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Dear policymakers,

We are writing regarding the proposed ‘Swedish model’ amendment to the Modern Slavery Bill.

Thank you for allowing us the opportunity to comment on this amendment.

SCOT-PEP is a registered charity and sex worker-led organisation that campaigns for the rights (including labour rights) of sex workers in Scotland. Our organisation is comprised of current and former sex workers, and allies. Those of us with sex working experience have done many different kinds of sex work, and from many perspectives: many of us are migrants, some are British; many of us work (or have worked) in criminalised conditions - for example on the street, or in working flats - and we’ve all worked for different reasons, at different times in our lives: to support our families; to support our drug use; to fund our education, or simply because there has been no other work available, and we need to pay our bills.

What unites everyone within SCOT-PEP, with all our divergent experiences, is the knowledge that sex work is work; that sex workers are best served by a legal system that recognises them as workers and as such endows them with labour rights (as in New Zealand); that sex workers are vulnerable to violence and exploitation because they currently work in conditions that criminalise and stigmatise them, and those associated with them, and that sex workers are the experts on how to make the industry safer and fairer - most fundamentally, that sex workers can speak for themselves.

We are commenting only on the amendment that proposes to criminalise the clients of sex workers.

We have structured our comments into subsections; first, showing that the law that has been proposed in the amendment cannot be demonstrated to have achieved its aims in countries where it has been implemented. This is in regard to either in reducing the number of sex workers, or in reducing the number of purchasers of sex. We add that the failure of the Swedish model is increasingly recognised by other countries, with Scotland, France and South Africa recently rejecting this flawed legislative approach.

We have then gone on to demonstrate the substantial evidence base suggesting that the law to criminalise clients has had numerous negative effects, focusing on the increased risk of violence against sex workers.

We have highlighted that as an “anti-trafficking” measure the Swedish government itself admits the law cannot demonstrate success, and that furthermore evidence from the Swedish police suggests a threefold increase in the number of sex workers - particularly migrant sex workers - reliant on potentially exploitative managers and bosses.

We conclude our remarks by highlighting the numerous international bodies that support the decriminalisation of sex work, and that these international bodies have specifically highlighted laws that criminalise clients as dangerous, harmful and misguided.

We have fully referenced this correspondence with the extensive and rigorous evidence of the harms of the failed Swedish model. Where texts are accessible online we have provided the page number as a link; where less accessible we have bracketed the text, date and page number and made a note of the text in our bibliography.

The Swedish law that criminalises clients has not achieved its own basic aims: the Swedish government cannot show that the sex purchase act has reduced the number of sex workers or the number of clients.

- **There is no evidence of a reduction in clients as a result of the law.** An academic assessment of the law concluded “... *the government does not have any evidence of a decrease in sex buyers since the law went into effect.* They do not know how many men were soliciting on the street before or after the law. They do not know if men moved from the streets to indoors and on line, or out of the country. *They have not collected such data and so cannot prove any success* in achieving the primary goal of the law” (p6-8). It is remarkable that the UK government could even consider legislation for which the evidence-base that would show the success or failure of the law - even on its own terms - is literally non-existent.
- **There is no evidence of a reduction in sex workers as a result of the law.** The government does not know whether there is any change in the overall number of sex workers. In 2007 - eight years after the law was implemented – it conceded: “*It is difficult to discern any clear*

trend of development: has the extent of prostitution increased or decreased? We cannot give any unambiguous answer to that question". It continued, "At most, we can discern that street prostitution is slowly returning, after swiftly disappearing in the wake of the law" (Swedish National Board 2007, p63). It concluded that "**[n]o causal connections can be proven between legislation and changes in prostitution**" (Swedish National Board 2007, p46).

- **The decline in street-based sex workers since 1999 is attributable to mobile phones and the internet, not the law.** The number of street-based sex workers has decreased by approximately 50% since the introduction of the law. However, as the Swedish law was implemented in 1999, this follows the same pattern as all other Global North countries, regardless of their sex work legislation. All over the world, and especially in the Global North, street-based sex work has declined in the last fifteen years: due to the widespread use of mobile phones and the internet. *The UK could not expect to see a similar 'reduction' if we implemented this law, as the supposed reduction is not related to the law.* Furthermore, the Swedish government itself admits it has no idea as to whether this reduction is 'real' (i.e. those people have 'exited') or whether they've simply moved indoors to continue selling sex. The Skarhed report - which is the Swedish government's official assessment of the 'success' of the law - reveals **that the government does not know how many "previous street prostitutes" may have turned to the "internet or alternative method[s] of contact"** (p21). It concedes that "*it is difficult to determine whether changes in prostitution are as a result of the ban or of other measures or circumstances*" (p35). In other words, the government has no idea as to whether the law has led to a reduction in the number of sex workers.
- **Other governments are increasingly acknowledging the failure of the Swedish law.** The South African Commission for Gender Equality found that "*claims of reductions in sex workers and trafficking after the Act [to criminalise clients] cannot be substantiated from the National [Swedish] Police Board figures*" ([South African Commission for Gender Equality report, January 2013, p6](#)). The Scottish government rejected similar proposals just last year, after taking private advice from the Lord Advocate that such a law would be unworkable. The French Senate recently rejected this law this summer, [citing concerns over sex worker safety](#).

Where the criminalisation of clients has been introduced into law, it has brought and intensified numerous harms for people who sell sex.

- **Sex workers are a increased risk of violence.** Numerous studies show that sex workers in Sweden have reported an increase in *fear* of violence as well as **an increase in actual experience of violence** since the introduction of the sex purchase law. ([Dodillet and Östergren 2011, p23](#); Norwegian Ministry 2004, p12 -14; Östergren 2004, p2,5). The Swedish government reports that sex workers are experiencing increased violence: "*... some information indicated that [street-based sex work] had become more risky and difficult. The reason for this, it stated, was that with fewer sex buyers, competition became keener and clients began to demand more kinds of sex than before*" (p33). It immediately dismisses these reports with the phrase: "*However, no real explanation of this information was given ...*" This inability to

understand a perfectly clear explanation does not suggest that the Swedish government takes the problem of violence against sex workers seriously.

- **The Swedish government is open about the fact that it considers serious negative consequences for sex workers to be a good thing.** The Skarhed report acknowledges negative consequences of the law for sex workers, and then states: *“For [sex workers], the above negative effects of the ban that they describe must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution”* (p34). The negative effects that the Swedish government is calling “positive” include **intensified stigma against sex workers**, and that **sex workers report “feeling hunted by the police”**. To knowingly introduce legislation in which citizens - who would be breaking no law - nonetheless feel “*hunted by the police*” could leave the UK government vulnerable to a court challenge; more importantly, it would constitute lawmaking without justice.
- **We have evidence of the harms of the Swedish model in the UK.** UK Home Office-commissioned research has shown that when penalties are introduced against clients in the UK, sex workers become more vulnerable to violence. Researchers noted the following effects associated with schemes that criminalise clients: *“Women, sometimes desperate to earn money to fund drug use, will still go out on the streets, often at a later hour, remaining there for longer, thus increasing their vulnerability ... in order to avoid the police, women have been found to spend less time negotiating business with clients, increasing the likelihood of being unable to spot a ‘dodgy punter’ . It has been argued by police, the women and outreach workers that operations can have the effect of deterring the ‘decent punter’ whilst doing nothing to deter dangerous and violent individuals who commit crime against women involved in street prostitution”* (p24).
- **Research conducted along the the Metropolitan Police agree that laws that criminalise clients are a failure.** In an extensive study of street sex work in London involving 300 hours of fieldwork with the Metropolitan Police Vice and Clubs Unit, and in which over 500 police reports of men caught kerb-crawling were analysed, the researcher concluded *“the criminalisation of clients neither protects those involved in sex working nor deters clients”* and that *“it is hard to understand, from the empirical findings, what the justification is for the kerb-crawling laws at all”* (p259).
- One sex worker highlights why the law makes sex workers more vulnerable to violence: *“twenty seconds, one minute, two minutes, you have to decide if you should go into this person’s car... now I guess if I’m standing there, and the guy, he will be really scared to pick me up, and he will wave with his hand ‘Come here, we can go here round the corner, and make up the arrangement’, and that would be much more dangerous”* (p7). **Another sex worker, interviewed by the same researcher, disclosed that she had “lost count” of the number of times she had been raped after the introduction of the law.** She has been forced to see anonymous clients, as they are worried about the legal consequences for them of being traceable. She had never been raped or assaulted in sex work prior to the introduction of the law (p7).
- **Academic research and reports by the Swedish and Norwegian police echo concerns that sex workers have less time to screen clients and less power to refuse drunk or dangerous clients.** *“The law will force sex workers to move to hidden and therefore potentially more*

dangerous locations to meet clients. There is reduced negotiation time because clients are concerned about being arrested. This means that we are unable to take the time to assess potential risks before going with a client.” (Norwegian Ministry 2004, p12 -14; Östergren 2004, p3). And, *“in a criminalised context the men most willing to accept the risk of prosecution are potentially the more dangerous”*. (Norwegian Ministry 2004, p12 -14; Östergren 2004, p3).

Trafficking and exploitation cannot be shown to have decreased, and in some instances may have increased as a result of the law.

- **Forms of sex work where sex workers are reliant on a manager have increased.** The Swedish police report that *“in 2009 ... there were about 90 Thai massage parlours in Stockholm and vicinity, most of which were judged to be offering sexual services for sale. At the turn of 2011/2012, the number of Thai massage parlours in the Stockholm area was estimated to be about 250 and throughout the country about 450”* (p13). A threefold increase in just three years in the number of massage parlours cannot be judged a success for a law that aims to reduce sexual services sold; furthermore, these women (who are mostly migrant sex workers) are working without the protection of Sweden’s otherwise generous labour laws, and therefore vulnerable to serious exploitation and abuse.
- **The Swedish government admits that it does not “have reliable knowledge about the occurrence of human trafficking for sexual purposes in Sweden”**, noting that *“the Police state that it is difficult to estimate how many people may have been victims of human trafficking in Sweden”* (p35). This is entirely contrary to the way the Swedish law is ‘sold’ abroad, where it is presented as a uniquely effective anti-trafficking measure. The Swedish government cannot show any success of the law in reducing trafficking.

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.

- In October 2013, the **World Health Organization** noted that, the health of sex workers doesn’t happen in a vacuum, and that countries should work towards the decriminalisation of sex work, and the empowerment and self-determination of sex working communities, as a fundamental part of the fight against HIV. It highlighted, *“the principles that underlie this tool, and the operational approaches it presents, are no less relevant to high-income countries, and should be seen as a minimum global standard”* (pXX). **The World Health Organization sees full decriminalisation as a minimum global standard.**
- In October 2013, **UN Women** affirmed their support of sex workers, stating that *“sex work is work, not trafficking”*, and writing *“We recognize the right of all sex workers to choose their work or leave it and to have access to other employment opportunities.”* Acknowledging the right of sex workers to choose sex work precludes support of the Swedish model, which seeks to drive sex workers out of sex work through making sex work intolerably dangerous.
- In 2012, **UNAIDS** issued a resounding destruction of the idea that criminalising the clients of sex workers is an acceptable legal strategy for states to pursue. **They write, “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” (p31). And, “There is very little evidence to suggest that any criminal laws related to sex work reduce demand for sex or 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” (p4).

We call on you to accept that the evidence shows that this amendment, if brought forward, would harm people selling sex - whether they are working through choice, circumstance, or coercion. It would hamper anti-trafficking efforts and anti-violence work. It would put the UK out of step on a global scale.

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