



Only Rights Can Stop the Wrongs

NSWP STATEMENT

RESPONSE TO EUROPEAN PARLIAMENT SUPPORT FOR PROPOSALS CRIMINALISING THE PURCHASE OF SEX

The Global Network of Sex Work Projects (NSWP) is outraged by the results of the recent vote of a European Parliament in favour of MEP Mary Honeyball's report entitled: 'Sexual exploitation and prostitution and its impact on gender equality'. In approving this report the Parliament has sent a strong signal to EU Member States that the preferred approach for countries to take with regard to sex work is the so-called 'Nordic Model' – against all of the academic evidence which attests to the harms caused by this approach. The 'Nordic Model' incorrectly purports to decriminalise the sex worker while 'only' criminalising the client. The report has been shown to be littered with inaccuracies and based on an intractable ideological viewpoint, resulting in an utterly biased conclusion which rides roughshod over the human rights of sex workers.

We acknowledge that this report and its recommendations are non-binding and therefore do not result in legislation, however we object to its recommendations in the strongest possible terms and condemn the report for reducing sex work to a simplistic set of fallacies, as set out below.

Firstly, perhaps the most disingenuous claim by Mary Honeyball in her report is the following:

“This report is not against prostituted women. It is against prostitution but for the prostituted women. By recommending the buyer, the man who buys sex is deemed the guilty party rather than the female prostitute, this report represents another step on the road to full gender equality throughout the European Union.”

Mary Honeyball and 446 other MEPs voted **against** a motion¹ which stressed:

“prostituted persons should not be criminalised....and calls on all Member States to repeal repressive legislation against prostituted persons”

¹ Paragraph 29 in the final report





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It is therefore **incomprehensible** that this report can claim to be ‘for’ sex workers when the majority of MEPs do not favour the decriminalisation of the sex worker as proponents of the misguided ‘Nordic Model’ would claim the model does.

Secondly, the report narrowly views any form of sex work as a form of violence against women. In doing so, not only does the report silence the voices of sex workers who refuse to submit to the victim narrative but it also denies sex workers who choose sex work their right to agency and autonomy. The report also ignores male and transgender sex workers.

Thirdly, the report deliberately conflates ‘prostitution’ with both organised crime and human trafficking. A recent UNAIDS briefing note² clarifying the legal status of sex work states:

*“Sex work cannot and should not be conflated with human trafficking or sexual exploitation which constitute human rights violations and are prohibited under international and national laws. States have a responsibility to prevent and address human trafficking and sexual exploitation. However, these efforts should not justify criminal prosecution or other coercive measures against adults who voluntarily engage in sex work, either as sex workers or clients. Experts and researchers working on trafficking have clarified that there is no evidence that “prostitution in itself is a cause of human trafficking”.*³

Where women have been coerced into sex work or have been trafficked, laws already exist to criminalise their abusers and traffickers. EU Members States should be seeking ways in which to strengthen existing legislation⁴ in ways which do not negatively impact sex workers, in order to secure more prosecutions of traffickers and abusers. This can and must be done without resorting to criminalising consensual sex between adults.

Finally, the report fails to inform voting MEPs of an alternative approach; full decriminalisation of sex work⁵ as called for by sex workers themselves. Instead the rapporteur provides MEPs with a reductive and biased view of two different approaches to sex work; legalisation and the ‘Nordic Model’. Neither of those approaches is supported by sex worker rights campaigners globally. Punitive laws that criminalise and punish sex work (sex workers and/or

² http://www.nswp.org/sites/nswp.org/files/sexwork_brief-21feb2014.pdf

³ See Ann Jordan et al “Letter to Ambassador John Miller, Director, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State” 21 April 2005. Available at <http://www.nswp.org/sites/nswp.org/files/USSTATE-LETTER.pdf>

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010PC0095:EN:NOT>

⁵ <http://www.nswp.org/news-story/unaid-briefing-note-the-legal-status-sex-work>



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clients) act as instruments through which sex workers are harassed and regularly have their human rights violated by various authorities (including law enforcement agencies and health authorities). International agencies such as The Global Commission on HIV and the Law⁶, UNAIDS⁷, WHO⁸, the Global Alliance Against the Trafficking in Women (GAATW)⁹ and Human Rights Watch¹⁰ have all called for or support the decriminalisation of sex work.

The report incorrectly states that the 'Nordic Model' is effective and that "evidence of its effectiveness is growing all the time". The rapporteur provides no evidence to substantiate her claim. The 'Nordic Model' criminalising clients of sex workers raises serious concerns. Independent research conducted on these laws has shown that they are not effective in reducing the number of women engaged in sex work. Instead "workers have merely moved indoors, online and to neighbouring countries"¹¹. In Sweden, sex work researchers routinely report higher levels of stigma faced by sex workers. 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 2010¹², 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.

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.

⁶ <http://www.hivlawcommission.org/index.php/report>

⁷ http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf

⁸ http://www.who.int/hiv/pub/guidelines/sex_worker/en/

⁹ http://www.gaatw.org/statements/GAATWStatement_05.2013.pdf

¹⁰ <http://www.hrw.org/world-report/2014>

¹¹ See among others A Jordan "The Swedish law to criminalise clients: a failed experiment in social engineering" Issue paper 4, April 2012, available at <http://rightswork.org/wp-content/uploads/2012/04/Issue-Paper-4.pdf>; S Ka Hon Chu and R Glass "Sex work law reform in Canada: Considering problems with the Nordic Model" 2013 Alberta Law Review .

¹² <http://www.do.se/sv/Om-DO/Remissvar/2010/Yttrande-over-Forbud-mot-kop-av-sexuell-tjanst-En-utvardering-1999-2008-SOU-201049/>



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