

## END DEMAND LITERATURE – DESK REVIEW

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This document will help the reader become familiar with the existing research on End Demand style criminalization as a response to human trafficking and sex work. End Demand theory is also commonly called the Nordic Model and the Equality Model. The stated goal of End Demand policy is to reduce the demand for commercial sex by focusing criminal penalties on the purchaser of commercial sex, in hopes of reducing instances of sex work and sex trafficking. This model simultaneously seeks to reduce or eliminate the criminal penalties for sellers of commercial sex, with the intention of reducing the harm that they experience.

This document contains a compilation of peer-reviewed and published studies from several countries that implemented End Demand laws, where criminal penalties are focused on the purchaser of commercial sex. The studies measured the impacts of this method of criminalization. Each study is summarized, highlighting the findings, methodology, and any relevant background information. The studies are sorted by country and within each group are listed in chronological order. For ease of reading, variable English spellings were changed to American English except in citations and titles.

Note: This document is a first draft, not exhaustive, and will be regularly updated to reflect new or additional publications.

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## **CANADA**

### **1. Criminalisation of Clients: Reproducing Vulnerabilities for Violence and Poor Health Among Street-Based Sex Workers in Canada—A Qualitative Study, (2014)**

#### **Summary:**

“...[W]hile police sustained a high level of visibility, they eased charging or arresting sex workers and showed increased concern for their safety. However, participants' accounts and police statistics indicated continued police enforcement of clients. This profoundly impacted the safety strategies sex workers employed. **Sex workers continued to mistrust police, had to rush screening clients and were displaced to outlying areas with increased risks of violence, including being forced to engage in unprotected sex.**” “These findings suggest that criminalization and policing strategies that target clients reproduce the harms created by the criminalization of sex work, in particular, vulnerability to violence and HIV/STIs.” (p. 1) (emphasis added).

#### **Findings:**

“For participants in this study, the reality of living in poverty and marginalization often combined with illicit substance use meant that even when police target clients, sex workers report that they continue to work for the obvious reason of earning an income.” (p. 5).

“Police enforcement of clients had no effect on deterring women from engaging in street-based sex work... impeding sex workers' ability to engage with potential clients **did not result in less street-based sex work** for these women. Instead, having access to fewer clients meant it was harder to earn an income and forced sex workers to accept clients or services (eg, sex without a condom) that they would otherwise reject due to safety concerns; this directly increased risks for physical and sexual violence and poor health, including HIV and STIs.” (p. 5) (emphasis added).

“Findings indicate that criminalization and policing strategies that target clients reproduce the harms created by broader criminalization of sex work. Analyses of prevalence of workplace physical and sexual violence against street-based sex workers in Vancouver indicated no statistically significant change in violence rates following policy implementation.” (p. 5).

“Policing of clients thus directly undermines sex workers’ ability to screen potential clients including checking ‘bad date’ sheets for past violent perpetrators, detecting possible weapons or intoxication, and negotiating the terms of the sexual transactions, including where the date will take place, the fee and types of sexual services and use of condoms, before entering a vehicle. These practices... have been well documented as critical to sex workers’ ability to control their health and safety.” (p. 6).

“Participants reported that being alone with clients in often unknown, secluded, industrial areas where there is little chance for help **puts women at increased risk of violence and rape and reduces their ability to negotiate the transaction on their terms, elevating their risks for client condom refusal and thus HIV/STIs.**” (p. 6) (emphasis added).

### **Methodology:**

31 street-based sex workers (26 cisgender and 5 transgender women) “participated in semi-structured interviews about their working conditions. All had exchanged sex for money in the previous 30 days in Vancouver.” (p. 1)

“Interview participants were recruited through purposive sampling from the longitudinal cohort (AESHA), and aimed to reflect variation in demographics (eg, age, ethnicity and gender) and work environments (eg, geographic neighborhoods, variation in street and off-street solicitation and transaction spaces)” (p. 3).

### **Background:**

“Enforcement-based approaches and policing within criminalized frameworks have consistently been linked to elevated risks for violence, and reduced ability to negotiate safer sex transactions, including prevention of HIV and other STIs.” (p.2).

“Criminalization and policing force sex workers to rush or forgo screening prospective clients or negotiating the terms of sexual transactions before entering a vehicle, placing sex workers at increased risk of physical violence, rape and HIV/STIs. Criminalization of sex work also impedes access to safer indoor work environments, particularly for those most socially and economically marginalized.” (p. 2).

“**The primary objective of the law is to eradicate prostitution by eliminating demand. However, evidence from Sweden indicates that the law has been unsuccessful in meeting this objective.** Instead, a number of unintended consequences have been reported—namely, that it drives sex workers and clients underground to more clandestine locales and is difficult to enforce due to the unwillingness of sex workers to testify against their clients.” (p. 2) (emphasis added).

“The continued police enforcement of clients severely limited any positive impact of this change on their overall working conditions, risks for violence, abuse or negotiation of sexual risk reduction with clients.” (p.4).

## **2. Criminalizing Sex Work Clients and Rushed Negotiations Among Sex Workers Who Use Drugs in a Canadian Setting, (2017)**

### **Summary:**

“...[T]here was a significant increase in reports of rushing client negotiation after the guideline change among women. Other variables that were independently associated with increased odds of rushing client negotiation included experiencing client-perpetrated violence (among both men and women) and non-heterosexual orientation (among women). These **findings indicate that despite the policing guideline change, rushed client negotiation due to police presence appeared to have increased among our sample of female sex workers who use drugs. It was also associated with client-perpetrated violence and other markers of vulnerability.** These findings lend further evidence that criminalizing the purchase of sexual services does not protect the health and safety of sex workers.” (Abstract, p. 563) (emphasis added).

### **Findings:**

“Approximately one quarter of sex workers who use drugs in our sample reported rushed negotiation with clients due to police presence at least once between 2008 and 2014.” “...[S]ince the new enforcement guideline adopted by the VPD in 2013, **reports of rushing client negotiation due to police presence have significantly increased among female sex workers.** After extensive confounder adjustment, experiencing client-perpetrated violence remained associated with rushing negotiation with clients among both male and female sex workers. In addition, self-identifying as non-heterosexual (among women only) was independently correlated with rushing client negotiation.” (p. 566) (emphasis added).

### **Methodology:**

“We sought to investigate the trends and correlates of rushing negotiations with clients due to police presence among 359 sex workers who use drugs in Vancouver before and after the guideline change. Data were derived from three prospective cohort studies of people who use drugs in Vancouver between 2008 and 2014. We used sex-stratified multivariable generalized estimating equation models.” (p. 563). “The primary outcome measure was ‘rushed client negotiation’ defined as rushing negotiations with a sex work client in a public space due to police presence in the previous 6 months.” (p. 565).

### **Background:**

“Canada, as other countries and jurisdictions globally, has increasingly turned to the ‘End Demand’ approaches (or the ‘Nordic Model’) that have been implemented in several European countries, which focus on criminalizing and targeting the client of sex workers and third parties (e.g., managers). Adopting this “end demand” approach, in January of 2013, the Vancouver Police Department (VPD) created a new enforcement guideline that was intended to prioritize the safety of and prevent violence against sex workers, but continued to target clients and third parties, while de-prioritizing the targeting of sex workers, except in cases of last resort.” (p. 564).

“Previous research demonstrated that there was no statistically significant change in the rates of physical and sexual violence reported by street-involved sex workers in this setting 8 months before and after this policy change.” (p. 564).

### **3. Sex Workers’ Experiences and Occupational Conditions Post-Implementation of End-Demand Criminalisation in Metro Vancouver, Canada, (2019)**

#### **Summary:**

“In 2014, Canada introduced end-demand criminalization (the Protection of Communities and Exploited Persons Act (PCEPA)), criminalizing purchase of sexual services while leaving the sale of sex legal. This study assessed factors correlated with self-reported changes in working conditions post-PCEPA among sex workers in Metro Vancouver. Most sex workers reported no change in working conditions and one quarter reported negative changes, suggesting that PCEPA may be failing to advance sex workers' safety. Immigrants, women experiencing workplace violence, and those facing criminalization were most likely to report negative impacts. Decriminalization of all aspects of sex work is needed to support well-being, health, and safety.”

#### **Findings:**

“Most SWs reported no change in working conditions and one quarter reported negative changes, suggesting that PCEPA may be failing to advance sex workers’ safety. **Im/migrants, women experiencing workplace violence, and those facing criminalization were most likely to report negative impacts.**” (emphasis added).

“Most (72.2%) experienced no change in working conditions, and 26.4% reported negative changes (e.g., reduced ability to screen clients or reduced access to workspaces/clients). Reporting negative changes was correlated with being an im/migrant to Canada and recent physical workplace violence. In sub-analysis, physical/sexual workplace and living in the suburbs of Richmond/Burnaby correlated with reduced screening capacity; incarceration and being an im/migrant correlated with reduced access to workspaces/clients.”

#### **Methodology:**

“Post-PCEPA data for one year were drawn from a community-based cohort of SWs. We analyzed self-reported changes in working conditions among 299 participants who worked prior to PCEPA and were asked about working conditions post-PCEPA. Multivariate GEE analysis evaluated factors correlated with negative changes post-PCEPA, including reduced capacity to screen clients and reduced access to workspaces/clients.”

“Data were drawn from an ongoing open prospective cohort, An Evaluation of Sex Workers’ Health Access (AESHA), which initiated recruitment in late January 2010. AESHA was developed based on substantial community collaborations with sex work agencies since 2005 and is monitored and informed by a Community Advisory Board of representatives of 15+ community agencies. Current eligibility includes being female, including transgender individuals, having exchanged sex for money within the last 30 days, and providing written informed consent.”

## Background:

“In 2014, Canada introduced end-demand criminalization (the Protection of Communities and Exploited Persons Act (PCEPA)), criminalizing purchase of sexual services while leaving the sale of sex legal. Following its passage, there were a multitude of negative effects on the working conditions of sex workers, most significantly, the increase of workplace violence.”

#### 4. The Impact of End-Demand Legislation on Sex Workers’ Access to Health and Sex Worker-Led Services: A Community-Based Prospective Cohort Study in Canada, 2020

## Summary:

“Sex workers experienced significantly reduced access to critical health and sex worker/community-led services following implementation of the new laws. Findings suggest end demand laws may exacerbate and reproduce harms of previous criminalized approaches to sex work in Canada. This study is one of the first globally to evaluate the impact of end demand approaches to sex work. There is a critical evidence-based need to move away from criminalization of sex work worldwide to ensure full labor and human rights for sex workers. Findings warn against adopting end-demand approaches in other cities or jurisdictions.” (pp. 1-2) (emphasis added).

## Findings:

“Of a total 854 participants who completed the baseline questionnaire, 14% reported not having access to health services when needed at baseline and 29% reported not having access at some point during the study. At baseline, 59% reported using a sex worker/community-led health service (70% used these services at some point during the study period). Of a total 683 participants who reported ever experiencing physical and/or sexual violence and/or trauma, 11% reported experiencing barriers to accessing counseling support for violence/trauma at baseline and 31% experienced barriers at some point during the study period.” (pp. 4-5).

“Despite one of the explicit goals of end-demand criminalization approaches being to increase access to services and supports for sex workers, this study found no statistically significant increase in access to health or sex worker/community-led support services following implementation of the PCEPA in Vancouver, Canada. Rather, **findings suggest that after implementation of the new laws, sex workers had reduced access to health and sex worker/community led supports.**” (pp. 5-6) (emphasis added).

“Findings demonstrate no increase in access to health, violence, and sex worker-led support services post-PCEPA, and rather a reduction in odds of accessing sex worker/community-led supports and health services when needed. **End-demand approaches to criminalize sex work may not only reproduce the harms of previous criminalized approaches to sex work in Canada, but may further exacerbate barriers to accessing health and community-led services that have been proven to be key contributors of better health outcomes.** There is a critical evidence based need to move away from criminalized approaches to sex work to ensure full labor and human rights for sex workers, including access to health, social, and legal support services.

**Findings warn against adopting end-demand approaches in other cities or jurisdictions.”** (p. 8) (emphasis added).

### **Methodology:**

“Longitudinal data were drawn from a community-based cohort of ~900 cis and trans women sex workers in Vancouver, Canada. Multivariable logistic regression examined the independent effect of the post-PCEPA period (2015–2017) versus the pre-PCEPA period (2010– 2013) on time-updated measures of sex workers’ access to health, violence supports, and sex worker/community-led services.” (p.1).

“The main outcomes of interest were time-updated variables for having access to health care when needed and sex worker/community-led services and supports in the last six months. Having access to health services when needed was defined as >75% of the time (responding ‘Usually (over 75% of the time)’ or ‘Always (100% of the time)’ to the question ‘How often can you get health care services when you need it?’). Utilization of sex worker/community-led services was defined as responding ‘yes’ to using any sex worker/community-led health or support services, including outreach programs. Access to counseling support for violence/trauma was also examined as an outcome variable among participants who had ever experienced any physical and/or sexual violence and/or lifetime trauma, defined as responding ‘yes’ to experiencing any barriers to counseling or therapy for sexual abuse or other trauma or violence.” (pp. 3-4).

### **Background:**

“Global research and evidence demonstrate that criminal policies and punitive enforcement-based approaches to sex work continue to undermine the health and human rights of sex workers. Substantial evidence demonstrates that the criminalization of sex work perpetuates widespread forms of violence, stigma, and discrimination that prevent sex workers from seeking or accessing critical health and support services. In settings where sex work is criminalized, sex workers are at significantly elevated risk of HIV and other sexually transmitted infections (STIs) driven by social marginalization and increased exposure to workplace violence and abuse. The criminalized nature of sex work and related policing practices displace sex workers to more isolated and riskier locations and reduce the ability of sex workers to work together or more formally organize due to fear of arrest and police harassment.” (p. 2).

“Existing data suggests that end demand criminalization that targets clients and third parties, but not sex workers, has been shown to reproduce the risks and harms associated with previous laws criminalizing sex work.” (p. 7).

## **5. Harms of Third Party Criminalisation Under End-Demand Legislation: Undermining Sex Workers’ Safety and Rights, (2020)**

### **Summary:**

“As part of a longstanding community-based study in Vancouver, this analysis drew on 25 in-depth interviews with third parties who provide services for indoor sex workers. We explored how end-demand third party criminalization shapes indoor sex workers’ working conditions, health and



safety. We found that most third parties were women and current/former sex workers, problematizing assumptions of third parties as exploitative male “pimps”. Third parties provided client screening, security and sexual health resources for sex workers, yet end-demand laws restricted condom availability and access to police protections in case of violence, thereby undermining sex workers’ health and safety. Our findings highlight that third party criminalization under end-demand legislation reproduces the unsafe working conditions under the previous laws deemed unconstitutional by Canada’s highest court.” (p. 1).

### **Findings:**

“Participants described providing client screening, security, and sexual health resources for sex workers. They also described how **end-demand third party criminalization hampered sex workers’ working conditions through restricting access to condoms, constraining access to police protections, and promoting the vulnerability of venues to robberies and assaults.**” (p. 6) (emphasis added).

“In general, participants highlighted how working indoors with supportive managers conferred security for workers. These insights are powerful given that over half of participants held dual roles as third parties and sex workers and were able to speak from both perspectives.” (p. 9).

“Respondents strongly asserted that working collectively indoors promoted physical and psychological health through maintaining a managed, mutually supportive environment. Sarah, a Canadian-born sex worker and co-manager, powerfully emphasized the security enabled by both her supportive boss and colleagues: ‘Obviously strength in numbers. There’s always security everywhere. I know I have a boss that will have my back no matter what.’ Other sex workers affirmed that others present in the venue enhanced their physical and psychological security. Clients were less likely to violate transaction terms when they knew others were nearby, which helped put workers’ minds at ease.” (p. 8).

### **Methodology:**

For this study, third parties (i.e. venue owners/managers/security/receptionists/phone handlers) working in massage parlors, beauty parlors and apartments (common indoor environments where sex work takes place across Metro Vancouver) were invited to participate. “Problematizing prominent assumptions that position third parties as exploitative male ‘pimps,’ 17 of the 25 third parties in this study were also current/former sex workers and 22 identified as women. 13 currently held a dual role as a sex worker and third party. Consistent with the broader demographics of indoor sex workers in Metro Vancouver, 17 participants were immigrants born outside of Canada, with nearly half of the sample moving to Canada from China. 23 participants worked in massage parlors or beauty parlors and two worked in apartments (work settings often less likely to be supported by third parties). Participants represented 18 separate sex work venues, but most discussed their experiences of working in various massage parlors during the interviews. Participants were aged 30–63 (median age: 43), and their sex industry involvement ranged from 18 months to 28 years.” (pp. 5-6)

Trained interviewers conducted semi-structured interviews with 25 participants between July 2017-November 2018 exploring four major topic areas: 1) criminalization and policing post-end-

demand law reform), 2) sex workers' experiences with third parties; 3) access to health and social services, and 4) intersections between sex work and immigration. Interviews took place in a private space in participants' workplace and were 25 to 105 minutes long." (p. 5)

### **Background:**

After Canada's laws criminalizing sex work were struck down by the Supreme Court for violating sex workers' rights and new end-demand legislation was passed in 2014. These new laws however continue to criminalize sex work third parties (i.e. venue owners/managers) who gain material benefit, despite evidence that managed in-call venues can provide important protections for workers. (Abstract).

### **6. Structural Barriers to Condom Access in a Community-Based Cohort of Sex Workers in Vancouver, Canada: Influence of Policing, Violence and End-Demand Criminalisation (March, 2020)**

### **Summary:**

"Given serious concerns regarding barriers to condom use, including policing, violence and 'end-demand' sex work criminalization, this study evaluated structural correlates of difficulty accessing condoms among SWs in Vancouver over an 8-year period. The findings of the study lead to the conclusion that **under an end-demand model, there is difficulty accessing condoms and thus the risk of contracting HIV/STI is heightened.**" "Despite the purported goal of 'protecting communities', end-demand criminalization does not mitigate barriers to condom access. At heightened risk of HIV are sexual/gender minorities, those facing workplace violence or harassment, and those who work outdoors due to their experiences of poor condom accessibility". (emphasis added).

### **Findings:**

"Among 884 participants, 19.1% reported difficulty accessing condoms during the study." "...[E]xposure to end-demand legislation was not associated with improved condom access; identifying as a sexual/gender minority... physical/sexual workplace violence... community violence, and police harassment were associated with enhanced difficulty accessing condoms."

"One-fifth of sex workers faced challenges accessing condoms, suggesting the need to scale-up sex worker-tailored HIV/STI prevention. Despite the purported goal of 'protecting communities', end-demand criminalization did not mitigate barriers to condom access, while sexual/gender minorities and those facing workplace violence, harassment or those who worked outdoors experienced poorest condom accessibility. Decriminalization of sex work is needed to support sex workers' labor rights, including access to HIV/STI prevention supplies."

### **Methodology:**

"Baseline and prospective data were drawn from a community-based cohort of women sex workers (2010–2018). Sex workers completed semi-annual questionnaires administered by a team that included lived experience. Multivariable logistic regression using generalized estimating equations (GEE) modelled correlates of difficulty accessing condoms over time."

## **Background:**

“Sex workers (SWs) face a disproportionate burden of HIV/sexually transmitted infections (STIs), violence and other human rights violations. While recent HIV prevention research has largely focused on the HIV cascade, condoms remain a cornerstone of HIV prevention, requiring further research attention.”

### **7. Underreporting of Violence to Police Among Women Sex Workers in Canada: Amplified Inequities for Im/migrant and In-Call Workers Prior to and Following End-Demand Legislation. (December, 2020)**

## **Summary:**

“Our study identified severe gaps in sex workers’ ability to report violence to police, with no significant change in reporting violence after the implementation of end-demand sex work legislation, and with enhanced inequities documented for racialized im/migrant and in-call workers. **These results suggest that end-demand laws that shift the focus on criminalization away from sex workers toward clients and third parties do not alleviate existing barriers to police protections for sex workers...**” (p. 268) (emphasis added).

“Sex workers have the right to live and work free from violence and addressing violence against sex workers should be prioritized by policy bodies in Canada and globally. Legislative reforms to fully decriminalize sex work and tailored efforts to promote access to police protections, particularly for racialized minority, im/migrant, and in-call workers, are recommended as a means to upholding sex workers’ human and labor rights. These changes are particularly vital within the current context of sweeping calls for enhanced attention to anti-racism efforts, as well as policy reforms to address police brutality and the harassment of marginalized and racialized communities.” (p. 268).

## **Findings:**

“Among sex workers who experienced recent violence during the 7.5-year study (n=367), 38.2% of all participants and 12.7% of im/migrants reported violence to police, and there was no significant change in violence reporting after end-demand legislation.” (p. 257).

“Racialized im/migrant and indoor sex workers faced significantly lower odds of reporting violence, and there was **no significant improvement in reporting violence after the implementation of end-demand legislation, despite the law’s stated aim of ‘encouraging those who sell their own sexual services to report incidents of violence.’**” (p. 263) (emphasis added).

“The fact that we observed no significant change in sex workers’ access to police protection is an unacceptable outcome of this legislation. Further, the association that we documented between racialized im/migrant status and lower odds of reporting violence is alarming given the ongoing human rights violations faced by sex workers who experience physical and sexual violence in Canada and elsewhere.” (p. 263).

“While Canadian end-demand laws represent sex workers as exploited persons meriting protection, our study found no evidence of sex workers’ increased access to police protections;

rather, sex workers continue to face disrespectful treatment and threats of arrest when seeking assistance from police and thus attempt to avoid police interactions, as previously documented.” (p. 267).

### **Methodology:**

“We drew longitudinal data from a community-based open prospective cohort entitled ‘An Evaluation of Sex Workers Health Access,’ which initiated recruitment in 2010 and is based on collaborations with community organizations serving women, sex workers, and people living with HIV.<sup>23</sup> Eligibility criteria include identifying as a cisgender or transgender woman, having exchanged sex for money in the last month at enrollment, and providing written informed consent.” (p. 259).

“Our study included 367 participants (711 observations). In time series analysis, the median number of observations at each time point was 69 (IQR: 20–86).” (p. 261).

### **Background:**

“In Canada, im/migrant sex workers who work in indoor venues may be uniquely targeted by police due to immigration policies, racialized policing, and the conflation of trafficking and sex work. In 2014, Canada passed end-demand legislation that purportedly encourages sex workers to report violence to police; however, little research has evaluated its impact.” (p. 257).

“Globally, sex workers face egregious human rights violations, including high levels of violence, which have been linked to health and social inequities such as an elevated burden of HIV and other sexually transmitted infections and poor reproductive and mental health outcomes. A 2014 global systematic review identified a staggeringly high lifetime prevalence (45–75%) of physical, sexual, or combined workplace violence against women sex workers. This violence is partly fueled by perpetrators’ recognition of sex workers’ devalued social status and by the fact that sex workers often hesitate to report incidents to police due to deep-rooted mistrust and fear of criminal charges, stigma, or further abuse.” (p. 258)

“End-demand ideology represents sex workers as victims of gender-based violence by conflating sex work (defined as the consensual exchange of sex services) with victimization and sex trafficking (defined as forced sexual labor).” (p. 258).

“After Canada’s previous sex-work laws were struck down by the Supreme Court in 2013 for violating sex workers’ rights to security of person, end-demand legislation (the Protection of Communities and Exploited Persons Act) was enacted in 2014, leaving the sale of sex legal while criminalizing clients and third-party activities... By representing all sex work as inherently exploitative and victimizing, this legislation also conflates consensual sexual labor with sex trafficking and intersects with prohibitive immigration policies to render racialized im/migrant sex workers susceptible to heightened scrutiny from authorities.” (p. 259).

## **8. Sex Workers’ Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement Under an “End Demand” Criminalization Model: A Five City Study in Canada, (2021)**

## Summary:

“Over all, this **study illustrates how the current ‘end demand’ criminalization framework fails its stated aim of: ‘protecting’ the most ‘vulnerable’ and ‘encouraging those who sell their own sexual services to report incidents of violence and exploitation committed against them.’** One way to prevent or address violence, including trafficking—particularly in the case of serial perpetrators—is to ensure sex workers have access to emergency police protection, are able to report incidents that threaten their safety, and that the police take meaningful action when sex workers report violence. The law further undermines sex workers’ safety in that those who most often assist sex workers to escape violence or confinement, sex workers with shared expenses, as well as clients, security/spotters and managers risk criminalization if they seek police assistance. (p. 12) (emphasis added).

These findings, suggest that ‘end demand’ frameworks reproduce many of the same harms to sex workers, and particularly Indigenous sex workers, as documented under prohibitionist criminalization approaches. They point to the necessity of law-reform to decriminalize sex work undertaken through an explicitly decolonizing approach. This requires centering Indigenous sex workers’ experiences and perspectives on what law and policy changes are necessary to reverse and repair the harms of the current framework.” (pp. 12-13).

## Findings:

“The findings of this **study illustrate how the current “end demand” criminalization framework compromises sex workers’ access to assistance in safety emergencies.**” (p. 1) (emphasis added). “Of 200 SW in five cities in Canada, 62 (31.0%) reported being unable to call 911 if they or another SW were in a safety emergency due to fear of police detection (of themselves, their colleagues or their management)... police harassment—linked to social and racial profiling in the past 12 months (being carded or asked for ID documents, followed by police or detained without arrest)... were associated with higher odds of being unable to call 911, while older age was associated with lower odds.” (p. 1) (emphasis added).

“In descriptive statistics, of 115 SW who had experienced violence or confinement at work in the past 12 months, 19 (16.52%) reported the incident to police. Other sex workers with shared expenses were the most commonly reported group to have assisted sex workers to escape situations of violence or confinement in the past 12 months (35.14%). One of the least commonly reported groups to have assisted sex workers to escape situations of violence or confinement in the past 12 months were police (5.41%). (p. 1).

## Methodology:

“Data collection took place in three large cities Toronto (Ontario), Montreal (Quebec), and Ottawa (Ontario), one suburb Surrey (British-Columbia), and one smaller city Sudbury (Ontario) between July 2017 to January 2018.” (p. 9). The sample “draws heavily from the most vulnerable sex workers: those meeting clients on the street; using drugs by injection or inhalation (crack and meth specifically); and Indigenous sex workers. Injection and inhalation drug use are associated with experiences of violence by sex workers, as is working on the street and being Indigenous.” (p. 10). This “allows us to examine how sex workers escape situations of violence and confinement under

an ‘end demand’ criminalization framework.” (p. 10). “Participants were recruited through flyers distributed by community-based sex worker organizations and through the personal and social contacts of interviewers and TAC members.” (p. 10).

“Our primary dependent variable was ‘inability to call 911 in a safety emergency due to fear of police detection’. Sex workers were asked ‘In the past 12 months, have you had any of the following experiences due to you, your co-workers or your manager’s fear of police detection?’ and the outcome was defined as answering ‘yes’ to “unable to call 911 if I were attacked, robbed or in danger’ or ‘unable to call 911 if another sex worker were attacked, robbed or in danger’ versus ‘no’, ‘not applicable’ or ‘don’t know’ to both. (p. 10).

### **Background:**

In 2014, the Canadian government “introduced a version of ‘end-demand’ legislation. The new laws criminalize individuals purchasing sex, third parties operating in a commercial role and individuals offering sexual services in a narrow set of public contexts. The Ministry of Justice at the time of introduction noted the large proportion of Indigenous women in the sex trade in Canada in relation to its objective of the ‘protection of exploited persons and communities’ and specified that the new end demand criminalization framework ‘is also intended to encourage those who sell their own sexual services to report incidents of violence and exploitation committed against them, rather than seeking to avoid detection by law enforcement.’” (p. 3).

“However, to date no government body has undertaken an evaluation of sex workers’ ability to report violence or access police protection under the new legal framework. This is striking given that sex workers’ access to emergency assistance and police protection is highly consequential... Sex workers, and in particular Indigenous sex workers, continue to report very high levels of physical and sexual violence under the current ‘end demand’ criminalization framework. Accordingly, this study aimed to explore sex workers ability to access police protection and report violence and confinement at work to police, as well as their means of escaping situations of violence and confinement both at work and in their personal lives under ‘end demand’ criminalization in Canada. It also provides insights that should inform debates on sex work, violence and the role of law and policy frameworks.” (p. 3).

“In contrast, in New Zealand, following the decriminalization of the sex industry, sex workers reported more positive relationships with police and an increased ability to report violence and exploitation to authorities (Abel 2014; Armstrong 2014, 2016) and violence against sex workers was afforded more serious attention by police (Healy et al. 2020). Notably, New Zealand police have proactively worked collaboratively with the New Zealand Prostitutes’ Committee (NZPC) to facilitate sex workers’ ability to report sexual assault (Healy et al. 2020). Furthermore, police were often a main source of information for street-based sex workers on perpetrators (Abel et al. 2007; Armstrong 2016).” (p. 3)

## SWEDEN

### 9. Sweden's Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and On the Lives of Sweden's Sex Workers, (March, 2014)

#### Summary:

“The Swedish criminalization of the purchase of sex has seemingly been used as a tool with which to displace public sex work. Assurances that the law will not be of detriment to those selling sex do not ring true, since Sweden’s abolitionism, as well as other laws and policies, has harmed sex workers themselves. In contrast to assertions that sex workers are protected from legal repercussion and authoritative interference by only the sex buyer being criminalized, there are reports that sex workers experience difficulties with the authorities, law enforcement, and have further difficulties with social services and in gaining access to service provision, fed by the discourses framing the sex purchase law.” (p. 1).

#### Findings:

“Reports indicate an **increased propensity towards riskier behaviors** among some sex workers, with reports of **higher risk sexual services** being provided due to sex workers having less in the way of choice of client and bargaining power, as well as **less negotiating time** with clients who are fearful of arrest.” (p. 7) (emphasis added).

“Fear of police detection and prosecution has also resulted in clients being unwilling to leave contact information with sex workers by which they may be identified. Where many sex workers insist on obtaining such information for safety, those who are in most desperate financial need are not so well placed to pick and choose their clients with such care. Again, those who are vulnerable, ‘survival’ sex workers, are those most affected.” (p. 7).

“Sex workers report difficulties with evictions, immigration authorities, child custody and tax authorities.” (p. 11).

#### Methodology:

“Respondents who had sold or bought sex included 22 (cisgender) female sex workers (including five street sex workers, 15 escort workers and eight who worked in stripping), 2 two male sex workers, two transgender sex workers and four sex workers’ clients. Many respondents were interviewed due to their expertise surrounding sex work and/or the debates and discourses surrounding prostitution in Sweden; these included politicians, NGO workers, spokespersons for activist and rights organizations, police and healthcare and social service providers.”

“Jakobsson draws here from a recent internet-based survey (Jakobsson and Edlund, 2014), with 124 respondents; 87.5 per cent sold physical sex, 4.2 per cent other forms of sex including striptease, phone sex and BDSM, and 8.3 per cent were former sex workers. In addition to the survey, 13 further respondents were interviewed (seven current sex workers (five cisgender

female, two male)), four former sex workers (two female, one male and one trans) and two sex work clients.” (p. 4).

### **Background:**

“In 1999, Sweden criminalized the purchase of sex, while simultaneously decriminalizing its sale. This piece of legislation ostensibly places the onus on the masculinized client, with the feminized sex worker supposedly protected from legal repercussion.” (p. 2).

“Those involved in street sex work are often resource poor (and thus less able to sell sex from indoor space, due to lack of mobile telephone or internet access, for example), with this type of sex work often marked by higher levels of alcohol and drug use in Sweden (Levy, 2014), and elsewhere (Cusick et al., 2009). The sex purchase law has thus increased the difficulties experienced by ‘survival’ sex workers, those who are most vulnerable and who most need the money from their sex work (Doezema, 2010).” (p. 7).

**“The dangers in sex work are exacerbated by Sweden’s lack of sex worker-targeted service provision and harm reduction initiatives.** Harm reduction strategies are initiatives and interventions designed to decrease the harm that can surround sex work (such as the provision of condoms, safer sex-selling information, rape alarms and so forth; Rekart, 2005) without actively seeking to decrease levels of sex work.” (p. 8) (emphasis added).

“In short, there is no convincing evidence that levels of prostitution in Sweden have decreased since 1999 (also see Östergren and Dodillet, 2011; Socialstyrelsen, 2008). In these terms, the law is not a success. Moreover, there are reports of increased competition among those sex workers left selling sex on the street in the face of a reduction of clients willing to buy sex publicly for fear of legal repercussion (Levy, 2014; Östergren, 2004; Östergren and Dodillet, 2011; Socialstyrelsen, 2008). This has led to animosity between some sex workers (Levy, 2014; Socialstyrelsen, 2008), with reports of disagreements and conflict over clients, as well as sex workers stealing to acquire money previously earned from sex work (Levy, 2014).” (p. 5).

## **10. Governing in the Name of Caring—The Nordic Model of Prostitution and its Punitive Consequences for Migrants who Sell Sex, (2019)**

### **Summary:**

“This article examines the so-called ‘Nordic model’ in action. Using feminist argumentation, the model aims to abolish commercial sex by criminalizing the buying of sexual services while not criminalizing the selling, as the aim is to protect, rather than punish, women. Utilizing over 2 years of ethnographic fieldwork and 195 interviews in Sweden, Norway, and Finland, this article argues that in a situation where the majority of people who sell sex in the region are migrants/ immigrants, the regulation of commercial sex has shifted from prostitution to immigration policies, resulting in a double standard in the governance of national and foreign sellers of sexual services. **Client criminalization has a minor role in the regulation of commercial sex in the area, and instead, migrants become targets of punitive regulation executed through immigration and third-party laws...** My fieldwork reveals a tension between the stated feminist-humanitarian aims of



the model, to protect and save women, and the punitivist governance of commercial sex that in practice leads to control, deportations, and women's conditions becoming more difficult" (p. 1) (emphasis added)

### **Findings:**

"People who sell sex in Sweden reported feeling victimized and treated differently within social services and society at large. Many had **bad experiences of reporting violence and harassment to the police** and felt that the atmosphere in Sweden is so negative towards commercial sex that the police **perceive them as partly guilty for the problems they experience while selling sex**. For example, a sex workers' organization representative explained how the police had told one of their members that the sexual violence she experienced was not rape because she was paid for it; also, one woman reported that in a situation where her former client threatened to expose her identity and stalked her in the vicinity of her house, the police refused to act on it. Many said that they would not contact the police in any case because they were afraid of the consequences, such as being evicted from their apartments, or that more authorities would be involved in their lives like the tax authorities or social services in case they had children." (p. 8) (emphasis added).

"The **immigration and third-party regulations considerably weaken women's safety as they prevent them from seeking help from officials in exploitative situations**. Third-party regulation **pushes them into insecure and possibly exploitative living arrangements** that can increase rather than reduce pimping." (p. 12) (emphasis added).

"Social workers in all the countries were constantly frustrated with the institutional obstacles they met in trying to find solutions for their foreign clients. In Norway and Finland, the service providers offer low-threshold health, social, and legal services based on a harm-reduction approach. Hence, they can at least respond to the basic health and legal needs of their foreign clients, even if they cannot help with access to the state benefits and have limited resources to assist with labor market access." (p. 10).

"Harm-reduction is not part of the Swedish social work agenda and focus on motivating exit with therapeutic emphasis especially limited Swedish social workers' possibilities to meet the needs of their foreign clients, sometimes the only help they could give being an IOM, International Organization of Migration, assisted return—a plane ticket home, "if they are lucky." The victims can also be deported if they do not cooperate with the officials based on Aliens and Immigration Acts." (p. 10).

### **Methodology:**

"2 years of ethnographic fieldwork in Finland, Norway, and Sweden. The study involves ethnographic observations and interviews with people who sell sex, the police, social and healthcare workers, and state officials operating within the field of commercial sex. The intensive fieldwork periods took place in Finland in 2012–2013 (12 months) and in Norway and Sweden in 2016–2018 (7 and 12 months, respectively)." (p. 5).

“In addition to participant observation and field conversations, 195 formal semi-structured interviews were conducted with persons who sell sex, social and healthcare workers, state officials, and police operating within the field of commercial sex. Out of the 195 interviewees, 113 are people who sell sex, and the rest are other people involved in the field of commercial sex. The interviews with social and healthcare workers, the police and policy-makers concerned the field of commercial sex, problems people selling sex face, and legal frameworks and their enforcement. These interviews provided a broader background and context to the interviews conducted with people who sell sex.” (p. 5).

“Most of the migrants met in fieldwork were highly mobile and traveled between their country of residence and the Nordic region. The result was a diverse sample encompassing people who sell sex from different working environments (street, online/indoor, parlors, striptease joints), ethnicity and race, residence permit type and their rights with respect to the state (citizenship, permanent residence permit, temporary residence permit, other country citizenship/permanent residence permit, tourist visa, and undocumented), and education and skills level. The majority of these interviewees are women (109), and their age varies from 20 to 64.” (p. 6).

### **Background:**

“Campaigns around human trafficking, or ‘modern slavery,’ rely largely on the spectacle of suffering, the repetition, and circulation of sensationalist images and narratives of sex trafficking, which compel spectators to take action. In this context, the Nordic model (end-demand) emerges as a perfect tool to bridge the paradoxical desires to protect and exclude. It offers ‘a fix’ to the ethical necessity to act in the face of injustice, without demanding rights for migrants and otherwise marginalized people easily exploited in commercial sex—or challenging the wider structural inequalities related to immigration and the global distribution of wealth that drive people to commercial sex and make their exploitation within the industry possible... Instead of focusing on enforcing and protecting the rights of vulnerable populations, or challenging the broader social structures that lead to their violation, humanitarianism turns these populations to receivers of help or victims in need of saving.” (p. 13)

## **11. Prostitution and Violence: Evidence from Sweden (August, 2020)**

### **Summary:**

“The Swedish law on prostitution criminalizes buyers but not sellers of sexual services and has been credited with reducing street prostitution significantly while protecting sex workers. As a consequence, this **“Nordic model” is spreading rapidly around the world, but as yet there has not been any rigorous evaluation of its effects on sex market participants or on society at large.** We document an **increase in violence against women following the law’s introduction,** ascribable mostly to domestic violence rather than violence against sex workers. We propose a model that rationalizes our findings and simulates the effects of alternative policies. The results also suggest that the lockdown on prostitution markets may have been one determinant of the surge in domestic violence observed during the Covid-19 crisis.” (Abstract, p. 3). (emphasis added).

## **Findings:**

“All in all, our evidence suggests that intimate partner violence and violence against women in general may have increased as a consequence of the Nordic model. This finding also resonates well with the observation that during the Covid-19 crisis, when sex markets practically shut down, domestic violence seems to have increased dramatically, as we discuss more extensively in the conclusions.” (pp. 3-4).

“When Canada adopted a version of the Nordic model in 2014, the Department of Justice stated that ‘overall objectives [of the reform] are to: Protect those who sell their own sexual services, protect communities, and especially children, from the harms caused by prostitution; and reduce the demand for prostitution and its incidence.’ The analysis in this paper suggests that, **in Sweden, the Nordic model resulted in a smaller and probably safer prostitution market**, in line with the first and third objectives. However, in relation to the second objective, it **also produced a previously neglected increase in violence outside the prostitution market, in the form of domestic violence against women.**” (pp. 37-38) (emphasis added).

“Our primary aim was to inform the debate on the effects of different legal regimes of prostitution. We find that the benefits of the Nordic model, namely a smaller and probably safer market for sexual services, have been accompanied by an increase in other forms of gender-based violence.” (p. 38).

## **Methodology:**

“To isolate the effects of the law on the relevant outcomes, we compare the Swedish counties that are above and below average in women’s representation in police forces and among elected officials (respectively “treated” and “control” counties), two indicators that previous studies have found drive greater reporting and lower incidence of crimes against women (Iyer et al., 2012; Miller and Segal, 2018). Looking at population wide changes in rates of violence against women in Sweden before and after the 1999 prostitution law, we observe that assaults against women committed indoor by acquaintances are about 10% more numerous in treated than control counties.” (p. 3).

“This effect of the Nordic model on violence appears consistent both with the negative assessments of the policy reports cited, and with a simultaneous and independent study by Ciacci (2019) on rapes using a different methodology. But while Ciacci cannot identify the victims, and the reports are typically concerned with an increase in violence against prostitutes, the increase in violence that we measure in connection with the 1999 prostitution law affects women other than sex workers. We only find significantly more assaults indoors, perpetrated by acquaintances. Nor is there any simultaneous increase in convictions of clients in treated counties, where we observe more reports of assaults. That is, the greater violence we observe is likely not in the sex market but against non prostitutes, presumably perpetrated by frustrated former clients. In other words, we appear to have documented a negative externality for the community of criminalizing prostitution.” (p. 3).

To lend more formal support to our interpretation, we propose an equilibrium model of the Swedish prostitution market and violent behavior by clients in and outside the market under various law

enforcement regimes. The model is calibrated using all information available to us on the Swedish population in order to perform comparative statics and counterfactual analysis. Specifically, we evaluate numerically the effects of various policies on equilibrium quantity, violence and violence risk inside and outside the market, reporting risk and total harm (p. 4).

### **Background:**

“Until 1999 prostitution in Sweden was neither illegal nor regulated, but procuring sexual services and human trafficking were illegal. A ban on buying sexual services was first proposed to the Parliament on 5 February 1998, in a package with other “measures to combat violence against women, prostitution, and sexual harassment at work.” (Kvinnofrid, or Women’s Integrity, Proposition). The purchase of sexual services then became the subject of a separate law, the so called Sexköpslagen, approved on 4 April and in force as of 1 January 1999. The rest of the proposal gave rise to a host of other policies, recommendations and missions to various government agencies.” (p. 7).

“The new crime was punishable with fines or prison for up to 6 months, increased to a year in July 2011. There have been many policy assessments — by government agencies and police, feminist groups, and Swedish and international NGOs — but no rigorous study. However, the reports provide useful descriptive information on the prevalence of prostitution in general, on the enforcement effort, and on potential changes in the behavior of clients and sex workers, in particular reporting.” (p. 7).

## **FRANCE**

### **12. What Do Sex Workers Think About the French Prostitution Act?: A Study on the Impact of the Law From 13 April 2016, Against the ‘Prostitution System’ in France, (2019)**

#### **Summary:**

“Two years after the new legislation, the repressive aspect of the law, the criminalization of clients, has had the most impact on the lives of sex workers, **reinforcing their marginalization, increasing violence and stigma, and exposing them to greater risks for their health.**” (p. 7) (emphasis added).

#### **Findings:**

“Although most sex workers have nevertheless continued their activity since the new law, their working conditions have severely deteriorated. Contrary to claims that the new law, by decreasing demand (clients), would also decrease supply (sex workers) interviews conducted with organizations show that there has been **no decrease in the numbers of sex workers.**” (p. 6) (emphasis added).

“The law has had a negative impact on their autonomy as workers, on the risks they may be willing to take, and on social stigma and financial hardship. Almost all sex workers and each of the organizations interviewed noted a **shift in the power relationship between sex workers and their clients, as clients feel more entitled to impose their conditions** (i.e. unprotected sexual practices, reduced prices, unwillingness to pay, etc.), seeing themselves as the ones taking the risk with regards to the law.” (p. 6) (emphasis added).

“62.9% of respondents in our quantitative survey said that their overall quality of life has deteriorated since April 2016 and 78.2% said that their earnings have decreased. Generally, the law has pushed sex workers to **operate under more risky conditions with dangerous implications for their health.**” (pp. 6-7) (emphasis added).

“Sex workers often reported episodes of intimidation by the police including being pressured to report clients and, if undocumented, threatened with deportation if they do not comply.” (p. 6).

“Many interviews highlighted a **worrying decrease in condom use** as well as increased **difficulties continuing treatment for those who are HIV positive**. Stress created by worsening working conditions causes various **psychosomatic health issues** from consumption of alcohol, tobacco and other drugs, to depression and suicidal thoughts.” (p. 7) (emphasis added)

“The results of the qualitative survey also reveal that **cases of violence, of all kinds, have increased**: insults in the street, physical violence, sexual violence, theft, and armed robbery in the workplace.” (p. 7) (emphasis added).

### **Methodology:**

“For the purposes of this analysis interviews were conducted with 70 sex workers (a further 38 sex workers were consulted via focus groups and workshops). A further 24 interviews and focus groups were conducted with sex worker groups or other organizations working with sex workers across France. Two researchers (in political science and sociology) supervised the study and analyzed the results in close collaboration with 11 outreach organizations. Alongside this qualitative study, a quantitative survey was also conducted between January and February 2018 involving 583 sex workers the results of which were integrated into this report.” (p. 4).

### **Background:**

“The main objective of this study is to assess the impact on sex workers’ living and working conditions of the act of law n. 2016-444 (adopted by France’s parliament on the 13th of April 2016 with the aim of reinforcing the fight against the prostitution system and supporting people in prostitution).” (p. 6).

“In France, prior to the criminalization of sex workers’ clients in 2016, sex workers were directly targeted by the criminalization of public soliciting, which had been reinforced by the 2003 Law for National Security (LSI). The legislation adopted in 2016, inspired by the Swedish legal framework, sought to end prostitution via criminalizing clients rather than sex workers.” (p. 6).

“Besides the criminalization of clients, the 2016 law also included the creation of an “exit-program” providing eligible sex workers access to financial aid, a temporary residence permit of six months (that can be renewed a maximum of three times) and the support of an accredited organization to access housing and employment. Despite the fact that the support provided by the exit-program is globally in line with the needs of sex workers who wish to change activity, organizations and sex workers are highly critical with regards to the exit-program’s implementation. The criteria for accessing the exit-program and the limitations of the support provided... prevent most people from applying and in particular those who are most in need of support.” (p. 7).

## NORTHERN IRELAND

### Assessment Review of Operation of Article 64A of the Sexual Offences Order (Northern Ireland) 2008: Offence of Purchasing Sexual Services, (September, 2019)

#### Summary:

“On the basis of the findings in the research report, the Department has concluded that there is **no evidence that the offense of purchasing sexual services has produced a downward pressure on the demand for, or supply of, sexual services.**” (pp. 5-6) (emphasis added).

#### Findings:

“A trend analysis of 173,460 advertisements indicates that the legislation has had little effect on the supply of or demand for sexual services; This analysis indicates there has been a **5% increase in the number of sex work advertisements** since the law was changed; Sex workers reported a surge in business in the period following introduction of the legislation; The **number of unique sex workers advertising also increased** in the post law period from 3,351 to 3,973, an increase of 622; 1,450 advertisements for sexual services were noted over a 6-day period in April 2019; It is estimated that the number of sex workers advertising per day is 308, similar to the number noted in the earlier research; based on the premise that criminalization would end demand for commercial sexual services **there should have been a greater ‘tailing off’ of sex worker advertising during the period following the implementation of Article 64A. This has not occurred.**” (p. 4). (emphasis added).

“The on-street prostitution sector has declined further since the 2014 research, from around 20 to less than 10; Serious crimes against sex workers in Northern Ireland are comparatively rare. However, between 2015 and 2018 there has been an increase in the number of reports... for example, assaults (from 3 to 13) sexual assaults (from 1 to 13) and threatening behavior (from 10 to 42); Sex workers are exposed to higher rates of anti-social and nuisance behavior; Sex workers reported higher levels of anxiety and unease, and increased stigmatization.” (pp. 4-5).

“On the basis of the findings in the research report, the Department has concluded that there is no evidence that the offense of purchasing sexual services has produced a downward pressure on the

demand for, or supply of, sexual services. Evidence obtained from the survey with people who purchase sexual services shows that **the legislation has had a limited deterrent effect on client behavior**. For example, a majority of clients in Northern Ireland (53%) state that the law has made no difference to how often they purchase sex and they will continue to purchase sex with the same frequency. A further 27% are likely to continue to purchase sex at a reduced level. 11% said they would stop buying sex. Almost 76% of those surveyed felt that the law had no impact on the ease with which they purchase sex.” (pp. 5-6) (emphasis added).

“On the first of the specific areas on which the Department is required to make an assessment, ie the impact of the offence on the safety and well-being of sex workers, we have concluded that, although the incidence of serious offending against sex workers is comparatively rare, there are other implications for well-being which the report describes in some detail.” (p. 6).

‘There is **no clear evidence presented in the report to suggest that the legislation has had an impact on the levels of trafficking for sexual exploitation**. The research found that the legislation had minimal effect on the demand for sexual services therefore it is difficult to see in what way it could impact on human trafficking for sexual exploitation.” (p. 7) (emphasis added).

### **Methodology:**

“The Department tendered for external researchers to carry out the review and, following a public procurement process, Queen’s University Belfast was awarded the contract in October 2018. The specification for the review required that it include the following elements: Quantitative research into the numbers impacted by the legislation; Qualitative research on the impact of the legislation; Comparative analysis of the impact of the legislation pre and post its introduction in June 2015.” (p. 3).

“The Department is satisfied that the report provided by QUB meets the contract specification and provides findings which allow for a comprehensive assessment of the operation of the legislation, including the impact of the law on the two particular specifics targeted by section 15, namely the safety and wellbeing of sex workers and the extent to which the offence has operated to reduce human trafficking.” (p. 3)

### **Background:**

Legislative text:

- (1) A person (A) commits an offence if A obtains sexual services from a person (B) in exchange for payment—
  - (a) if the payment is made or promised by A; or
  - (b) if the payment is made or promised by a third party and A knows or believes that the payment is made or promised by a third party.
- (2) A person guilty of an offence under this Article is liable—
  - (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
  - (b) on conviction on indictment to imprisonment for a term not exceeding one year or a fine, or both.