmatisation after the introduction of the Sex Purchase Act. Some also state that the ban is a violation of their human rights, and many say that they don’t feel fairly or respectfully treated: they are not regarded as fully worthy members of society. Sex workers object to the fact that they were not consulted in the making of the law. Since sex workers feel they are not able to influence their legal or societal situation, they feel powerless. And since the ban builds on the idea that women who sell sex are victims, weak and exploited, many claim that the law propagates stereotypical notions about sex workers.”

**EVIDENCE:** Sex workers have less trust in the police and the legal system.

**QUOTE:** “The National Board of Health and Welfare report that due to the ban sex workers feel less trust in social authorities, police and the legal system, and half of the respondents in the RFSL 22 study say that the current legislation prevents people seeking help. Instead of the police being a source of protection, sex workers feel hunted by them, and are subjected to invasive searches and questioning.”

**EVIDENCE:** Sex workers increasingly rely on third parties or 'pimps' to find clients.

**QUOTE:** "Some report that there is an increased dependency on third parties. Now that it is difficult to make direct contact with clients, sellers must rely on agents/pimps/helpers to find clients."

**EVIDENCE:** General working conditions have worsened.

**QUOTE:** "When the negotiating has to be done in a more rapid way (due to the clients' fear of being caught) it increases the risk of the sex worker making a faulty assessment of the client. And when clients are more stressed and frightened of being exposed, it is also more difficult for the seller to assess whether the client might be dangerous. On top of this, services have to be carried out in even more hidden, and therefore more unprotected, areas. There has not been any specific research done on levels of violence, but several sex workers express fear of increased violence, as well as an actual increase. This situation is summarised by one of the informants in the Norwegian Inquiry:

"The Swedish street prostitutes experience a tougher time. They are more frequently exposed to dangerous clients, while the serious clients are afraid of being arrested. Prohibition will never be able to stop the purchase and sale of sex. It could only make conditions worse for the prostitutes. They have less time to assess the client as the deal takes place very hurriedly due to fear on the part of the client. They (the prostitutes) are exposed to violence and sexually transmitted diseases. If the client demands unprotected sex, many of the prostitutes cannot afford to say no. Harassment by the police has increased and the clients no longer provide tip-offs about pimps, for fear of being arrested themselves. The social workers working on the streets have problems reaching them. They (the prostitutes) use pimps for protection." – *The Norwegian Ministry of Justice*

**LINK:** <http://www.plri.org/resource/swedish-sex-purchase-act-claimed-success-and-documented-effects>

## 2 Responses from International Academics/Activists

### Jordan, A. 2012. The Swedish Law to Criminalize Clients: A Failed Experiment In Social Engineering

**EVIDENCE:** There is no evidence that the criminalisation of clients reduce the number of sex workers.

**QUOTE:** “In the thirteen years since the law was enacted, the Swedish government has been unable to prove that the law has reduced the number of sex buyers or sellers or stopped trafficking.”

**LINK:** <http://rightswork.org/wp-content/uploads/2012/04/Issue-Paper-4.pdf>

### Mai, N. 2009. Migrant Workers in the UK Sex Industry

**EVIDENCE:** Criminalisation of clients drives the sex industry underground and leaves sex workers vulnerable to exploitation.

**QUOTE:** “The research evidence strongly suggests that current attempts to curb trafficking and exploitation by criminalising clients and closing down commercial sex establishments will not be effective because as a result the sex industry will be pushed further underground and people working in it will be further marginalised and vulnerable to exploitation. This would discourage both migrants and UK citizens working in the sex industry, as well as clients, from co-operating with the police and sex work support projects in the fight against actual cases of trafficking and exploitation.”

**EVIDENCE:** The majority of migrant sex workers are not victims of trafficking, but consciously decide to work in the sex industry

**QUOTE:** “Interviews with 100 migrant women, men and transgender people working in all of the main jobs available within the sex industry and from the most relevant areas of origin (South America, Eastern Europe, EU and South East Asia) indicate that approximately 13 per cent of female interviewees felt that they had been subject to different perceptions and experiences of exploitation, ranging from extreme cases of trafficking to relatively more consensual arrangements. Only a minority, amounting approximately to 6 per cent of female interviewees, felt that they had been deceived and forced into selling sex in circumstances within which they had no share of control or consent.”

“Contrary to the emphasis given in current public debates about cases of trafficking and exploitation, the evidence gathered in the context of this project shows a great variety of life and work trajectories within the sex industry. Almost all interviewees felt that the most advantageous aspects of their involvement in the sex industry were the possibility of earning considerably more money than in other sectors, the availability of time and the possibility of meeting interesting people, travelling and experiencing new and challenging situations. In most cases by working in the sex industry migrants were able to bridge an important gap in their aspirations to social mobility and felt that they were able to enjoy better living and working conditions.”

“Most interviewees underlined that they enjoyed respectful and friendly relations with colleagues and clients and that by working in the sex industry they had better working and living conditions than those they encountered in other sectors of employment (mainly in the hospitality and care sectors). The research shows that most interviewees consciously decided to work in the sex industry and that only a minority felt that they had been forced to.”

**LINK:** <http://www.londonmet.ac.uk/research-units/iset/projects/esrc-migrant-workers.cfm>

### 3 Responses from the International Community

#### Ham, J. 2011. Moving Beyond 'Supply and Demand' Catchphrases (Global Alliance Against Trafficking in Women)

"Evidence has shown that 'end demand for prostitution' approaches:

- Don't reduce trafficking;
- Ignores trafficking into other sectors;
- Tends to rely more on ideology rather than sound evidence;
- Confuses trafficking with sex work;
- Increases stigma against sex workers; and
- Is more focused on punishing men who pay for sexual services, rather than protecting women's rights."

**EVIDENCE:** The term 'tackling demand' does not take into account the diverse trajectories into the sex industry for migrant workers, nor does it consider sex workers' agency.

**QUOTE:** "Defining trafficking as a simplistic 'supply and demand' equation can miss other nuances that could help clarify anti-trafficking strategies. Commodifying workers through demand-based discourses ignores the very real fact that trafficked persons, migrants and workers are people who are trying to access labour and migration opportunities for themselves and their families, and who often try to resist or escape exploitative situations.

**EVIDENCE:** The 'supply/demand' framework, which reduces sex work and trafficking to the 'demand' of 'men' does not reflect the complex interplay of supply and demand in contemporary sexual labour markets.

**QUOTE:** "Many casual references to supply/demand and trafficking seem to assume that demand creates the supply, particularly in debates about prostitution. However, supply and demand can impact each other in various ways; for example, supply can shape demand. For example, studies have found that a supply of cheap domestic workers can create a 'need' that wasn't otherwise there."

**LINK:** [http://www.gaatw.org/publications/MovingBeyond\\_SupplyandDemand\\_GAATW2011.pdf](http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf)

#### Global Alliance Against Trafficking in Women, (ed). 2007. Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World

**EVIDENCE:** In a decriminalised environment sex workers face reduced levels of exploitation and better working conditions. Outreach is also made easier, facilitating the identification of those potentially trafficked or exploited.

**QUOTE:** "The state government of New South Wales (which encompasses Sydney) has reported that the decriminalisation of sex work has reduced levels of exploitation of women who had previously worked for illegal and organised crime syndicates. As a result, the government reports that migrant women working in the sex industry enjoy safer working conditions and increased access to health services (...) Decriminalisation and legalisation of the sex industry in Australia has meant sex worker outreach groups are able to provide advice on issues to migrant women in the sex industry much more easily, such as information about laws, health and safety. As a result, it is easier to identify and assist those in trafficking or exploitative situations. Those who wish to move out of the sex industry can obtain information about their options and be linked with support groups, education courses or skills training programmes."

**LINK:** [http://www.gaatw.org/Collateral%20Damage\\_Final/singlefile\\_CollateralDamagefinal.pdf](http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf)

## Global Commission on HIV and the Law. 2012 Risks, Rights and Health

**EVIDENCE:** The Swedish Model displaces street workers and increase vulnerability to violence of all sex workers.

**QUOTE:** “Street-based sex work is halved in Sweden, according to the police, but the sex trade remains at pre-law levels. It has simply moved further underground, to hotels and restaurants, as well as the Internet-and to Denmark. The Swedish State Criminal Department warns that the sex trade may now be more violent. Especially worrying is the trade in foreign women, who often fall entirely under the control of pimps.”

**EVIDENCE:** The implementation of the law is not workable

**QUOTE:** “Sweden’s Alliance of Counties says that resources for social work are scarce, as the money has been siphoned to policing. In spite of over 2,000 arrests, only 59 clients have been reported suspected of buying occasional sex. Only two have been convicted, after pleading guilty. No one has been jailed, and only low fines have been imposed, as per the law. Evidence to prove a crime is nearly unattainable. Workers do not consider themselves to be victims and are almost always unwilling to testify against their clients.”

**LINK:** <http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/hiv-and-the-law--risks--rights--health.html>

## UNAIDS Guidance Note on HIV and Sex Work. 2012

**EVIDENCE:** Criminalisation of sex work, including criminalisation of clients drives the sex industry underground and limit sex workers access to health and other services,

**QUOTE:** “In many countries, laws, policies, discriminatory practices, and stigmatising social attitudes drive sex work underground, impeding efforts to reach sex workers and their clients with HIV prevention, treatment, care and support programme.”

**EVIDENCE:** Criminalisation of sex work, including criminalisation of clients, does not reduce the number of sex workers.

**QUOTE:** “There is very little evidence to suggest that any criminal laws related to sex work stop demand for sex or reduce the number of sex workers. Rather, all of them create an environment of fear and marginalisation for sex workers, who often have to work in remote and unsafe locations to avoid arrest of themselves or their clients. These laws can undermine sex workers’ ability to work together to identify potentially violent clients and their capacity to demand condom use of clients. The approach of criminalising the client has been shown to backfire on sex workers. In Sweden, sex workers who were unable to work indoors were left on the street with the most dangerous clients and little choice but to accept them. Where sex work is criminalised, sex workers are very vulnerable to abuse and extortion by police, in detention facilities and elsewhere.”

**LINK:** [http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306\\_UNAIDS-guidance-note-HIV-sex-work\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf)