**Submission for the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls**

**To:** Ms Reem Alsalem, UN Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences

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***Introduction***

We are submitting this as the Sex, Work, Law and Society Collaborative Research Network (CRN6) within the Law and Society Association.[[1]](#footnote-1) CRN6 is an international network of 193 academics and researchers with expertise on sex work, law and regulation, human trafficking and anti-trafficking.

Our submission responds to questions 9 (‘How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?) and 4 (What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?) in the call for input.[[2]](#footnote-2) Specifically, we focus on the harms resulting from the criminalization of clients, commonly referred to as ‘end demand’ approaches, the Nordic model or the Swedish model. Criminal penalties against the purchase of sexual services have produced numerous harms (including social and economic); however, this submission focuses on violence enabled by the criminalization of sex workers’ clients.

***The criminalization of clients and harm against women in the sex industry***

In January, the UN Working Group on Discrimination Against Women and Girls (2024) submitted a report to the Human Rights Council on ‘Eliminating discrimination against sex workers and securing their human rights’. In their report, they stated that the criminalization of clients “has problematic human rights implications and has been widely criticized by sex workers (UN Working Group on Discrimination Against Women and Girls (2024:5). UNAIDS (2021:3) similarly notes that the criminalization of clients “has also been repeatedly shown to negatively affect sex workers’ safety and health, including reducing condom access and use, and increasing the rates of violence”.

Sex workers have argued that the criminalization of clients reduces workers’ ability to refuse violent or abusive clients and risks income insecurity by reducing the number of clients and increasing competition among workers (e.g. Dodillet & Östergren, 2011; Levy, 2014; Amnesty International, 2016; NSWP, 2018; CGSHE, 2019; UN Working Group on Discrimination Against Women and Girls, 2024). Increased competition can encourage reduced rates, longer hours, and accepting riskier clients or business practices in order to earn income (Dodillet & Östergren, 2011; Levy, 2014; Amnesty International, 2016; NSWP, 2018; CGSHE, 2019; Vuolajärvi, 2019; UN Working Group on Discrimination Against Women and Girls, 2024).

Anti-prostitution ideologies that accompany policies criminalizing clients may *produce* abusive, disrespectful or unethical behaviour from clients. A 2012-2014 study of sex workers’ experiences across different legislative contexts in Melbourne, Australia (where sex work was then legalized) and Vancouver, Canada (where sex work is criminalized under federal law, and quasi-legalized under municipal bylaws) explored how women in the sex industry distinguished between good, respectful clients and abusive, disrespectful clients (Ham, 2020). Women argued that abusive clients were much more likely to hold anti-prostitution beliefs and believe that payment signified ownership, in contrast to respectful clients who accepted that payment referred to the delivery of sexual services (reflecting a sex worker rights framework) and followed workers’ instructions in bookings (Ham, 2020). Clients who reflected an anti-prostitution stance were perceived to present a much greater risk to sex workers, whereas clients who did not were more likely to interact with sex workers as workers, and to heed workers’ instructions and concerns. A survey of more than 2000 clients in the US and UK found that clients would report situations where they felt a provider was exploited if it were safe to do so (Sanders et al., 2020). In other words, clients can be engaged as monitors and assist law enforcement if they themselves were not criminalized.

***Violence by law enforcement***

There is extensive evidence documenting abuse perpetrated by law enforcement against sex workers (e.g. Amnesty International, 2016; Benoit et al., 2016; NSWP, 2018; Platt et al., 2018; CGSHE, 2019; McBride et al., 2022; UN Working Group on Discrimination Against Women and Girls, 2024). The Nordic model has been erroneously framed as a ‘softer’ form of criminalization as it ostensibly does not punish sex workers directly. Although the Nordic model aims to decriminalize workers, ‘end demand’ approaches still justify and maintain law enforcement’s interference in sex work when clients are criminalized and drives sex work underground.

Legislation that criminalizes clients also masks the violence enacted against sex workers who are supposedly protected under ‘end demand’ approaches (Amnesty International, 2016; NSWP, 2018; CGSHE, 2019; Vuolajärvi, 2019). Sex workers are unlikely to report crimes against them and have reported an expansion of carceral interference into the sex industry that places workers at risk of criminalization for other crimes (Amnesty International, 2016; NSWP, 2018; CGSHE, 2019; Vuolajärvi, 2019; UN Working Group on Discrimination Against Women and Girls, 2024). In a review of the impact of the Swedish model in Sweden, Dodillet and Östergren (2011) reported sex workers feeling ‘hunted’ by law enforcement and targeted by intrusive surveillance.

Framing sex workers as victims (as opposed to workers) relies on a strict dichotomy between victim and offender. Protection is purportedly granted to victims in the criminal justice system, but sex workers who reject the victim label risk being treated as offenders. For example, Pye Jacobsson, a Swedish sex worker and activist, argued “you are a victim until you say that this is not a problem for me, and if you insist on working, and insist on continuing doing this, then you are 'bad' and will be punished” (HCLU-SWAN, 2009). The anti-prostitution framework requires women in the sex industry to acquiesce to victim status. This contributes to increases in stigmatization against workers and reduced trust in the legal system (Dodillet & Östergren, 2011). The criminalization of clients has not reduced the penalties and stigma against sex workers in other spheres and has resulted in sex workers penalized or discriminated against in evictions, immigration control, child custody cases, healthcare, taxes and financial institutions (Levy, 2014; Amnesty International, 2016; NSWP, 2018; CGSHE, 2019; Vuolajärvi, 2019; UN Working Group on Discrimination Against Women and Girls, 2024).

***Conclusion***

Legislation that criminalizes clients, such as the Swedish model or the Nordic model, has been instituted despite extensive critiques by sex workers. Stakeholders who espouse the anti-prostitution framework purport concern about women’s consent in prostitution, yet sex workers’ rejection of ‘end demand’ approaches are persistently denied or ignored by anti-prostitution advocates. This call for input has been critiqued by sex workers rights movements globally who have challenged the violence of criminalization, the violence of law enforcement against sex workers, and the violence of erasure of sex workers’ voices (e.g. NSWP, 2014, 2018). Advocates of the Swedish model claim to support women who are perceived to be victimized through prostitution, yet sex workers operating in Sweden shared that they “resent being treated as incapacitated persons whose actions are tolerated, but whose wishes and choices are not respected” (Dodillet & Östergren, 2011:23).

The framing of prostitution as a form of violence against women and support for the criminalization of clients is in opposition to various UN officials and bodies that have called for the decriminalization of sex work as a means of reducing violence against sex workers, including the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2010, 2022), the UN Development Programme (2012), World Health Organization (2012), the Secretary-General (2016), the Special Rapporteur on trafficking in persons, especially women and children (2020), UNAIDS (2021), UN Population Fund (UNFPA, 2023), and the UN Working Group on Discrimination Against Women and Girls (2024). We call on the Special Rapporteur on violence against women and girls, to recognize the role of the anti-prostitution framework in normalizing violence against sex workers, and to heed the aforementioned work within the UN to reduce violence against sex workers through the full decriminalization of sex work.

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1. <https://www.lawandsociety.org/crn06/>; <https://www.sex-work-law-and-society.org/> [↑](#footnote-ref-1)
2. <https://www.ohchr.org/en/calls-for-input/2024/call-input-report-special-rapporteur-violence-against-women-and-girls-human#:~:text=The%20Special%20Rapporteur%20is%20particularly,as%20well%20as%20from%20survivors>. [↑](#footnote-ref-2)