



Dear Special Rapporteur on violence against women and girls,

I am Dr. Niina Vuolajärvi, an Assistant Professor of International Migration, specialized on h on commercial sex in the Nordic region and the so-called “Nordic Model” that criminalizes the sex buyers and ostensibly leaves sex sellers out of criminalisation.

Based on my extensive research undertaken over a three-year period in Sweden, Norway, Finland which included 210 formal interviews, I hereby submit my **Input for SR VAWG's report on violence against women and prostitution.**

Introduction

In 1999, Sweden was the first country to use criminalisation of sex buyers as the central policy in a broader approach aiming to end demand for commercial sex. Versions of what is now commonly known as the “Nordic model”ⁱ of sex trade legislation, which also criminalises third parties but ostensibly leaves sex sellers out of criminalisation, were passed soon after in Norway and Finland, and policies centred on criminalisation of sex buying have been adopted throughout Europe and North America.

The Nordic model policies rely on radical feminist arguments of commercial sex as a form of violence against women as a rationale for the abolition of sex work. Because women in this ideology are seen as victims, they should not be further punished but instead protected. The legislative change was meant to advance gender equality and well-being at both societal and individual levels through using the law as a normative tool to communicate to the public that commercial sex is not acceptable.ⁱⁱ

This Input outlines how the criminalisation of sex buying affects sex workers and people in the sex trade and their vulnerability for violence and exploitation. Because in the Nordic region, as in many other countries, upwards of 70 per cent of people in the sex trade are migrants, this brief also examines how the policing of commercial sex under the Nordic model intersects with immigration policies and their enforcement. The research concludes that the Nordic model impacts negatively on sex workers and people on the sex trade, and that the impacts are multiplied when those who sell sex are migrants. It recommends removing criminal penalties related to consensual commercial sex to protect the safety, integrity and rights of people in the sex trade.

Its conclusions are based on ethnographic research undertaken over a three-year period in the Nordic region (Sweden, Norway, Finland) which included 210 formal interviews with sex workers and people in the sex trade, police, social workers, and policymakers, and in-depth policy and legal analysis.ⁱⁱⁱ A majority of the 129 persons interviewed who are in the sex trade are cis and trans women. They represent the main regions and countries of origin (Eastern Europe, Russia, Latin America, Nigeria, Thailand and the Nordic countries) and working locations (online/indoor, street, massage parlours, striptease joints/clubs).

Executive summary

The research demonstrates a discrepancy between the ideological discourse equating commercial sex with sex trafficking and exploitation and the realities experienced by sex workers and people in the sex trade. Only a small minority of those interviewed – 6 per cent – considered themselves to have been trafficked or forced by someone else to sell sex. Intention to earn money was cited as the single biggest motivator for those engaging in the sex trade and/or migrating for commercial sex irrespective of their interpretation or feelings of the sex trade. Therefore, this study concludes that commercial sex needs to be understood as an income generating activity, a form of informal labour. Consequently, this Input use terms sex worker and people in the sex trade to refer to people selling sexual services.

Contrary to the trafficking framework and the Nordic model's discourse of prostitution as violence that pins the problem of exploitation on individual buyers, the study finds that the troubles people encounter in the sex trade are more often related to institutional structures of policing and immigration policies, which, together with the stigma related to sex work, create exploitative conditions and increase the risk of violence.

Despite the explicit aim of the Nordic model to shift attention away from people who sell sex, they are still the main target of policing. Contrary to the general understanding that selling of sex is not criminalised under the Nordic model, people who sell sex are *de facto* criminalised through the enforcement of immigration, third-party and fiscal policies.

Sex buyer criminalisation has a minor role in the regulation of commercial sex in the area and, instead, it functions as a smokescreen for punitive and racialised policing of people in the sex trade. The policing targets migrants and often leads to evictions and deportations. Even though the Nordic countries have decriminalised the sale of sex, it is still a ground for deportation in their immigration laws.

The Nordic countries also have broad third-party legislation whereby all assistance in the sale of sex is prohibited even if it is not for profit. Landlords, hotel owners, accountants, among others, can be accused of pimping if they are associated with the sale of sex. Third party laws also criminalise sex workers working together. These policing efforts have led to a dire housing situation for migrants which can increase pimping and push sex workers into increasingly dangerous situations.

The findings show that the vast majority of the interviewees—96 per cent—oppose the sex buyer law and support removing criminal penalties related to the sex trade so that sex sale can be organised without punity. Opposition to partial decriminalisation laws which criminalise the buying of sex are overwhelmingly based on the policies' de facto criminalisation of sex sale.

Social services were supposed to be the backbone of the Nordic model to which sex buyer law was meant only to be a normative supplement. However, these services have not realised themselves and interviewees pointed to a lack of truly comprehensive or effective support that would help with finding alternative employment to commercial sex. The overwhelming majority of people engaged in sex work in the region are migrants without permanent residence permits and are therefore not entitled to state services such as social benefits or public health care. The wide adaptation of the understanding of commercial sex as a form of violence against women in Sweden has led to a very limited or non-existent low-threshold STI testing, health, or legal services which has meant practical exclusion of migrants from service provision.

The research concludes that the main goal of the Nordic model style regulation is the abolition of commercial sex achieved through punitive policing of sex workers and people in the sex trade. People who sell sex and their needs are not centred in policymaking and service provision. The evidence from this study indicates that the Nordic model is not a model to be replicated, but rather a complex and context-specific regulatory apparatus designed to disrupt and get rid of the commercial sex market.

Key recommendations

The study demonstrates that we need a more nuanced understanding of the regulation of commercial sex, especially how migration and third-party policies affect sex workers' conditions and move beyond discussions on simplistic models to include the contributions of sex workers and people in the sex trade.

To counter the harms of the Nordic model and the harms in the sex trade in general, the policy recommendations drawn from this work are:

1. Removal of criminal penalties related to consensual commercial sex is the first step to protect the safety, integrity and rights of people in the sex trade:
 - Decriminalise the selling and buying of sex in order to truly put the safety of people in the sex trade first.
 - Removal of criminal prohibitions on non-exploitative third parties.

2. Reform immigration policies:
 - Removing selling sex as a ground for deportation and refusal of entry.
 - Unconditional protection for victims of trafficking. It is essential to remove the victim of trafficking status from criminal prosecution and guaranteeing a residence permit for victims.
 - Create legal pathways of migration and access to formal labour markets for migrants to reduce exploitation and provide access to other forms of livelihood.

3. Centring sex workers and people in the sex trade in policymaking and service design/production:
 - Inclusion of people in the sex trade into the policymaking and service design/provision;
 - Low-threshold health, legal, and social services prioritising harm-reduction;
 - Education and training programs for employment outside of commercial sex that pays a living wage;
 - Inclusive services which represent the people using the services—their diverse experiences, motivations for being in the sex trade, languages, ethnicities/races, genders and sexualities;
 - Prioritising funding of organisations that centre people with lived experience of the sex trade and are led by /employ them.

4. Recognising sex work as economic activity. The findings of this study show that where selling of sex is not recognised as a form of labour, people who sell sex have hard time organising their life without punity.
 - Sex workers need to be able to register as individual entrepreneurs if they so wish and giving clear guidance on payment of taxes.
 - There should, however, be no obligation for registration as for many selling sex is a temporary strategy of survival.



More information can be found in my policy brief "[Criminalising the Sex Buyer: Experiences from the Nordic Region](https://www.lse.ac.uk/women-peace-security/assets/documents/2022/W922-0152-WPS-Policy-Paper-6-singles.pdf)" (2022) published by the LSE Centre for Women, Peace and Security, url: <https://www.lse.ac.uk/women-peace-security/assets/documents/2022/W922-0152-WPS-Policy-Paper-6-singles.pdf>.

Yours sincerely,

Dr Niina Vuolajärvi
Assistant Professor of International Migration
European Institute

t1: +44 (0)20 7955 0000
n-vuolajarvil@lse.ac.uk

ⁱ Other names include the Swedish model, the end demand model, the equality model, the neo-abolitionist model, and the partial decriminalisation model.

ⁱⁱ May-Len Skilbrei and Charlotta Holmström, *Prostitution Policy in the Nordic Region: Ambiguous Sympathies* (Farnham, Surrey ; Burlington, Vermont: Ashgate, 2013).

ⁱⁱⁱ Niina Vuolajärvi, "Governing in the Name of Caring: Migration, Sex Work and the 'Nordic Model'" (Rutgers University - School of Graduate Studies, 2021), <https://doi.org/10.7282/t3-xmds-zn24>.