

SEX WORKER OPEN UNIVERSITY

Community Building, Public Education and Advocacy for Sex Worker's Rights

A two page briefing on the proposed criminalisation of the purchase of sex.

As an amendment to The Modern Slavery Bill, this proposal purports to tackle trafficking for sexual exploitation. That it could be rushed through as an amendment, without time taken to have an in-depth debate is profoundly concerning. When dealing with this complex issue policymakers need time to look at the evidence.

The evidence shows that this proposal fails on its own terms. In countries such as Sweden, where this law has been implemented, there is no evidence of a decrease in sex sold. In 2007, [the Swedish National Board admitted](#): *“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 concluded that *“no causal connections can be proven between legislation and changes in prostitution”* (p7).

Furthermore, data from the Swedish Police suggests that this law leads to sex workers having an increased reliance on potentially exploitative managers and bosses. Migrant sex workers are particularly vulnerable. In 2011, [the Swedish Police admitted that they did not know the extent of trafficking in Sweden, stating](#): *“it is difficult to estimate how many people fell victim to human trafficking in Sweden ... It is not possible to identify or even to locate all of the victims, mainly girls and women, mentioned in tapped telephone calls or observed during police surveillance”* (3.1). This runs counter to how the Swedish model is marketed by its proponents abroad - as a uniquely effective anti-trafficking measure. In fact, evidence from the Swedish police suggests the opposite: the law criminalising clients seems to have pushed more sex workers, especially migrant sex workers, into reliance on managers, bosses, and other potentially exploitative third parties. The Swedish Police, in their annual report on trafficking, [noted](#): *“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”* (3.1). This is a threefold increase in three years.

This and other evidence has led to several international anti-trafficking organisations stating their opposition to laws that criminalise the clients of sex workers. European [anti-trafficking network La Strada International urged countries to reject the Swedish model](#), stating: *“The call for criminalisation of clients of sex workers is made in the name of preventing and combating trafficking in persons. [We] have supported many women and men who were trafficked in the sex industry in the past nearly two decades. We know from experience that criminalisation does not*

solve any of the problems that our clients face, nor does it prevent or stop human trafficking”. They conclude, *“The conflation of sex work and trafficking in persons leads to inadequate counter-trafficking policies and to counter-productive prostitution policies.”*

The Global Alliance Against Traffic in Women (GAATW) agrees with La Strada, [stating](#): *“It’s puzzling to see how such an ambiguous concept like ‘demand’ is used to simplify a complex issue as trafficking ... ambiguity around ‘demand’ can often make catchphrases such as ‘trafficking is supply and demand’ more credible than they might otherwise appear”* (p16). GAATW is against laws criminalising clients, highlighting that: *“Evidence has shown ‘end demand for prostitution’ approaches don’t reduce trafficking: [these laws] ignore trafficking into other sectors; tend to rely more on ideology rather than sound evidence; confuse trafficking with sex work; increase stigma against sex workers, and [are] more focused on punishing men who pay for sexual services, rather than protecting women’s rights”* (p28).

This is in line with recent guidance from UN Women, which [notes](#): *“... the conflating of consensual sex work and trafficking in human beings, leads to inappropriate responses that fail to assist sex workers and trafficked women in realising their rights. Furthermore, failing to distinguish between these groups infringes on sex workers’ right to health and self-determination, and can impede efforts to prevent and prosecute trafficking.”*

This matches research conducted in the UK. A study done with the Metropolitan Police, and UK Home Office researchers, have both found that criminalising clients is ineffective at deterring clients and harmful to sex workers. An extensive study of street sex work in London, done with the support of the Metropolitan police and involving 300 hours of fieldwork with the Vice and Clubs Unit analysed over 500 police reports of men caught kerb-crawling. The researcher concluded that *“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](#)).

[UK Home Office researchers found](#) that the effect of laws targeting clients was that: *“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).

Lord Fowler, the former health minister who in the 1980s spearheaded the UK’s fight against HIV, [this summer called for full decriminalisation](#) - the opposite of this amendment. He stated, *“Are we prepared to recognise sex work and cooperate with sex workers, bringing them in to the policy dialogue, or do we call them prostitutes and assume they have no input?”* Sex workers and trafficked people need

better laws, but this amendment is not what we need. Sex workers, academics, and human rights experts across the UK and the world call on you to reject this amendment.

Further reading

[Open Society Foundations: Laws And Policies Affecting Sex Work](#)

[Ann Jordan: THE SWEDISH LAW TO CRIMINALIZE CLIENTS: A FAILED EXPERIMENT IN SOCIAL ENGINEERING](#)

[UNAIDS: Guidance Note on HIV and Sex Work](#)

[Krusi et al: Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada](#)

[NSWP Consensus Statement: On Sex Work, Human Rights, and the Law](#)

[NSWP STATEMENT: RESPONSE TO EUROPEAN PARLIAMENT SUPPORT FOR PROPOSALS CRIMINALISING THE PURCHASE OF SEX](#)

[NSWP: Sex Work Is Not Trafficking](#)

[NSWP: The Criminalisation of Clients](#)

[Jay Levy/Sex Worker Open University: Swedish Abolitionism as Violence Against Women](#)

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