



# Only Rights Can Stop the Wrongs

## NSWP STATEMENT

### **DECISION BY THE EUROPEAN PARLIAMENT WOMEN'S RIGHTS AND GENDER EQUALITY COMMITTEE'S TO SUPPORT THE CRIMINALISATION OF CLIENTS**

**NSWP, the Global Network of Sex Work Projects strongly condemns the recommendation to criminalise the clients of sex workers by MEP Mary Honeyball in a draft report on sexual exploitation and prostitution and its impact on gender equality for a report<sup>1</sup> to the European Parliament Women's Rights and Gender Equality Committee. The proposals to criminalise the clients of sex workers are based on ill-thought out policies regarding sex work. The policy recommendations have been shown to increase stigma and discrimination against the sex workers in countries where similar policies have been introduced. Moreover, the direction of this proposed policy is incredibly dangerous not only in EU member states but also globally. There is every possibility that proposals to criminalise clients (and by extension the criminalisation of sex work) becomes EU-wide policy with the further consequence that non-EU member countries would be encouraged to adopt similar policies.**

The draft report presents a number of fallacies as fact and thereby misrepresents the issues that sex workers face. Furthermore, the draft report also blatantly excludes male and transgender sex workers and makes no mention of the lived experiences of sex workers who should in all instances be consulted and included in policy discussions that directly affect their lives.

In particular, NSWP strongly condemn proposals based on the 'Nordic Model' (aka the Swedish Model) which incorrectly purports to 'decriminalise' sex workers whilst criminalising clients. We condemn these proposals which are ideologically driven rather than evidence-based and incorrectly views sex work through the prism of 'violence against women' whilst also irresponsibly conflating trafficking with sex work. Mary Honeyball's draft report and subsequent recommendations to FEMM exclude the voices of current sex workers and the sex worker rights organisations that advocate for a rights-based approach to policy and legislation. This is a clear and strategic

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<sup>1</sup><http://www.europarl.europa.eu/sides/getDoc.do?pubRef=%2f%2fEP%2f%2fNONGML%2bCOMPARL%2bPE-519.748%2b01%2bDOC%2bPDF%2bV0%2f%2fEN>



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dismissal of sex workers' wide-ranging experiences, which stops any informed debate about their lives and choices that positively challenges the stigmatising misconceptions perpetuated by anti-sex work lobbyists.

The Swedish model has significantly reduced the safety and well-being of sex workers in Sweden by pushing sex work further underground in order to avoid detection by law enforcement and distances sex workers from support networks. Sex worker groups in Sweden categorically evidence that the legislative framework has resulted in sex workers being far less likely to report violence and abusive practices. Sex work researchers now routinely report the higher levels of stigma that sex workers are subjected to. The Swedish government proclaimed higher levels of stigma of those involved in sex work a 'positive result'. The Swedish Equality Ombudsman wrote, in a report published in October 2010, that they found this 'remarkable'. The higher levels of stigma that sex workers are reporting appear to be at odds with the intentions of passing laws criminalising the purchasers of sex. The absence of a rights-based legal framework for sex workers in Sweden has meant that in cases where rights are violated, sex workers have little or no recourse to justice. By giving stigma a legal stamp in the context of further criminalisation, sex workers are further pushed to the margins of society, in a climate of fear and repression. In addition to the increased levels of stigma and discrimination, there does not appear to have been a reduction in sex work as proponents of the Swedish Model like to claim. A recent Swedish police report on trafficking<sup>2</sup> released in 2012, stated that the number of Thai massage parlours (which are known to offer sexual services for sale) in Stockholm had increased from 90 in 2009 to over 250 in 2011/12, with an estimated number of 450 Thai massage parlours across Sweden. This is hardly a reduction.

The conflation of trafficking with sex work<sup>3</sup> in proposals to criminalise clients is strategically used to silence the voices of sex workers who do not accept this 'victim' status but rather assert their right to work within a legal framework that promotes their right to health and dignity. This common tactic has been used by religious groups, fundamentalists, and some who describe themselves as 'radical feminists', in order to further their aim to 'abolish prostitution' by exploiting public concerns about trafficking, exploitation and violence against women. This approach and many of the resulting anti-trafficking initiatives are used to further violate the rights of migrant sex workers, to enforce stricter border controls and fuels racial profiling by immigration authorities.

There is no conclusive evidence to suggest that legal measures criminalising clients eliminate or significantly reduce sex work. The available evidence suggests instead that such measures increase repression, violence and discrimination against sex workers<sup>4</sup>. Indoor venues, such as massage parlours refuse to keep condoms on the premises since they can be used as evidence of

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<sup>2</sup> <http://polisen.se/en/Languages/Service/Publications/Trafficking-Dokument/Trafficking-in-human-beings-20121/>

<sup>3</sup> <http://www.nswp.org/sites/nswp.org/files/SW%20is%20Not%20Trafficking.pdf>

<sup>4</sup> <http://www.nswp.org/resource/the-criminalisation-clients>



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sex work. Increased mobility and the displacement of sex workers to hidden venues impede provision of health and social services to sex workers.

Support by FEMM of these proposals to criminalise clients is a step in the wrong direction under the guise of protecting vulnerable women. Supporting these proposals effectively ignore the complex and diverse experiences of sex workers and denies sex workers their agency and autonomy. The criminalisation of any aspect of sex work enables environments where the human rights and dignity of sex workers are vulnerable to abuse.

**NSWP exists to uphold and amplify the voice of sex workers globally, and connect regional networks advocating for the rights of sex workers of all genders. We have a growing membership of over 180 sex worker-led organisations in over 60 countries worldwide.**



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