

**DEMAND CHANGE:
UNDERSTANDING
THE NORDIC
APPROACH
TO PROSTITUTION**



COALITION AGAINST TRAFFICKING IN WOMEN AUSTRALIA



WHO ARE WE?

CATWA is the Australian branch of CATW International, a Non-Governmental Organisation that has Category II consultative status with the United Nations Economic and Social Council. We work locally and internationally to end all forms of sexual exploitation of women and children, especially prostitution, trafficking and pornography.

OUR POSITION

CATWA argues that no effective policy can be developed against the trafficking of women into prostitution – which is overwhelmingly the most common form of trafficking – without an understanding of its connection to the legalisation of the industry of prostitution. Indeed, research now shows that the full legalisation of prostitution tends to increase inward flows of trafficking. We recommend what has been termed the ‘Nordic Model’, which criminalises the purchase of ‘sexual services’* but decriminalises those within systems of prostitution. This approach recognises that systems of trafficking and prostitution are largely driven by demand and, according, it targets the (overwhelmingly male) buyers rather than those (predominantly women) who are prostituted.

The Nordic Model also focuses on public education programs about the harms of prostitution and the importance of providing a range of dedicated support services for those in prostitution to enable them to exit. Furthermore, the available evidence suggests that the Nordic Model is effective in reducing sex trafficking. This model has been adopted in Sweden, Norway and Iceland and is under consideration in France, Israel, Ireland, Northern Ireland and Finland.

* ‘Sexual services’ is the terminology used in the original Swedish legislation.

OUTLINE

- Legalisation and decriminalisation are failed policy approaches to prostitution.
- The legalisation of prostitution increases trafficking inflows and expands the overall market for prostitution, fostering greater demand for the purchase of 'sexual services'.
- The Nordic Model is a new and innovative form of prostitution policy.
- The central legislative change adopted in the Nordic Model is the criminalisation of the purchase, but not the sale, of 'sexual services'.
- The Nordic approach directly targets the demand for prostitution by criminalising the actions of buyers rather than the actions of prostituted persons.
- The Nordic Model acknowledges that the vast majority of buyers are men and that the vast majority of prostituted persons are women and girls.
- This approach recognises prostitution as a form of violence against women and also as a threat to women's equality more broadly.
- In addition to legislative changes, the Nordic Model incorporates public education programs discouraging the purchase of sex, as well as comprehensive exit programs and substantial social and economic support to assist prostituted persons to leave the industry.
- The Nordic Model originated in Sweden and has been in operation since 1999. It has been highly effective in reducing the markets for prostitution and sex trafficking in Sweden.
- The Nordic Model is now in operation in Sweden, Norway and Iceland, and is currently under consideration in France, Israel, Northern Ireland and Ireland. Variations of the Nordic Model have also been adopted in South Korea, the United Kingdom and Finland.

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INTRODUCTION

This report provides readers with an overview of research on the Nordic Model and its increasing influence on prostitution policy across the globe. It is the first time that such a detailed document on the Nordic approach to prostitution has been produced in Australia. We focus initially on why more traditional attempts at legalisation have failed and how the Nordic Model offers a new way forward. We then consider the origins of the Model in Sweden, looking at what the laws there aimed to achieve and if they have worked. We then offer brief outlines of the status of the Nordic Model in nine other countries around the world. The information contained in this report will be of use to policy makers, journalists, workers and activists in the area of violence against women, as well as those interested in pursuing social justice in Australia.

THE FAILURE OF LEGALISATION

In the 1980s and 1990s the States of Victoria and Queensland as well as the Australian Capital Territory (ACT) legalised brothel prostitution, while New South Wales decriminalised prostitution. In legalised systems some parts of the sex industry, usually brothels, are regulated by the state. In decriminalised systems there is no state oversight and brothels can, in effect, operate 'like any other business' (Jeffreys, 2009: 175). Australia was at the forefront of these approaches to prostitution policy. A legalised model, similar to that in Victoria, was later adopted by Germany and the Netherlands. In the last decade, legalisation in Australia has been criticised by feminist scholars as a 'failed experiment' (Jeffreys, 2009; Sullivan, 2007). Research on the US State of Nevada (Farley, 2007) shows that policies of legalisation have led to serious social harms and that they do not alleviate the problems they were set up to counter, such as violence against women in the industry and the involvement of organised crime. These conclusions are supported by government reports from Germany (Federal Ministry of Family Affairs, 2007) and the Netherlands (Daalder, 2007) that detail the failure of legalisation policies. Indeed, legalisation not only fails to prevent the harms of prostitution, it appears to exacerbate them by encouraging a boom in the illegal sector and sex trafficking.

In localities that legalise sectors of prostitution, the illegal industry outstrips the legal industry in size and is harder to control than before legalisation (Crime and Misconduct Commission, 2004; Federal Ministry of Family Affairs, 2007; Farley, 2007; Sullivan, 2007). As the legalisation of prostitution leads to an 'expansion of the prostitution market' (Cho et al., 2013), it is therefore not surprising to find that

the illegal industry grows in order to meet the greater demand created in areas where policies of legalisation have been pursued.

Laws in Victoria were introduced to legalise prostitution, in part, to help provide a safer environment for women in prostitution, but this has not occurred. Evidence from the occupational health and safety codes produced for the legal industry in Australia show that it is expected that women in legal prostitution will face various forms of physical assault and rape (Jeffreys, 2009 and 2010; Sullivan, 2007). International research on the psychological harms of prostitution also shows no difference in the level of harm experienced by those prostituted in legal and illegal industries (Farley et al., 2003).

Far from reducing the involvement of organised crime and trafficking in the prostitution industry, policies of legalisation seem to create more entrenched problems. Organised crime has increased its grip upon, and profits from, both legal and illegal sectors of the industry in Australia (Jeffreys, 2009) and in the Netherlands (Daalder, 2007). In addition, a recent comparative analysis of 150 countries shows that those with policies of legalisation experience larger inflows of trafficked persons (Cho et al., 2013).

THE NORDIC MODEL: A NEW WAY FORWARD

The Nordic Model offers an alternative to legalisation; it is a new and innovative approach to prostitution policy that is not based on standard legalisation or criminalisation principles. This is a differentiated model where the *selling of 'sexual services' is decriminalised but the buying of 'sexual services' is criminalised*. The fundamental innovation of the Nordic Model is that it targets *demand*. The Model recognises that it is the demand for 'sexual services' that promotes the expansion of the sex industry and sex trafficking. In addition, it acknowledges that buyers are largely men and that their demand is primarily for buying women and girls. This focus on demand is a radical departure from much existing research and policy which has focused on the 'supply side' of the sex industry and trafficking, i.e. traffickers, trafficking victims and prostituted persons. As there is now an 'emerging consensus' that policies addressing only the supply side of the industry are 'insufficient and ultimately ineffective' (Yen, 2008: 655), there has been growing international interest in ensuring that buyers do not avoid accountability.

The Nordic Model represents more than just legislative change; it must be understood as a more holistic approach that encompasses social and economic support for prostituted persons and public education campaigns about the harms of prostitution and trafficking, alongside a ban on the purchase of 'sexual services'.

In countries where the Nordic Model has been adopted, the legislative change itself is seen to be less an issue of a law and order, and more an issue of changing societal attitudes and norms (Ekberg, 2004). The Nordic Model aims to make the buying of sex socially unacceptable.

The Nordic Model takes an abolitionist approach to prostitution and trafficking. This approach does not accept that booming markets for prostitution and sex trafficking are desirable or inevitable. Instead, the Nordic Model advocates social and cultural change. Within this model, prostitution and sex trafficking are understood as harmful to prostituted and trafficked persons, as well as barriers to social justice. Criminalising the purchase of sex is seen as an important part of efforts to end violence against women and to achieve gender equality.

The Nordic Model supports the provisions set out in the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, also known as the 'Palermo Protocol' (Australia ratified the Protocol in 2005). The Protocol is a milestone in international anti-trafficking law, not least because it calls on governments to directly address the demand for trafficking (Yen, 2008). Article 9.5 of the Protocol states:

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 (UNOHCHR, 2013).

The Palermo Protocol explicitly compels signatories to adopt legislative models, as well as social and educational programs, to discourage the demand for prostitution. The Nordic Model achieves this aim while also addressing the Palermo Protocol's other main concern, the welfare of victims of exploitation and trafficking.

The following sections of this report outline the origins of the Nordic Model, and discuss in more detail its central aims, its effects, and its development in a variety of countries worldwide. The report concludes by considering how advocacy for the Nordic Model can promote better policy outcomes in Australia.

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ORIGINS OF THE NORDIC MODEL: SWEDEN

“Swedish men are now ashamed of buying sex – it’s just not socially accepted.”

- Swedish politician, Jenny Sonesson

The concept of criminalising the purchase of ‘sexual services’ originated in Sweden. The idea had been raised by various feminist and socialist groups in Sweden for some decades but only gained momentum in the late 1990s. The concept was formalised in 1998 with the introduction of the Law that Prohibits the Purchase of Sexual Services, which was part of a raft of other measures and legislative provisions (the *Kvinnofrid*, or Women’s Sanctuary) to ‘counteract violence against women’ (SMoL, 2013: n.p.). This legislation came into effect in Sweden on the 1st of January 1999. The original version of the law stated: ‘[a] person who...obtains a casual sexual relation in return for payment, shall be sentenced for purchase of a sexual service to a fine or imprisonment for at most six months’ (quoted in Waltman, 2011: 449) but in 2011, the maximum penalty of imprisonment was raised to one year.

Prior to this legislation, neither the buying nor selling of ‘sexual services’ had been illegal in Sweden, but a government inquiry into prostitution in the early 1990s had considered the possibility of full criminalisation (i.e. criminalising those in prostitution as well as people who purchase those in prostitution). In adopting a different way forward, which seeks to punish only the purchase of ‘sexual services’, the Swedish government rejected a traditional model of criminalisation and acknowledged that prostitution is an inherently unequal exchange between the buyer and the bought. In the rationale for the prohibition on the purchase of ‘sexual services’, the government recognised that many prostituted women were effectively coerced into either entering or remaining in prostitution through a confluence of factors including sexual abuse, economic and social marginalisation, substance abuse and international trafficking and sexual slavery. As a result, the government concluded that:

[I]t is not reasonable also to criminalize the one who, at least in most cases, is the weaker part who is exploited by others who want to satisfy their own sexual drive. It is also important to encourage the prostituted persons to seek assistance to get away from prostitution, that they do not feel they risk any form of sanction because they have been active as prostituted persons (quoted in Waltman, 2011: 454-455).

It is important to point out that although the wording of the legislation itself, and the accompanying explanations of it, are written in gender neutral language, the Swedish government also accepted that gender inequality is at the heart of prostitution. That is, while there are some men (and boys) in prostitution, the vast majority of prostituted persons are women (and girls) and buyers are almost exclusively men (Ekberg, 2004; SMOIGE, 2009).

Indeed, by introducing the Law That Prohibits the Purchase of Sexual Services as part of the *Kvinnofrid*, the government effectively named prostitution as both a site and cause of gender inequality and linked it directly to broader trends of men's violence against women. This is evidenced by the other important measures introduced as part of the *Kvinnofrid*. These included, for instance: new laws targeting men's violence in intimate relationships, a broadened definition of rape, greater social welfare provisions for women experiencing violence, more rigorous provisions regarding sexual harassment in the workplace, more funding for women's shelters and research into violence against women, the establishment of a national rapporteur on trafficking in women, and a national telephone crisis line for women experiencing violence.

WHAT DID THE SWEDISH LAW AIM TO ACHIEVE?

There were several aims associated with the introduction of the law to prohibit the buying of 'sexual services'. Firstly, the government aimed to reduce the market for prostitution. The Swedish Ministry of Labour's *Fact Sheet on Violence Against Women* explains: 'This new prohibition marks Sweden's attitude towards prostitution. Prostitution is not a desirable social phenomenon' (SMoL, 2013: n.p.) Unlike traditional models of criminalisation, however, this is not seen as an issue of morality or decency where ordinary citizens must be 'protected' from exposure to the industry of prostitution. Rather prostitution is seen as undesirable because it contributes to women's inequality. As Gunilla Ekberg, writing for the Swedish Ministry of Industry, Employment and Communications explains:

In Sweden, it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men (Ekberg, 2004: 1188).

This focus of the law has sometimes overshadowed the fact that it was also brought in to address the safety and wellbeing of people (primarily women) in prostitution. That is, the existence of prostitution was seen as harmful not only to society and gender equality more broadly, but also that the practice of prostitution

was seen as harmful to those women actually being prostituted (Ekberg, 2004; Waltman, 2011). Thus, when the purchase of 'sexual services' was criminalised, the Swedish government announced increased funding for exit programs and greater social service support to help women leave prostitution and establish their lives outside of prostitution (SMoL, 2013; Waltman, 2011).

In addition, the justification for the law linked trafficking to prostitution through the concept of demand. As a recent publication from the Swedish Ministry of Integration and Gender Equality explains: 'What primarily sustains trafficking and prostitution is demand. In other words, the fact that people – mostly men – buy sex' (SMoIGE, 2009: 4). Moreover, the government sought to show that demand for prostitution, mostly from men, fuels sex trafficking to the region and that 'prostitution and trafficking for sexual purposes represent a serious obstacle to social equality, gender equality and to the enjoyment of human rights' (SMoIGE, 2009: 4).

Finally, the law aimed to change attitudes, both those of the general public and those of men who had previously purchased 'sexual services'. Thus, the law had a significant normative or educational element (Ekberg, 2004). It was not designed to result in thousands of arrests, but rather to deter the purchase of sex in the first place. The passing of the law and the associated public education campaigns do seem to have affected public attitudes in Sweden. In 1996, only 45% of women and 20% of men were in favour of criminalising the purchase of sex. By 1999 this had jumped to 81% of women and 70% of men in favour of the new law (Waltman, 2011).

HAS THE SWEDISH LAW WORKED?

It has now been more than a decade since Sweden introduced the Law that Prohibits the Purchase of Sexual Services. A wide range of evidence, including government reviews, police reports and surveys of sex buyers, suggests the law has been very effective in reducing the markets for prostitution and sex trafficking.

According to a variety of Swedish NGOs and government agencies, street prostitution 'virtually disappeared' in major cities after the introduction of the ban on the purchase of 'sexual services' (Waltman, 2011: 459). Other forms of prostitution are also thought to have declined. In the mid-1990s, for example, the Swedish Prostitution Inquiry estimated that there were around 2500-3000 women in prostitution in Sweden. A study undertaken by researchers at the Nordic Institute for Women's Studies and Gender (NIKK) suggests this number had fallen to around 650 people by 2008 (Swedish Institute, 2010; Waltman, 2011).

The Swedish government acknowledges, however, that evaluating the effects of the ban is ‘a difficult task’ given that ‘[p]rostitution and human trafficking for sexual purposes are complex, multifaceted social phenomena that occur in part in secret’ (Swedish Institute, 2010: 7). Subsequently, the government has investigated claims that prostitution has simply shifted from the streets to less visible locations. The results of this investigation led the Swedish government to publicly claim that street prostitution in Sweden had been reduced by half during the period 1999-2008 (Swedish Institute, 2010). This figure was determined after independent, comparative research was carried out in conjunction with extensive consultation processes incorporating the police, social services and relevant NGOs.

Claims that the law has reduced the market for prostitution are strengthened by research carried out in neighbouring Nordic countries. For instance, the number of people in prostitution in Sweden in 2008 was estimated at around 650, while in neighbouring Denmark, where prostitution is legalised, the number was put at around 5500 (Holmström & Skilbrei, 2008 cited in Waltman, 2011). Such a discrepancy is even more striking when the total population of these two countries is taken into account (see table below).

	Total Population	Number of People in Prostitution
SWEDEN	9.4 million	650
DENMARK	5.6 million	5567

Table 1.1

That is, the prostitution population is approximately 15 times larger, per capita, in Denmark than in Sweden. Furthermore, when prostitution was still legal in nearby Norway, it had a prostitution population about eight times greater, per capita, than that in Sweden (Waltman, 2011). As the official review of the Swedish law explains: ‘while there has been an increase in prostitution in our neighbouring Nordic countries in the last decade, as far as we can see, prostitution has not increased in Sweden...given the major similarities in all other respects among the Nordic countries, it is reasonable to assume that prostitution would also have increased in Sweden if we had not had a ban on the purchase of sexual services’ (Swedish Institute, 2010: 9).

CRITICISMS AND RESPONSES

It must be noted that the ban on the purchase of sexual services, while enjoying substantial public support in Sweden, has still been controversial. Since its introduction, a number of public criticisms have been made of the law, a few originating in Sweden, but others have emerged, stretching from the United States and Canada to Australia (Waltman, 2011; e.g. Jordan, 2012; Wallace, 2010). These criticisms have centred on three main issues: that the law has pushed prostitution 'underground'; that the law has exposed women in prostitution to more dangerous conditions; and that relatively few buyers have been successfully prosecuted. In this section we explain why these criticisms are inaccurate or unfounded.

Has prostitution just gone 'underground'?

Many critics of the law hold the belief that prohibiting the purchase of sex in Sweden has pushed prostitution 'underground' (Jordan, 2012). This is generally taken to mean that prostitution has moved off the streets, to indoor locations, with solicitation generally occurring online (or less commonly, through newspapers) rather than in public. As Janice Raymond, a former director of the Coalition Against Trafficking in Women (CATW) has argued, it is unclear why indoor forms of prostitution should be seen as inherently worse or more 'underground' than street prostitution (Raymond, 2013). Indeed, the Swedish National Police Board has stated that it is easier to track online prostitution markets with greater accuracy than traditional forms of street prostitution (Raymond, 2013). The intimation by critics, however, is that the law has not actually reduced the overall market for prostitution; it has simply displaced it into new locations.

The official review of the ban in Sweden explicitly sought to determine if this kind of displacement had taken place. It was noted in the final report that while evidence of greater prostitution activities in non-street contexts (e.g. escorting, sex-clubs or advertising in newspapers and online) had been sought, none had been found (Swedish Institute, 2010). While the government admits it may be difficult to calculate exact numbers of people in prostitution, the suggestion that prostitution has gone 'underground' has not found any support in existing research.

As well as the external measure of the number of people in prostitution conducted across the Nordic countries (Table 1.1), there are other pieces of evidence that support an overall reduction in domestic prostitution and in trafficking for sexual

purposes in Sweden after the introduction of the Law that Prohibits the Purchase of Sexual Services. There is evidence that Sweden is no longer seen as a lucrative market by sex trafficking networks and that there has been a reduction in the number of men buying 'sexual services'.

Swedish police monitoring trafficking networks in the region noticed changes after the introduction of the law banning the purchase of sex. Telephone intercepts conducted by Swedish police in the years following the introduction of the ban showed that traffickers and pimps were 'disappointed with Sweden's market for prostitution' (Waltman, 2011: 459). The official review also outlines that many police and social workers report that criminal groups selling women for sexual purposes in the region view Sweden as a 'poor market' and are discouraged from establishing networks in Sweden because there is less demand for prostitution. Attempting to traffic women to Sweden for prostitution was seen as being higher risk and less profitable. The review adds that '[a]ccording to the Swedish Police, it is obvious that the ban against the purchase of sexual services works as a barrier for human traffickers and procurers to establish themselves in Sweden' (Swedish Institute, 2010: 29).

In addition, there has been a drop in the number of men purchasing sex. Research from the Nordic Institute for Women's Studies and Gender research (NIKK) shows that since the introduction of the Law that Prohibits the Purchase of Sexual Services, the number of respondents reporting that they have purchased sex has fallen (cited in Claude, 2011; Ekberg & Wahlberg, 2011). In 2008, the researchers conducted a survey of 2500 individuals between the ages of 18 and 74 and found 7.9% reported buying sex. This was compared to a similar poll in 1996, where 13.6% of respondents reported buying sex (Claude, 2011). This is consistent with international research, which shows that legislative measures aimed at penalising buyers are reported, by buyers themselves, as the biggest deterrent (Farley et al. 2009; Macleod et al., 2008). Swedish men are also now less likely to buy sex than their counterparts in Norway and Denmark (Kotsadam & Jakobsson, 2012).

Are women exposed to more dangerous conditions?

Some critics of the Swedish law, mostly from 'sex worker rights' groups (e.g. Rose Alliance), have suggested that banning the purchase of 'sexual services' has placed prostituted women in more dangerous conditions (see also: Jordan, 2012). This is an offshoot of the argument that prostitution has gone 'underground'. Again, there is no evidence that prostitution has been displaced to indoor locations and there is no evidence that indoor prostitution is more dangerous than street prostitution. Indeed, vocal opponents of an abolitionist approach to prostitution

have often claimed that 'indoor prostitution' is safer than other forms (e.g. Weitzer, 2005; 2007).

It is important to note, however, that the Swedish approach to prostitution is profoundly different from the more traditional 'harm minimisation' approach taken by those promoting legalisation or decriminalisation. The Swedish model does not aim to make prostitution itself more comfortable or acceptable but rather to reduce and ultimately abolish the existence of a market for prostitution; thereby, at least reducing, and potentially eliminating, harm altogether. As legal scholar Max Waltman (2011) has argued, the traditional approach to harm minimisation has accepted that the abuse of women in prostitution is inevitable, whereas the Swedish model questions why any level of abuse should be acceptable at all.

As the Law that Prohibits the Purchase of Sexual Services was introduced as part of the *Kvinnofrid*, which targets all forms of violence against women, there have been other measures put in place to assist women still in prostitution. These include comprehensive exit programs and access to NGOs providing assistance in terms of health, housing, job seeking and re-training (SMoIGE, 2009). There are also preventative measures in place to help identify and assist those at risk of entering prostitution (Ekberg & Wahlberg, 2011). In addition, the official review of the law recommended that those who are used in prostitution should be allowed to receive compensation through the Crime Victim Compensation and Support Authority (Ekberg & Wahlberg, 2011).

Why have so few people been prosecuted?

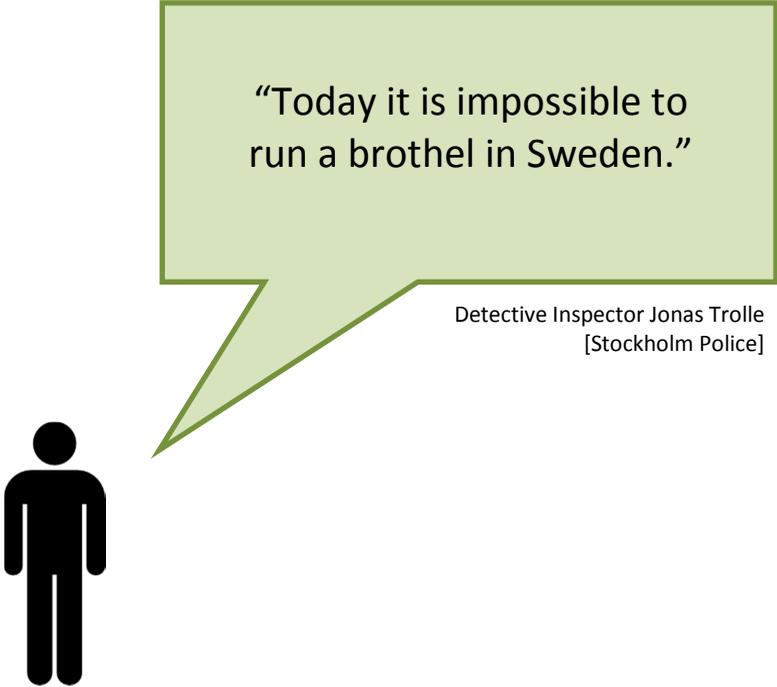
In the years following the introduction of the Law that Prohibits the Purchase of Sexual Services, there was some criticism regarding the lack of convictions. Initially, there were only around 30-60 convictions annually for the purchase of sex in Sweden. That number has steadily increased, however, and in 2010, there were 326 convictions. This has been attributed, in part, to greater resources being allocated to law enforcement agencies as part of the Swedish Government's 'action plan against prostitution and trafficking' (SMoIGE, 2009; Waltman, 2011). However, the penalties so far have only been fines as opposed to imprisonment.

While there is no doubt that the punishments for buyers are an integral part of the Swedish approach to prostitution, the law was put forward as a deterrent to create attitudinal and social change, with the ultimate aim that it would no longer be seen as acceptable to buy 'sexual services'. As Janice Raymond explains:

The success of the Nordic Model is not so much in penalizing the men (the penalties are modest) as in removing the invisibility of men who are outed when

they get caught. This, in turn, makes it less appealing for pimps and traffickers to set up shop in countries where the customer base fears the loss of its anonymity and is declining (Raymond, 2010).

Moreover, as Waltman has pointed out, the limited number of convictions is not so much an argument against banning the purchase of sex, but rather an argument for a more robust enforcement of the law. The National Criminal Detective Inspector in Sweden, Kajsa Wahlberg, has intimated, for instance, that prosecutions for purchasing sex may be seen by some in the police force as a relatively low priority and that higher penalties 'would perhaps also make the police prioritize these crimes more' (Wahlberg quoted in Waltman, 2011: 465). There are on-going discussions in Sweden about how the law could be better enforced, and how any money raised through the fines collected from buyers could be redistributed to exit programs and support services for those in prostitution.



“Today it is impossible to run a brothel in Sweden.”

Detective Inspector Jonas Trolle
[Stockholm Police]

THE SWEDISH MODEL BECOMES THE NORDIC MODEL

The success of criminalising the purchase of 'sexual services' in Sweden led neighbouring countries to reconsider their own laws governing prostitution and trafficking. Norway and Iceland have since adopted the model pioneered by Sweden, and Finland has adopted a (less effective) variation. As a result of these changes in the region between 2006 and 2009, what was originally seen as the Swedish model, is often now referred to as the 'Nordic Model'. Denmark remains the only country in the region without some version of prostitution law which directly attempts to target and limit demand for 'sexual services'. It is therefore not surprising that Denmark continues to experience much higher rates of prostituted persons per capita than those found in the other Nordic nations.

Norway

In 2008, the Norwegian Parliament voted to criminalise the buyers of 'sexual services' and this came into effect on January 1st, 2009. There had been a long history of the women's movement in Norway pushing for the criminalisation of buyers, and in 1998 it gained momentum when the trade union movement began to publicly support the model. In 2005, the Norwegian Confederation of Trade Unions, an influential player in Norwegian politics, voted in favour of a law to penalise the buyers of 'sexual services'. The increase in trafficked women into Norway, especially from Nigeria, was seen as a decisive factor that led to the change in legislation. It was argued that, as trafficking was fuelled by demand – mainly from male buyers – it was necessary to address demand in order to reduce trafficking.

The legislation was enacted as amendments to the General Civil Penal Code. Section 202 covers pimping and has penalties of fines and/or imprisonment up to 5 years, and Section 202a deals with the buyers and includes fine and/or imprisonment of up to six months. This includes the provision that if the sexual act is 'carried out in a particularly offensive manner' the imprisonment is up to one year. Section 203 deals with buying a person under the age of 18 years, and this carries a penalty of up to two years imprisonment. The new legislation applies to all persons in Norway, but also to Norwegian citizens and persons normally resident in Norway, who purchase 'sexual services' in another country.

The legislation in Norway has been very effective. By the end of 2010 all known brothels in Oslo were shut down and street prostitution (similar to Sweden) is thought to have dropped by around 50%. There have been hundreds of arrests since the legislation came into force. In 2009, 334 buyers were arrested, charged

and fined and, in 2010, the number was 259. In Oslo, the fine is NOK 25000 (approx. AUD \$4370). In addition to prosecuting buyers, police have targeted pimps, traffickers and those who profit from prostitution such as hotel owners and landlords, as well as closing down prostitution websites. Even groups opposed to the law have admitted that it has become difficult for people to buy 'sexual services' and that there are fewer 'customers'.

Research on the effects of the law in Norway also suggests that women who remain in prostitution are now less likely to encounter extreme violence. While sex work rights group Pro Sentret had initially claimed that women in prostitution were facing more dangerous conditions after the criminalisation of buying 'sexual services', their own research demonstrated that women were, in fact, less likely to be raped, punched or robbed since the introduction of the law.

Further information

Full Bill: http://www.regjeringen.no/upload/JD/Vedlegg/Norsk-engelsk_lovvedtak.pdf

'A glimpse of 30 years of struggle against prostitution by the women's liberation movement in Norway.'
http://www.wunrn.com/pdf/hele_filen.pdf

'Criminalising the purchase of sexual activity' – Ministry of Justice and Public Security
<http://www.regjeringen.no/en/dep/jd/whats-new/News/2008/criminalizing-the-purchase-of-sexual-ac.html?id=537854>

'A report on the violence that women in prostitution in Oslo are exposed to' – Pro Sentret
<http://humboldt1982.files.wordpress.com/2012/12/dangerous-liasons.pdf>

Iceland

Iceland criminalised the purchase of 'sexual services' in 2009 and, in 2010, extended this ban specifically to the operation of strip clubs. Buyers face fines, or up to one year in jail, mirroring the Swedish law. The Icelandic law was explicitly based on the understanding of human trafficking advanced by the Palermo Protocol, which acknowledges that trafficking can occur within, as well as between, countries and that the line between trafficking, pornography, prostitution, and strip clubs cannot be clearly delineated. Jóhanna Sigurðardóttir, Iceland's then prime minister, described the introduction of the law as an important move for women's equality: 'The Nordic countries are leading the way on women's equality, recognizing women as equal citizens rather than commodities for sale.'

By 2013, only two of the 13 strip-clubs that existed in Iceland before the ban were still in operation (albeit illegally). However, the Icelandic government has been

criticised due to a lack of prosecutions and convictions of trafficking offenders. The low conviction rates suggest that there are ongoing problems with the implementation of the law. The budgetary constraints during the recent economic crisis are likely to have impacted upon the resources available for law enforcement as there has been a reduction in the total number of police officers. Reports from NGOs suggest that police need to be more vigorous in initiating investigations.

The 2012 Trafficking in Persons Report for Iceland also recommends more public awareness campaigns. According to Gudrun Jonsdottir, from the women's organisation Stigamot, it has 'taken 10 years to get the public to become aware that trafficking exists in Iceland.' The Icelandic Government has also recognised the need to educate police officers about the new laws and human trafficking issues are set to become a 'core part of the curriculum' at the national police college. Iceland is therefore an example of the need to implement full social and educational support along with legislative change.

Further information

'Iceland's stripping ban' http://www.salon.com/2010/03/26/iceland_bans_stripping_strip_clubs/

'Iceland wakes up to trafficking for sex work' <http://www.ipsnews.net/2010/04/rights-iceland-wakes-up-to-trafficking-for-sex-work/>

Trafficking in Persons Report 2012 (Iceland) – US State Department
<http://www.state.gov/documents/organization/192595.pdf>



“We must end demand. Demand for the prostituted is the engine that drives sex trafficking. The Nordic Model works.”

Sex Trafficking Survivors United
[international NGO]

THE NORDIC MODEL: GOING GLOBAL?

More recently, jurisdictions outside of Scandinavia have begun to seriously consider the Nordic approach to prostitution as a viable alternative to both legalisation and traditional criminalisation. Several countries have developed draft legislation which would criminalise the purchase of sexual services. These laws have been proposed by a variety of parties across the political spectrum, from Socialists in France, to Unionists in Northern Ireland.

France

France is poised to adopt legislation which criminalises the buying of ‘sexual services’ and provides legal and financial aid to those exploited in the sex industry. The law is based on abolitionist principles and would overturn a 2003 law which sought to penalise prostituted persons working openly in the streets. According to Socialist MP Maud Olivier: ‘the law is intended to reduce violence towards prostitutes and to get it into the general mindset that paying for sexual services is not acceptable...Prostitutes are victims and should not be treated like criminals.’

Historically, prostitution has not been illegal in France, although associated activities such as soliciting, pimping, running brothels and living off the earnings have been illegal. Measures to police these activities in recent decades have been largely ineffective. In response to the inadequacy of existing legislation, and faced with an increasing number of trafficked women entering France, a parliamentary commission was established to investigate all aspects of prostitution in France.

In April 2011, the French Parliamentary Information Commission on Prostitution tabled a report in the National Assembly that called for the adoption of the Nordic Model; it explicitly acknowledged links between trafficking, pornography and prostitution and named prostitution as a form of violence against women. It proposed a six month jail term and €3000 fine for the buyers. The report states that foreign women, most of whom are trafficked, make up 80% of prostituted women in major cities, compared with only 20% in the early 1990s. The report is also very clear about the harms done to women in prostitution and calls for public education policies to reduce demand.

Based on the recommendations of this report, an in-principle resolution was adopted in 2011, reaffirming the abolitionist position of France in relation to prostitution; it received overwhelming support from all sides of the parliament. In June 2012, the Minister for Women’s Affairs stated her commitment to the abolition of prostitution and the principles embedded in the 2011 vote.

The details of the proposed Bill, developed by the Socialist government, were made public in September 2013. The Bill is set to be debated in the National Assembly (lower house of parliament) and Senate in November 2013. While the law has not been uncontroversial in France, it enjoys widespread public support. Prior to the introduction of the draft legislation, more than 100 NGOs published an open letter in support of an abolitionist position on prostitution and 50 politicians, from a range of parties, co-signed an open letter in *Le Monde* entitled: '*Prostitution: mobilisons-nous pour une loi d'abolition!*' (Prostitution: let's mobilise for an abolitionist law!).

Further information

'A French draft bill calls for the criminalisation of the purchase of sex' – European Women's Lobby
<http://www.womenlobby.org/spip.php?article5537>

French Parliamentary Information Commission on Prostitution Report: <http://www.assemblee-nationale.fr/13/pdf/rap-info/i3334.pdf> [In French]

'French Minister for Women seeks abolition of prostitution in Europe'
<http://www.guardian.co.uk/society/2012/jun/22/french-minister-abolition-prostitution-europe>

'Prostitution : mobilisons-nous pour une loi d'abolition!'
http://www.lemonde.fr/idees/article/2013/09/20/prostitution-mobilisons-nous-pour-une-loi-d-abolition_3482035_3232.html [In French]

Israel

The Prohibition of Consumption of Prostitution Services and Community Treatment Bill was proposed by Knesset Member Orit Zuretz and was unanimously passed by the Ministerial Committee in mid-2012. The Bill, based on the Nordic Model, criminalises the purchase of sex but decriminalises those in prostitution. The Bill understands prostitution to be: 'fundamentally a negative phenomenon that engenders a severe injury to the respect and liberty of women, the equality of the rights of women in society and a woman's right to her body.'

Israel has a serious problem with sex trafficking and, until recently, had failed to meet minimum international standards to address the issue. The proposed law brings the Israeli approach into line with the Palermo Protocol and is seen by some as a logical extension of Israel's 2006 anti-trafficking law, which redistributes funds raised from trafficking fines to assist victims with rehabilitation, legal representation and compensation. The Bill was introduced to the Knesset (Israeli parliament) in late 2012 but did not make it through a first reading. The concept of criminalising demand remains controversial in Israel but is supported by a variety of prominent politicians, legal scholars and migrant rights groups.

Further information (cont.)

Proposed Bill: http://www.rsy-netzer.org.uk/images/stories/Proposed_legislation.pdf

'Prostitution in Israel: Myth vs reality' <http://www.ipost.com/Opinion/Op-EdContributors/Article.aspx?id=294345>

'Stop blaming Israeli prostitutes; what about the clients?'
<http://www.haaretz.com/weekend/magazine/.premium-1.539226>

'The Legalization of Prostitution: Myth and reality'.
http://www.hotline.org.il/english/pdf/The_Legalization_Of_Prostitution_English.pdf

Northern Ireland

In 2012, a Private Member's Bill – the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – and a public consultation process, were proposed in Northern Ireland by Lord Morrow. The Bill primarily focuses on reducing trafficking (not only sex trafficking) through ending demand and proposes greater state services and support for victims of trafficking. The Bill also includes a brief section which would make 'paying for the sexual services of a prostitute' an offence, effectively making it an adaptation of the Nordic Model.

Purchasing the 'sexual services' of a trafficked person is already a criminal offense in Northern Ireland (see UK approach below) but Morrow argues in the Consultation Paper that this is almost impossible to prosecute and is not adequate for dealing with demand. The paper also cites the Swedish Model as having been effective in stemming sex trafficking within its national borders. The consultation process was completed in October 2012 and it has been reported that 96% of respondents were in favor of the new legislation. In September 2013, the Bill was brought to the Northern Ireland Assembly (NIA) and is supported by the Democratic Unionist Party, currently the largest party in the NIA.

Further information

Proposed Bill: <http://www.niassembly.gov.uk/Documents/Legislation/Bills/Private-Members-Bills/Session-2011-12/human-trafficking-bill/Human-Trafficking-and-Exploitation-Draft-Bill.pdf>

Consultation Paper: <http://www.niassembly.gov.uk/Documents/Legislation/Bills/Private-Members-Bills/Session-2011-12/human-trafficking-bill/tackle-human-trafficking.pdf>

'Morrow right to keep driving trafficking Bill'
<http://www.belfasttelegraph.co.uk/opinion/columnists/liam-clarke/morrow-right-to-keep-driving-trafficking-bill-16229408.html>

Ireland

In June 2013, the House of Oireachtas (Irish national parliament) Joint Committee on Justice, Defence and Equality, published a review of prostitution legislation. The final report of the Committee recommends the Nordic Model. The report states that: 'The Committee finds persuasive the evidence it has heard on the reduction of demand for prostitution in Sweden since the introduction of the ban on buying sex in 1999. It concludes that such a reduction in demand will lessen the incidence of harms associated with prostitution and – particularly in view of the predominance of migrant women in prostitution in Ireland – the economic basis for human trafficking into this State for the purpose of sexual exploitation.' The Committee also noted that banning the purchase of 'sexual services' has a 'strongly positive normative effect' on social attitudes to gender and sexuality.

Further information

'Report on the Review of Legislation on Prostitution'

<http://www.oireachtas.ie/parliament/media/committees/justice/1.Part-1-final.pdf>

“The old polarization into legalization and criminalization is giving way to a more practical, woman-centered and successful Third Way: decriminalize the prostituted persons...and penalize the customers who create the market...”

Gloria Steinem
[feminist]



VARIATIONS OF THE NORDIC MODEL

The Nordic approach to prostitution has also been considered in a number of other countries that have chosen to only adopt certain elements underpinning the original Swedish legislation. Both the UK and Finland have adopted what some have termed an ‘anaemic’ version of the Nordic Model, which penalises buyers of sexual services but only when the prostituted person has been trafficked or coerced. South Korea, on the other hand, has introduced comprehensive exit and support programs for women in prostitution, as well as pursuing traffickers and buyers, but still has not repealed laws penalising (non-trafficked) prostituted persons. CATWA maintains that these models are inadequate and do not do enough to protect women in prostitution and penalise those who seek to purchase prostituted persons.

United Kingdom

In 2010, new legislation came into effect in the United Kingdom (UK). Section 14 of the Policing and Crime Act, created a new offence of ‘paying for the sexual services of a prostitute subjected to force’. This is a watered down version of the Swedish model, since it does not penalise the purchase of all sexual services. It is, however, a ‘strict liability’ offence, meaning it makes no difference whether the buyers involved knew the women were forced or not. In the first year there was a low rate of convictions (total of 43) and the Act has been criticised as unworkable because it is almost impossible to prove that the woman was forced unless she chooses to come forward to complain about a buyer. Feminists in the UK who understand prostitution as a form of violence against women still see this law as a step in the right direction because it is the first time buyers have been held to account, but they are disappointed that the Swedish model was not adopted in its entirety as many members of the then Labour government wanted.

Further information

Crown Prosecution Service: ‘Prostitution and Exploitation of Prostitution’
http://www.cps.gov.uk/legal/p_to_r/prostitution_and_exploitation_of_prostitution/

Demand Change: The Campaign. <http://www.demandchange.org.uk/index.php/the-campaign>

‘Year-old law criminalising use of prostitutes criticised for low conviction rate.’
<http://solicitors.contactlaw.co.uk/date/2011/07>

Women’s Support Project UK:
<http://www.womenssupportproject.co.uk/content/prostitution/205,172/>

Finland

In 2005, the Finnish government proposed a ban on the purchase of sex, mirroring Sweden's legislation. After heated debate, only a 'lacklustre' version of the laws prohibiting the purchase of sex was enacted in 2006: the Finnish law only covers buyers who use 'trafficked, forced or unlicensed persons in prostitution.' Unlike the UK legislation, this is not a strict liability offense and, in order for a conviction to be successful, it must be shown that the buyer knew the prostituted person was trafficked, forced or coerced. In practice, this has proved exceptionally difficult, and up to two years after the introduction of the law, not a single conviction had been registered. Thus, the law has been seen by many as a failure and therefore the possibility of moving towards a full Nordic Model – the criminalisation of the purchase of all 'sexual services' – is apparently being considered by the Ministry of Justice and the Ministry of the Interior.

Further information

'Finland's prostitution law and the hope of Nordic unity' <http://nppr.se/2009/10/12/finlands-prostitution-law-and-the-hope-of-nordic-unity/>

'Finnish legislation on the purchase of sexual services: potential revisions?' <http://nppr.se/2011/11/07/finnish-legislation-on-the-purchase-of-sexual-services-expected-to-be-revised/>

South Korea

In 2004, the South Korean government passed two laws aimed at reducing the sex industry, prostitution, and trafficking. The Act on the Punishment of Procuring Prostitution establishes legal penalties for pimps and traffickers who attempt to sell people for prostitution, as well as for those who seek to buy a person for the purpose of prostitution. The preamble states that the Act 'aims at eradication of procuring prostitution and trafficking for prostitution, and also at protection of human rights of the victims of prostitution. In order to do so, the Act stipulates harsh punishment to the owners of prostitution businesses, the scaling down of the prostitution industry, and the protection of the victims of prostitution'.

The second law, the Act on the Prevention of Prostitution and Protection of Victims Thereof, outlines social education and awareness-raising measures for the prevention of prostitution, as well as requirements for the protection and social reintegration of people leaving the sex industry. Since the introduction of this law, the Korean government has offered women leaving the sex industry 18 months of assistance, including subsidised accommodation and legal, medical, counselling, and retraining programs, to help them reintegrate into mainstream society.

Research at the end of 2008 indicated that 60% of women who participated in the government-sponsored support programs between 2004 and 2008 remained out of the sex industry.

These laws have brought significant changes to the environment in which men buy women for prostitution in Korea. From 2004 to 2007, 12,562 prostitution customers were arrested and these laws have been credited with a 37% reduction in the number of brothels in the country, a 30-40% decrease in the number of bars and clubs, and a 52% drop in the number of women being prostituted.

Unlike the laws in Sweden, Norway, and Iceland, however, the Korean legislation still allows for punishment of a prostituted person if he or she is deemed by police to not have been trafficked into the sex industry. While the definition of trafficking in Korean law is very broad, this is still viewed by some as the de facto criminalisation of those in prostitution. Furthermore, the effectiveness of the legislation is still constrained by the extent to which police are educated in the principles underpinning it, that is, to protect victims exploited within the sex industry as well as punishing traffickers, pimps and procurers. Women's organisations in Korea are currently campaigning to have the law changed so that prostituted people, even those deemed not to have been trafficked, are fully decriminalised, as in the Nordic Model.

Further information

Full Act (English translation): <http://researchprojectkorea.files.wordpress.com/2012/03/act-on-the-prevention-of-prostitution-and-protection-of-victims-thereof.pdf>

'Korea's New Prostitution Policy: Overcoming challenges to effectuate the legislature's intent to protect prostitutes from abuse' <http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/597/16PacRimLPolyJ493.pdf?sequence=1>

Women's Human Rights Commission of Korea http://www.stop.or.kr/index.php?mid=en_sub0101



“Not to be bought and sold for sex should be a human right.”

Max Waltman
[legal scholar]

AUSTRALIA: TIME TO DEMAND CHANGE

Prostitution policy in Australia is determined at the State and Territory level. As a result, there are varied approaches to prostitution, creating disjointed and sometimes contradictory legislation across the nation. Some States have systems of legalisation or decriminalisation in operation while others have de facto criminalisation in operation, often as a result of antiquated laws relating to hygiene and the public order. In recent years, legislation on prostitution has been reconsidered in Tasmania, Western Australia, the ACT and South Australia, but policy makers are yet to fully examine the Nordic Model as a potential alternative to existing arrangements.

Indeed, many lawmakers in Australia have continued to overlook evidence of the harms of prostitution and ignore, dismiss or misrepresent the Nordic Model. In Tasmania, for example, the Attorney General has incorrectly claimed in an official paper that ‘sex work’ is criminalised in Sweden (Wightman, 2012: 5) when, in fact, ‘sex work’ is decriminalised in Sweden and only the purchase of sex is illegal. Whistleblowers Tasmania has also pointed out that the Tasmanian government’s call for responses on prostitution law was notably biased (MacGregor, 2012). It required that: ‘Submissions should indicate which regulatory model (decriminalisation, criminalisation or licensing) would be preferable for Tasmania’ (Wightman, 2012: 25), effectively ruling out any discussion of the Nordic Model.

Similar problems of bias have occurred in Queensland and the ACT. In 2012, the Chair of the Standing Committee on Justice and Community Safety in the ACT took the extraordinary measure of attaching her dissenting views as an appendix to the *Inquiry into the Prostitution Act* report (SCoJCS, 2012), after she felt that other members of the Committee had ‘played down human rights problems’ associated with prostitution and ignored evidence that did not fit with the government’s existing approach of legalisation (SCoJCS, 2012: 153-156). In Queensland (which also has a legalised system), the Prostitution Licensing Authority has released only one discussion paper in the last ten years (Wallace, 2010) and it is specifically designed to discredit the Swedish ban on the purchase of ‘sexual services’. Rather than relying on evidence, the paper – subtitled ‘the so-called Swedish model’ – champions legalisation while disparaging prominent women who have publicly supported the Nordic Model in Australia and overseas.

Debates around prostitution policy in Australia have reached an impasse. None of the existing approaches in this country have been effective in targeting sex trafficking, increasing the safety of prostituted people, or reducing the involvement of organised crime. The experiment with legalisation, for some years held up internationally as a progressive approach to prostitution policy, has been exposed as a resounding failure. Far from regulating and controlling the industry, legalisation has encouraged the demand for prostitution to grow and has seen a boom in illegal brothels. Traditional criminalisation has also rightly been criticised as a flawed approach that is outdated and unduly punishes prostituted persons. But we need not choose between the extremes of legalisation and criminalisation. The Nordic Model offers a new way forward for more comprehensive, cohesive and compassionate prostitution policy in Australia.

It's time to demand change.



**DEMAND
CHANGE!**



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