

Combatting Sex Trafficking: Reducing Demand for Prostituted Persons Information Fact Sheet

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1. PROSTITUTION AND HUMAN TRAFFICKING ARE LINKED. ONE CANNOT EFFECTIVELY COMBAT HUMAN TRAFFICKING UNLESS SIMULTANEOUSLY ADDRESSING THE DEMAND FOR PROSTITUTED PERSONS.

- “Two years after the enactment of the TVPA, the U.S. Government adopted a strong position against prostitution in a December 2002 policy decision, which notes that **prostitution is inherently harmful and dehumanizing and fuels trafficking in persons. Turning people into dehumanized commodities creates an enabling environment for human trafficking.** The United States Government **opposes prostitution and any related activities, including pimping, pandering, or maintaining brothels as contributing to the phenomenon of trafficking in persons. These activities should not be regulated as a legitimate form of work for any human being.**”¹

”This policy represents a significant paradigm shift. U.S. policy now categorizes prostitution as primarily a harmful phenomenon rather than a neutral work choice or market transaction. Why? **Because prostitution fuels human trafficking. Because few activities are as brutal and damaging to people as prostitution. And because organized crime networks do not protect prostituted people.**”²

- The U.S. Department of State, in the 2007 "Trafficking in Persons Report," stated: "Sex trafficking would not exist without the demand for commercial sex flourishing around the world. **Prostitution and related activities—including pimping and patronizing or maintaining brothels—encourage the growth of modern-day slavery by providing a façade behind which traffickers for sexual exploitation operate. Where prostitution is tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery.** Few women seek out or choose to be in prostitution, and most are desperate to leave it. A 2003 scientific study in the Journal of Trauma Practice found that 89 percent of women in prostitution want to escape prostitution but had no other options for survival."
- "I believe that we will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and the sexual exploitation of women and children." -Margareta Winberg, Former Deputy Prime Minister of Sweden
- Globally—and more specifically in destination countries—sex trafficking victims make up the majority of identified cases of human trafficking. For example, the European Commission reports that in the European Union, 76% of all registered trafficking victims were trafficked for sexual exploitation in prostitution³ and Europol reports that “[t]rafficking for sexual exploitation is the most common form of trafficking in the EU.”⁴

¹ *Overlaps of Prostitution, Migration and Human Trafficking*, Ambassador Mark P. Lagon, Director of the Office to Monitor and Combat Trafficking in Persons Berne, Switzerland (November 12, 2008) <http://2001-2009.state.gov/g/tip/rls/rm/2008/111997.htm>

² Ibid

³ European Commission Communication From the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions, The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 Brussels, 19.6.2012 COM (2012).

⁴ Europol. *Trafficking in Human Beings in the European Union* (“Europol Report”). September 2011. The Hague

- The 2009 report of the United Nations Office on Drugs and Crime states that worldwide **79% of identified victims of human trafficking were subject to sexual exploitation**, 18% to forced labour and 3% to other forms of exploitation. Of these victims, 66% were women, 13% girls, 12% men and 9% boys.⁵
- Since 1999, there have been reports that at least 80% of women in Dutch legal prostitution had been trafficked.⁶
- As early as 1993, after the first steps towards legalization had been taken, it was recognized (even by pro-prostitution advocates) that 75 per cent of the women in Germany's prostitution industry were foreigners from Uruguay, Argentina, Paraguay and other countries in South America.⁷ After the fall of the Berlin wall, brothel owners reported that 9 out of every 10 women in the German sex industry were from eastern Europe and other former Soviet countries. The sheer volume of foreign women who are in the prostitution industry in Germany – by some NGO estimates now up to 85 per cent – casts further doubt on the fact that these numbers of women could have entered Germany without facilitation. As in the Netherlands, **NGOs report that most of the foreign women have been trafficked into the country since it is almost impossible for poor women to facilitate their own migration, underwrite the costs of travel and travel documents, and set themselves up in business without outside help.**⁸
- Prostitution is a primary destination point for human trafficking. If we want to stop sex trafficking we must reduce the demand for prostituted persons.
- There is wide international consensus on the absolute requirement that demand for human trafficking victims be addressed in order to prevent human trafficking. For example, The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime of 2000, the Europe Convention on Action against Human Trafficking,⁹ and the 2011 EU Directive of the European Parliament and the Council on preventing and combating trafficking in human beings,¹⁰ all specifically address the need to prevent human trafficking by reducing demand for trafficking victims.¹¹
- The United States government has been clear and consistent on its position regarding the importance of demand reduction and has specifically taken a strong stance against prostitution. The government has done so because it recognizes that prostitution fuels human trafficking. Government officials under both

⁵ UNODC Global Report on Trafficking in Persons 2010

⁶Budapest Group. (1999, June). *The Relationship Between Organized Crime and Trafficking in Aliens*. Austria: International Centre for Migration Policy Development. The Budapest process was initiated in 1991. Nearly 40 governments and 10 organizations participate in the process, and about 50 intergovernmental meetings at various levels have been held, including the Prague Ministerial Conference.

⁷ Altink, Sietske, "Stolen Lives: Trading Women into Sex and Slavery" Scarlet Press, London. (1995) p. 33

⁸ Ibid p. 43

⁹ Council of Europe. *Convention Against Trafficking in Human Beings*. Warsaw, 2008. Chapter 2, Article 6.

¹⁰ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Article 18

¹¹United Nations. Office on Drugs and Crime. *Convention against Transnational Organized Crime and the Protocols Thereto*. New York, 2004. Print. Article 9.5 says "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking

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the Bush and Obama administrations have reaffirmed in multiple national policies, publications, and in statements and directives the government's position against prostitution.¹²

- Supporting this position is the United States' most important piece of legislation concerning human trafficking, the TVPA. The TVPA and its reauthorizations, define, mandate, and fund the U.S. Government's anti-trafficking work both at home and abroad. It is important to point out that consistent with the U.S. position on sex trafficking and prostitution, the TVPA specifically restricts anti-trafficking funds to groups that oppose prostitution. Why? Because the United States Government takes the position that tolerated prostitution¹⁵ is a cause of human trafficking and must be opposed and reduced in order to effectively combat human trafficking.¹³
- "Prostitution and sex trafficking are linked. Sex trafficking happens when and where there is a demand for prostitution and a context of impunity for its customers. Legal prostitution sanitizes prostitution, making the harms of trafficking for prostitution invisible. Suddenly, dirty money becomes clean. Illegal acts become legal. Overnight, pimps are transformed into legitimate businessmen and ordinary entrepreneurs, and men who would not formerly consider buying a woman in prostitution think, "Well, if it's legal, now it must be O.K.""¹⁴

2. RESEARCH SHOWS PROSTITUTION IS INHERENTLY HARMFUL & A FORM OF VIOLENCE AGAINST WOMEN, WHETHER LEGAL OR ILLEGAL.

- **It's not the legal status of prostitution that causes the harm, it's the prostitution itself.** The longer a woman or child is in prostitution – legal or illegal - the more she is psychologically harmed and physically endangered.¹⁵
- **More than half of women in prostitution in the UK have been raped and or seriously assaulted and at least 75% have been physically assaulted at the hands of pimps and johns.** 74% of women in prostitution identify poverty, the need to pay household expenses and support their children, as primary motivators for being drawn into prostitution.¹⁶
- A report in the British Medical Journal about client violence towards women in prostitution stated that of the 125 women in indoor prostitution contacted, 48% had experienced client violence. The types of violence experienced included: being slapped, punched, or kicked; robbery; attempted robbery; beaten; threatened with weapon; held against will; attempted rape; strangulation; kidnapped; attempted kidnap; forced to give client oral sex; vaginal rape and anal rape.¹⁷
- Peer reviewed research that was published in the scientific *Journal of Trauma Practice*, took place in **nine countries** (5 of the nine were countries where prostitution is legal) and surveyed **854 prostituted women**. The study concluded that 60-75 % of women in prostitution were raped, 70-95% were physically assaulted, and 68% met the criteria for post traumatic stress disorder in the same range as

¹² See e.g., TVPA; National Security Presidential Directive-22. The White House. Washington, D.C. December 16, 2002. <http://www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf> ("Presidential Directive 22"); United States. Department of State. Bureau of Public Affairs.

¹³ Cong. *Trafficking in Persons: International Dimensions and Foreign Policy Issues for Congress*. By Liana Sun Wyler. Cong. Rept. Washington, D.C.: Congressional Research Service

¹⁴ Farley, Melissa Prostitution Research and Education

¹⁵ Ibid

¹⁶ UK Home Office (2004) Solutions and Strategies: Drug Problems and Street Sex Markets: London: UK Government

¹⁷ Violence by clients towards female prostitutes in different work settings: questionnaire survey, Stephanie Church et al in BMJ (2001);322:524-525

treatment-seeking combat veterans and victims of state- organized torture.^{18 19} 89% percent of the 854 prostituted women told the researchers that they urgently wanted to escape prostitution.

- The sexual service provided in prostitution is most often violent, degrading and abusive, including sex between a buyer and several women; slashing the woman with razor blades; tying women to bedposts and lashing them until they bleed; biting women's breasts; burning the women with cigarettes; cutting her arms, legs and genital areas; and urinating and defecating on women.²⁰
- An article in the *Michigan Journal of Gender and Law* states, that "It is not possible to protect the health of someone whose "job" means that they will get raped on average once a week."²¹ One woman explained that prostitution is "like domestic violence taken to the extreme."
- A study published in the *American Journal of Epidemiology* found that the **mortality rate of women in prostitution to be 200 times higher than the general population.**²²
- A mortality survey of 1600 women in U.S. prostitution noted that "no population of women studied previously had the percentage of deaths due to murder even approximating those observed in our cohort".²³ In this survey **murder accounted for 50% of the deaths of women in prostitution.**
- Women who have worked in prostitution **exhibit the same incidents of traumatic brain injury (TBI) as a result of being beaten, hit, kicked in the head, strangled or having one's head slammed into objects which have been documented in torture survivors.**²⁴
- Women consistently indicate in research that prostitution establishments did little to protect them, regardless of whether the establishments were legal or illegal. Brothel prostitution is legal in Germany, one of the countries surveyed in a nine country study. In an indictment of legal prostitution, 59% of German respondents told us that they did not think that legal prostitution made them any safer from rape and physical assault.²⁵
- In the Netherlands 60% of prostituted women suffered physical assaults, 70% experienced verbal threats of physical assaults, 40% experienced sexual violence and 40% had been forced into prostitution or sexual abuse by acquaintances.²⁶

¹⁸Farley, Melissa et al. (2003). "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder." *Journal of Trauma Practice*, Vol. 2, No. 3/4: 33-74; and Farley, Melissa. ed. 2003. *Prostitution, Trafficking, and Traumatic Stress*. Haworth Press, New York.

¹⁹Ramsay, R. et. al. 1993. "Psychiatric morbidity in survivors of organized state violence including torture." *British Journal of Psychiatry*. 162:55-59.

²⁰Raymond, J., D'Cunha, J., Dzuhayatin, S. R., Hynes, H. P., Ramirez Rodriguez, Z., & Santos, A. (2002). "A comparative study of women trafficked in the migration process: Patterns, profiles and health consequences of sexual exploitation in five countries (Indonesia, the Philippines, Thailand, Venezuela and the United States)". N. Amherst, MA: Coalition Against Trafficking in Women (CATW). Retrieved March 15, 2003, from <http://action.web.ca/home/catw/readingroom.shtml?x=17062>

²¹Hunter, S. K. (1993). Prostitution is cruelty and abuse to women and children. *Michigan Journal of Gender and Law*, 1, 1-14.

²²J. Potterat, D. Brewer, S. Muth, R. Rothenberg, D. Woodhouse, J. Muth, H. Stite, and S. Brody, "Mortality in a Long-term Open Cohort of Prostitute Women," *American Journal of Epidemiology* 159:778-785, (2004). Longitudinal study of prostitution in Colorado Springs – sample size: 1,969 people in prostitution from 1967-1999.

²³Ibid

²⁴Jacobs, U., & Iacopino, V. (2001). "Torture and its consequences: A challenge to clinical neuropsychology." *Professional Psychology: Research and Practice*, 32, 458-464.

²⁵Farley, Melissa et al. 2003. "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder." *Journal of Trauma Practice*, Vol. 2, No. 3/4: 33-74; and Farley, Melissa. ed. 2003. *Prostitution, Trafficking, and Traumatic Stress*. Haworth Press, New York.

²⁶Vanwesenbeeck, I. (1994) *Prostitutes' Well-Being and Risk*. VU University Press, Amsterdam.

3. LEGALIZATION DOES NOT REMOVE STIGMATIZATION.

- Although they would have been earning retirement benefits if they registered, women in Dutch prostitution did not register as legal prostitutes because they are ashamed to be publicly known as prostitutes. Regardless of its legal status, women would prefer to get out of prostitution and usually feel ashamed of it.²⁷
- In Germany, the service union *ver.di* offered union membership to Germany's sex workers. They would have been entitled to health care, legal aid, thirty paid holiday days a year, a five-day workweek, and Christmas and holiday bonuses. Out of an estimated 400,000 sex workers, only 100 joined the union. That's .00025% of German sex workers. The same phenomenon (not joining prostitute unions) is true in the Netherlands. Legalization does not erase the stigma of prostitution and could even make women more vulnerable because they must lose anonymity.²⁸

4. LEGALIZATION & DECRIMINALIZATION INCREASES PROSTITUTION, ILLEGAL ACTIVITY, ORGANIZED CRIME AND HUMAN TRAFFICKING

- **“The scale effect of legalizing prostitution leads to an expansion of the prostitution market and thus an increase in human trafficking, while the substitution effect reduces demand for trafficked prostitutes by favoring prostitutes who have legal residence in a country. Our quantitative empirical analysis for a cross-section of up to 150 countries shows that the scale effect dominates the substitution effect. On average, countries with legalized prostitution experience a larger degree of human trafficking inflows.”²⁹**
- In 2005 researchers Di Nicola et al. provided descriptive statistics focusing on 11 EU countries. According to their results presented to the European Parliament, stricter prostitution laws are correlated with reduced flows of human trafficking.³⁰
- Using recent sources of European cross country data Jakobsson and Kotsadam found that trafficking of persons for commercial sexual exploitation is least prevalent in countries where prostitution is illegal and most prevalent in countries where prostitution is legalized.³¹
- When the Dutch government lifted the ban on brothels in 2000 organized crime spun further out of control. Job Cohen, the former mayor of Amsterdam said, "We've realized this is no longer about

²⁷Janice G. Raymond “Ten Reasons for Not Legalizing Prostitution And a Legal Response to the Demand for Prostitution” in *Prostitution, Trafficking, and Traumatic Stress* (M Farley (ed) 2003) Also available at <http://action.web.ca/home/catw/readingroom.shtml?x=32972>

²⁸ Ibid

²⁹ Cho, Seo- Young, Axel Dreher, and Eric Neumayer. "Does Legalized Prostitution Increase Human Trafficking?" *World Development* 41.1 (2013): 67-82. *Social Science Research Network*. Web. 12 July 2013. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1986065>.

³⁰ Di Nicola, Andrea, Isabella Orfano, Andrea Cauduro, and Nicoletta Conci. *Study on National Legislations on Prostitution and the Trafficking in Women and Children*. Brussels: European Parliament, 2005. Transcrime. Web. 11 July 2013.; Jakobsson, Niklas, and Andreas Kotsadam. "The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation." *European Journal of Law and Economics* 35.1 (2013): 87-107. Print

³¹ Niklas Jakobsson & Andreas Kotsadam, 2013. "The law and economics of international sex slavery: prostitution laws and trafficking for sexual exploitation," *European Journal of Law and Economics*, Springer, vol. 35(1), pages 87-107, February

small-scale entrepreneurs, but that big crime organizations are involved here in trafficking women, drugs, killings and other criminal activities"³²

- In 2007, the Dutch government closed approximately 1/3 of the legal brothels in Amsterdam because of its inability to control traffickers and other organized crime.³³
- In 2008, eight years after the removal of the brothel ban in the Netherlands, the National Dutch Police carried out a study, titled Schone Schijn, of human trafficking in the legalized prostitution sector. The researchers estimated that 50 to 90 percent of women in legalized were “working involuntarily.” Based on these estimates, the Amsterdam legal brothel sector alone would “employ” 4,000 victims of human trafficking annually.
- In Australia in states where prostitution and brothels have been legalized there are 4-5 illegal brothels for every 1 legal brothel.³⁴
- In countries where prostitution is legal, sex industries are larger and create a demand for more women to sell sex, attracting traffickers and others who exploit women for financial gain. The legal sex industry then acts as a magnet for traffickers, increasing the number of women who are being exploited. Legalization also results in the growth of a parallel illegal sex industry as has been documented in Australia and the Netherlands.
- "Although there was a belief that legalization would make possible control of the sex industry, the illegal industry is now 'out of control'. Police in Victoria [Australia] estimate that there are 400 illegal brothels as against 100 legal ones. Trafficking in women and children from other countries has increased significantly. The legalization of prostitution in some parts of Australia has thus resulted in a net growth of the industry. One of the results has been the trafficking in women and children to 'supply' legal and illegal brothels. The 'sex entrepreneurs' have difficulty recruiting women locally to supply an expanding industry, and women from trafficking are more vulnerable and more profitable."³⁵
- After legalization of prostitution in New South Wales in 1995, brothels tripled in number by 1999 and expanded in size, the vast majority having no licenses but operating and advertising with impunity.
- The real growth in prostitution in Australia since legalization took effect has been in the illegal sector. Legalization of prostitution in the State of Victoria, Australia, resulted in massive expansion of the sex industry. In one year, illegal brothels in Victoria tripled in number.
- Chris Seage the spokesperson for the Australian Adult Business Association has said the situation in Sydney is “out of control” as the total number of brothels in 2009 was set to exceed 400 and was growing.³⁶ Because of laws that legalize and decriminalize the sex industry, Australia has given traffickers and pimps a relatively hospitable operating environment. Contrary to progressive thought, based on two decades of research³⁷, which views prostitution as a form of

³²“Amsterdam Tries Upscale Fix for Red-Light District” Crime, New York Times
http://www.nytimes.com/2008/02/24/world/europe/24amsterdam.html?_r=4.

³³ 2008 United States Trafficking in Persons Report

³⁴ This is recognized by the Australian government in NSW as well as stated by Deputy Director Myung Sook Chae of the Korean Ministry of Gender Equality and Family 2012

³⁵Richard Poulin, PhD, Professor of Sociology at the University of Ottawa, "The Legalization of Prostitution and Its Impact on Trafficking in Women and Children" (2005)

³⁶ Walters, Adam. "Illegal Brothels Booming across Sydney." *The Daily Telegraph* [Sydney, Australia] 18 May 2009. Web.
<http://www.dailytelegraph.com.au/news/nsw/illegal-brothels-booming-across-sydney/story-e6freuzi-1225713067757>.

³⁷ Cho et al, *supra*, note 7; Di Nicola et al, *supra*, note 31; Jakobssen and Kottedam, *supra*, note 32.

violence against women, the NSW government has adopted an “old think” mentality on the issue of prostitution. This mentality, which views the buying and selling of people as a legitimate form of business, denies the factual link between legal prostitution and the injustice of sex trafficking.³⁸

6. THE NORDIC MODEL OF LEGISLATION IS A PROGRESSIVE WAY FORWARD. THE MODEL BOTH ADDRESSES DEMAND REDUCTION & RECOGNIZES PROSTITUTION AS A FORM OF VIOLENCE AGAINST WOMEN.

- On 1 January 1999, Sweden became the first country in the world to introduce legislation criminalizing the purchase, but not the sale, of sexual services. “The most important insight regarding the issue of prostitution, presented through the Bill, was that attention must be directed to the purchasers. It was a matter of a shift in perspective, which can be summarized by stating the obvious: if there was no demand there would be no prostitution.”³⁹
- **Since the introduction of the ban on the purchase of sexual services, street prostitution in Sweden has been reduced by 50%.** In a comparison, the prevalence of street prostitution was about the same in the three capital cities of Norway, Denmark and Sweden before the ban on the purchase of sexual services was introduced, but the number of women in street prostitution in both Norway and Denmark subsequently increased dramatically.⁴⁰
- Less than 7.8% of its active adult male population buys sex compared to 13.6% before the law was enacted.⁴¹
- In 2008, the number of people in street prostitution in both Norway and Denmark was estimated to be three times higher than in Sweden. In light of the great similarities that in many respects exist between these three countries, economically and socially, it is reasonable to assume that the reduction in street prostitution in Sweden is a direct result of criminalization.⁴²
- Sweden’s sex crimes laws have caused a significant decrease in trafficking activity in the country, in fact, Sweden now has the lowest number of trafficking victims in the entire European Union.⁴³
- To gauge Swedish public opinion concerning sex purchases, surveys were conducted before and after criminalization was introduced. Judging by the results of four population-based opinion polls, there has been a change of attitude with regard to the purchase of sexual services that coincides with the criminalization of the purchase of such services.⁴⁴

³⁸ Ibid

³⁹ Gunilla Eckberg

⁴⁰ Selected extracts of the Swedish government report SOU 2010:49: “The Ban Against The Purchase of Sexual Services. An evaluation 1999-2008 Swedish Institute & Ministry of Justice. Also see The Swedish Law That Prohibits the Purchase of Sexual Services Best Practices for Prevention of Prostitution and Trafficking in Human Beings Gunilla Eckberg Ministry of Industry, Employment, and Communications VIOLENCE AGAINST WOMEN, Vol. 10 No. 10, October 2004 1187-1218 DOI: 10.1177/1077801204268647 2004. Also see “Targeting the Sex Buyer The Swedish Example: Stopping Prostitution And Trafficking Where it All Begins. Kajsa Claude 2010 The Swedish Institute.

⁴¹ Selected extracts of the Swedish government report SOU 2010:49: “The Ban Against The Purchase of Sexual Services. An evaluation 1999-2008. Swedish Institute 2010

⁴² Ibid

⁴³ See writings and research of Dr. Melissa Farley, Max Waltman and Janice Raymond

⁴⁴ Statistics of the Swedish National Council for Crime Prevention [online]. www.bra.se.

- The marked shift in attitude that has occurred – without an equivalent shift in Norway and Denmark – must be interpreted as meaning that the ban itself has had a significant normative effect which, given that support for criminalization is greatest among young people, can be expected to last. In all three surveys conducted since the ban was introduced, more than 70 per cent of those asked took a positive view of the ban.⁴⁵
- The Swedish law stands upon the belief that prostitution is a serious barrier to equality and that “any society claiming to defend principles of equality must reject the idea that women and girls are commodities that can be bought, sold, and sexually exploited by men.”⁴⁶
- “The foundation of the Swedish model is a political vision of a nation in which all women and girls are able to live without any forms of violence being committed against them.”⁴⁷
- Another principle behind the law is that women and children in prostitution are victims and should not be criminalized but instead should be offered assistance and social services. Instead of the prostituted women and children, it is the purchasers (johns) traffickers and pimps that must be criminalized and sentenced to harsh penalties.
- Sweden’s aggressive approach has created both a normative change in the population’s attitudes toward the purchase of sex and an important trade barrier between pimps, traffickers and johns. **The powerful combination of changing attitudes toward prostitution alongside creating a “bad market” for johns and traffickers alike has been extremely successful.**
- “Criminalizing those men who use women, men, girls, and boys for the sole purpose of sexual exploitation is an effective step toward the goal of abolishing prostitution and trafficking in human beings. It is also an important tool in changing prevailing cultural patriarchal norms—in moving from a culture that normalizes prostitution as benign and that does not question the harm committed by sex buyers, pimps, and traffickers, to a culture where no one is for sale and where the political, legal, social, and economic rights of women and girls are respected, advanced, and upheld.”⁴⁸
- Testimonies from individuals with experience in prostitution, as well as from police and social workers, show that perpetrators are becoming more careful and that demand has decreased considerably since the law came into force.
- International research studies show that men who have purchased sexual services indicate that legislation prohibiting the purchase of a sexual service is the most effective deterrent, followed by public “shaming” (e.g., through publication of photos and names in newspapers or on billboards).⁴⁹

⁴⁵Selected extracts of the Swedish government report SOU 2010:49: “The Ban Against The Purchase of Sexual Services. An evaluation 1999-2008 Swedish Institute & Ministry of Justice. Also see The Swedish Law That Prohibits the Purchase of Sexual Services Best Practices for Prevention of Prostitution and Trafficking in Human Beings Gunilla Eckberg Ministry of Industry, Employment, and Communications VIOLENCE AGAINST WOMEN, Vol. 10 No. 10, October 2004 1187-1218 DOI: 10.1177/1077801204268647 2004. Also see “Targeting the Sex Buyer The Swedish Example: Stopping Prostitution And Trafficking Where it All Begins. Kajsa Claude 2010 The Swedish Institute.

⁴⁶Eckberg, Gunilla & Wahlberg, Kajsa. “The Swedish Approach: A European Union Country Fights Sex Trafficking” The Solutions Journal Volume 2 | Issue 2 | Mar 2011

⁴⁷Ibid

⁴⁸Ibid

⁴⁹Macleod, J, Farley, M, Anderson, L & Golding, J. Challenging Men’s Demand in Scotland: A Research Report Based on Interviews with 110 Men Who Bought Women in Prostitution (Women’s Support Project, Glasgow, 2008).

- The number of men who have been apprehended since the Swedish law came into force in 1999 is steadily increasing due to training of police officers and prosecutors. Between January 1999 and December 2010, 3,440 men were apprehended; many more have been dissuaded from purchasing someone by the direct or indirect intervention of the police.⁵⁰
- The governments of Norway, Iceland have criminalized the purchase of sex and a number of other countries are moving in that direction including Israel, France and South Korea. Scotland is also in consultation about criminalizing the purchase of sex.⁵¹: pass and enforce laws that prohibit the purchase of a sexual service, with the objective of discouraging demand, and introduce legal and policy measures that render the establishment, operation, and expansion of the prostitution industry illegal.
- **In January 2009 Norway adopted legislation that explicitly criminalized the purchase of sex and not the sale of sex. According to the government funded Pro Centre report, “Many people, including Pro Centre, predicted a decline in overall prostitution after it was made illegal to buy sex. We were right. Some people, but not Pro Centre, predicted that women would flow from the streets to the indoor market. That did not turn out to be the case.”⁵²**
- From 2008-2009 prostitution overall (indoor and outdoor) was reduced by 50%. The number of women on the streets in Oslo was halved from the 2008 level to approximately 500 individuals in 2009. The number of women in indoor prostitution in Oslo fell by 16 percent.⁵³ In the whole of Norway indoor prostitution was reduced by 19% in 2009.⁵⁴

7. WHEN THE PURCHASE OF SEX IS CRIMINALIZED, PROSTITUTION DOES NOT MOVE “UNDERGROUND.”

- The argument that criminalizing the purchase of sex will drive it “underground” is not based on any evidence. To the contrary it has been found that in Sweden and in Norway criminalizing the purchase of sex reduced the number of men purchasing prostituted women thus less women were prostituting on the whole.

⁵⁰Statistics of the Swedish National Council for Crime Prevention [online]. www.bra.se.

⁵¹Iceland made the purchase of sexual services illegal in 2009. See Lo’g um breytingu a’ almennum hegningarlo’gum, nr. 19/1940, með’ s i ð ari breytingum [Icelandic Law No. 54 of 2009] (2009) (Ice.).

As of January 1, 2009, citizens of Norway were prohibited from paying for sex domestically or abroad. See Law Amending the Penal Code and Criminal Procedure Act of 1902, No. 104 (2008) (Nor.), available at <http://www.lovdata.no/cgi-wifi/ldles?doc=/all/nl-20081212-104.html>. South Korea’s laws of March 22, 2004, are Act on the Prevention of Prostitution and Protection of Victims Thereof, Statutes of South Korea, Act No. 7212; and Act on the Punishment of Procuring Prostitution and Associated Acts, Statutes of South Korea, Act No. 7196 (criminalizing at article 21(1) “[a]nyone who sells sex or buys sex” while exempting “victims of prostitution” from punishment, at article 6(1)). SCOTTISH PARLIAMENT, JUSTICE COMMITTEE, OFFICIAL REPORT OF 20 APRIL 2010 (Scot.), at cols. 2919, 2937, available at <http://www.scottish.parliament.uk/s3/committees/justice/or-10/ju10-1302.htm>. Ireland may consider the Swedish model, see, e.g., Call to Follow Sweden on Vice Law Reform, INDEPENDENT.IE, Feb. 7, 2011, available at <http://www.independent.ie/national-news/call-to-follow-sweden-on-vice-law-reform-2528518.html>, as may France, France May Make Buying Sex Illegal, RADIO FRANCE INTERNATIONALE (Mar. 31, 2011), <http://www.english.rfi.fr/france/20110331-france-may-make-buying-sex-illegal>. (“There is no such thing as prostitution which is freely chosen and consenting,” [Social Affairs Minister Roselyne] Bachelot declared. “The sale of sexual acts means that women’s bodies are made available, for men, independently of the wishes of those women.”).

13 New York State, for example, moved towards the Swedish model in 2007 by legislating penalties for buyers higher than for prostituted people, by creating the class B felony for “sex trafficking,” and by excluding victims from accomplice liability for trafficking. See N.Y. PENAL LAW §§ 230.34, 230.36 (2010). But the sold remained criminals. See id. § 230.00 (deeming “Prostitution” a class B misdemeanor).

⁵²2009 Report “New Conditions, New Opportunities?” Pro Sentret Oslo Kommune

⁵³Ibid

⁵⁴Ibid

- “Underground” is another word for “indoor”, “out of sight”, or “below the law”. Because the nature of prostitution is such that it **must be visible to the clients who purchase the women** it is **not possible for it to go so far underground as to be undetected**. If the men who purchase women are able to find the women, than trained police surely can as well.
- In 2009 after the law criminalizing sex was enacted for the whole of Norway, **the number of advertisements fell by 28 percent**. This means that “underground” or “indoor” prostitution could not have increased as advertisements are necessary in order for punters to find the women.⁵⁵

⁵⁵ Ibid