

NO NORDIC MODEL

Briefing: Criminalising Clients Undermines Sex Workers' Safety

English Collective of Prostitutes

Crossroads Women's Centre
25 Wolsey Mews, Kentish Town
London NW5 2DX

Tel: 020 7482 2496

Email: ecp@prostitutescollective.net

The ECP is a self-help organisation of sex workers, working both on the street and in premises, with a national network throughout the UK. Since 1975, we have campaigned for the decriminalisation of prostitution, for sex workers' rights and safety, and for resources to enable people to get out of prostitution if they want to.

1. Who sex workers are

Of the approximately 72,800 sex workers in the UK — 88% are womenⁱ. Most sex workers are mothers working to support families.ⁱⁱ

Prostitution has always been connected to women's poverty — that's why most clients are men and most sex workers are women. Politicians who want to support women and reduce levels of prostitution should address government policies which promote prostitution. 86% of austerity cuts have fallen on women.ⁱⁱⁱ As poverty rises, more women, particularly single mothers, turn to sex work to survive and feed their families. In some cities massive rises in prostitution are being directly attributed to benefit sanctions.^{iv} Measures that would help women exit prostitution include: repealing universal credit, benefit sanctions, the benefit cap and bedroom tax, and reinstate Income Support for single mothers.

2. Criminalisation, of sex workers or clients, drives women underground.

Sweden — Criminalised the buying of sex (Sexköpslagen law) in 1999. This law known as the "Nordic Model" is touted as feminist because it criminalises men (i.e. the clients) rather than women (i.e. the victims). But its effect on women has been disastrous. Since 1999 sex workers face increased stigma, are more at risk of violence, and are less able to call on the protection of the police and the authorities^v as this can lead to police harassment, the loss of custody over children, or deportation.^{vi}

Clients are less willing to report any violence or coercion they have witnessed as they would incriminate themselves by coming forward.

In a 2014 survey, 63% of sex workers said the sex purchase law had created more prejudice from the authorities; over a quarter (29%) had reported violent attacks from clients but only two said they would report an attack in the future.^{vii}

Comprehensive field work and research over three years,^{viii} reported that there is “no convincing empirical evidence that the law has resulted in a decline in sex work in Sweden” — which was the law’s principal ambition. It also countered the claim that sex workers have been decriminalised: sex workers can be prosecuted under procuring laws when they band together for safety. Landlords have been pressured by police to evict sex worker tenants under threat of being prosecuted themselves.

Harm reduction initiatives have been undermined. Giving out rape alarms, condoms and a safer sex-selling guide are now opposed by the authorities on the grounds that they encourage prostitution and are futile because sex work is considered to be immutably dangerous.^{ix}

Scotland – Criminalised clients in 2007. Attacks on sex workers doubled in the year after.^x According to a 2014 National Ugly Mugs survey, where arrests of sex workers and clients were high, only 5% of sex workers reported crimes they were the victims of, while 46% of victims reported in areas where police policy was not to arrest women.^{xi}

Ireland – Criminalise clients (Criminal Law (Sexual Offences) Bill) in 2017. Attacks on sex workers have increased dramatically since then. Reported incidences of violent crime against sex workers, from threats to assaults with weapons, have risen by almost 50% — from 900 in 2016 to more than 1,300 since.^{xii} Sex workers are now less likely to report dangerous clients to Gardaí.^{xiii}

Norway – Criminalised clients in 2009. In 2016 Amnesty International conducted thorough and comprehensive research^{xiv} into its impact. It found that sex workers are still criminalised, including for working together for safety; forced evictions, investigations, surveillance, prosecutions and increased stigma are prevalent with migrant workers particularly targeted: “police are using sex workers’ reports of violence and crimes against them as evidence to facilitate their eviction and/or deportation”; “sex workers were routinely evicted from their homes under so-called ‘pimping laws’”. One woman commented to the press: *“Before we did not go far with the customer: we would go to a car park nearby. But now the customer wants to go somewhere isolated because they are afraid...I don’t like it. There is more risk that something bad happens.”*^{xv}

France – Criminalised clients in 2016. In April 2018, Medecins du Monde published a two-year evaluation report.^{xvi} It found that since the law was introduced: 63% of sex workers have experienced deterioration of their living conditions, more isolation and greater stress; 42% are more exposed to violence (insults in the street, physical violence, sexual violence, theft, and armed robbery in the work place); 38% have found it increasingly hard to demand use of condom; 70% observe no improvement or a deterioration in their relations with the police.

Criminalising clients does not reduce trafficking – Claims that violence, particularly trafficking, can be reduced by criminalising clients were disproven by a 2014 Vancouver study. It found that “criminalisation and policing strategies that target clients...profoundly impacted the safety strategies sex workers employed.”^{xvii} Sex workers continued to mistrust police, had to rush screening clients and were displaced to outlying areas with increased risks of violence, including being forced to engage in unprotected sex.”

3. The Home Affairs Committee (HAC) recommended decriminalisation

In July 2016 HAC recommended that: *“... the Home Office change existing legislation so that soliciting is no longer an offence and so that brothel-keeping provisions allow sex workers to share premises.”* It called for *“previous convictions and cautions for prostitution [to be deleted] from the record of sex workers”*.

The HAC report looked at decriminalisation as introduced in New Zealand in 2003 acknowledging 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”*.

HAC was clear on the difference between trafficking and prostitution: *“... trafficking for the purposes of sexual exploitation is an important and separate issue from prostitution between consenting adults”*. It looked at the 1999 Swedish law and concluded that it is *“a fundamentally different legislative approach to prostitution from that which is currently in place in England and Wales. It is based on the premise that prostitution is morally wrong and should therefore be illegal, whereas at present the law makes no such moral judgement”*. It cited evidence that the law has been used to harass and victimise sex workers.

The most reliable recent research found: less than 6% of migrant sex workers in the UK have been trafficked; many said they prefer working in the sex industry than the “unrewarding and sometimes exploitative conditions they meet in non-sexual jobs”.^{xviii}

4. New Zealand – Decriminalisation promotes rights and safety

The New Zealand Prostitutes Collective spearheaded the coalition which won the decriminalisation of prostitution in 2003. The coalition included a wide range of antisexist and antiracist groups and professionals. The 2003 Prostitution Reform Act distinguished between violence and consenting sex; removing prostitution from the criminal law and allowing people to work together collectively. It reinforced offences against compelling anyone into prostitution, stating a specific right for sex workers to refuse any client. A comprehensive five-year government review^{xix} found: no increase in prostitution; no increase in trafficking; drug users treated as patients not criminals; sex workers more able to report violence and leave prostitution if they choose.

Since decriminalisation, over 90% of sex workers said they had additional employment, legal, health and safety rights. In the 12 months prior to decriminalisation 47% of brothel workers had refused to see a client; after decriminalisation 68% had refused. 70% said they were more likely to report incidents of violence to the police.^{xx}

New Zealand did not decriminalise exploitation, rape, extortion, threats, trafficking and other violence. Pimping, commonly understood as take money from sex workers with threats and violence, is still a crime.

5. Do we not count?

The Nordic Model has a detrimental impact on women working in the sex industry – how can it be considered feminist? Sex worker organisations the world over are campaigning for decriminalisation – why are we being ignored or dismissed? Do we not count as women and as workers?

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- ⁱ Brooks-Gordon, B., Mai, N., Perry, G., Sanders, T. (2015). Calculating the Number of Sex Workers and Contribution to Non-Observed Economy in the UK for the Office for National Statistics.
- ⁱⁱ Home Office. (2004). Paying the Price: A Consultation Paper on Prostitution
- ⁱⁱⁱ The Guardian, 9 March 2017. <https://www.theguardian.com/world/2017/mar/09/women-bearing-86-of-austerity-burden-labour-research-reveals>
- ^{iv} Doncaster reports a 60% increase with charities saying: “Women are being forced to sell sex for £5 because of benefit sanctions” (The Star, 19 March 2014), Sheffield reports a 166% increase (The Star, 1 June 2014) while charity workers in Hull report: “. . . women who are literally starving and they are out there to feed themselves.”
- ^v Levy, J. and Jakobsson, P. (2014). Sweden’s abolitionist discourse and law: Effects on the dynamics of Swedish sex work on the lives of Sweden’s sex workers, *Criminology and Criminal Justice*. <http://lastradainternational.org/Isidocs/3049-Levy%20Sweden.pdf>
- ^{vi} English Collective of Prostitutes. (2016). Decriminalisation of Prostitution: the Evidence. <http://prostitutescollective.net/wp-content/uploads/2017/01/Online-Symposium-Report.pdf>
- ^{vii} Jakobsson, P. & Edlund, C. (2014). Another Horizon; Sex Work and HIV Prevention in Sweden. <http://www.hiv-sverige.se/wp-content/uploads/En-annan-horisont-webb.pdf>
- ^{viii} Levy, J. (2015). Criminalising the Purchase of Sex: Lessons from Sweden.
- ^{ix} Ibid
- ^x The Scotsman, 16 April 2008. http://www.scotsman.com/news/attacks_on_prostitutes_soar_after_vice_driven_underground_by_law_1_1164904
- ^{xi} Data provided by National Ugly Mugs (UKNSWP). (2012-2015).
- ^{xii} New Statesman, 26 March 2018. <https://www.newstatesman.com/politics/feminism/2018/03/does-nordic-model-work-what-happened-when-ireland-criminalised-buying-sex>
- ^{xiii} The Irish Times, 4 September 2017. <https://www.irishtimes.com/news/crime-and-law/dramatic-rise-in-attacks-on-sex-workers-since-law-change-1.3208370>
- ^{xiv} Amnesty International. (2016). The Human Cost of ‘Crushing’ the Market: Criminalization of Sex Work in Norway. <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>
- ^{xv} The Independent, 27 April 2014. <https://www.independent.co.uk/news/world/europe/view-from-the-streets-new-nordic-sex-laws-are-making-prostitutes-feel-less-safe-9294458.html>
- ^{xvi} Medecins du Monde. (2018). What do sex workers think about the French Prostitution Act? http://www.sexworkeurope.org/sites/default/files/userfiles/files/EN_synthesis_SW_final_2.pdf
- ^{xvii} Krüsi A, Pacey K, Bird L, et al. (2015). Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study. *BMJ Open* 2014. <http://bmjopen.bmj.com/content/4/6/e005191>
- ^{xviii} Mai, N. (2011). Migrant Workers in the UK Sex Industry: ESRC Full Research Report. <https://archive.londonmet.ac.uk/iset/research-units/iset/projects/esrc-migrant-workers.html?8810F8AC-060C-A7FC-7F15-A583EB86BCE8#report>
- ^{xix} Ministry of Justice. (2008). Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003. <http://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf>
- ^{xx} Abel, G., Fitzgerald, L. & Brunton, C. (2007). The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. <https://www.otago.ac.nz/christchurch/otago018607.pdf>