



The sex buyer law

Five key reasons why introducing a sex buyer law in the UK would harm sex workers

This policy brief draws together the available research evidence from academics within, and beyond, the Sex Work Research Hub (SWRH). This evidence indicates that criminalising customers of sex workers:

- does not reduce the number of people selling sex
- forces sex workers to engage in risky practices to find customers, including rushed transactions
- increases rates of violence against sex workers
- negatively affects sex workers already suffering economic difficulties the most, particularly migrant sex workers
- leads to a further break down in police-sex worker relations

Based on academic evidence, the SWRH therefore advocates for the decriminalisation of sex work to recognise sex workers' rights and reduce the harm that they experience.

Introduction

Last year, the All-Party Parliamentary Group for Prostitution recommended the implementation of the so-called sex buyer law across the UK. This model of sex work regulation criminalises the buyer of sex but not the sex worker themselves. Sweden first banned the purchase of sex in 1999, with Norway, France, Iceland and Ireland all following suite since. Northern Ireland became the first part of the UK to criminalise the purchase of sex in 2015.

This policy brief draws together international research evidence to explore the impact of the sex buyer law on sex workers. Here, we prioritise ethically and methodologically rigorous research, which has been subject to rigorous peer-review. Ultimately, there is overwhelming evidence that the sex buyer law is detrimental to the safety and rights of sex workers. The evidence instead leads us to advocate for a decriminalised model of sex work.

The Evidence

1. The sex buyer law does not reduce the number of sex workers

There is no reliable evidence to suggest that Sexköpslagen – the law introduced in Sweden in 1999

to criminalise the purchase of sex – met even its rudimentary aim of reducing the number of women selling sex.¹ Although the number of people involved in outdoor prostitution decreased initially, an evaluation by the Swedish National Council for Crime Prevention indicates that this was only temporary and likely to be the product of initial heavy policing.² Without redressing the socio-structural drivers of sex work (e.g. poverty) attempts to reduce the numbers of people selling sex are likely to bring about negative consequences for sex workers' safety.

2. Declining numbers of clients forces sex workers to engage in risky practices

The threat of arrest under the sex buyer law has led to a decline in custom and this, in turn, has brought about less choice in clients for sex workers, increased competition between sex workers, and therefore greater difficulties in terms of negotiating safer sex work.³ Clients are hesitant to use their own phone numbers when making bookings, hampering the important screening practices that sex workers use to keep themselves safe.^{4,5} In countries where the sex buyer law is in effect, clients and sex workers are forced to hurry transactions and are pressured into using unfamiliar, clandestine spaces.⁶

3. The sex buyer law increases rates of violence against sex workers

Violence against sex workers is carried out by a very small proportion of men who will be more violent generally in other aspects of their lives.⁷ That said, rushed transactions and hampered screening practices mean that sex workers are less able to protect themselves against perpetrators. Data collected by Ugly Mugs Ireland (2018) indicates that levels of violence have risen by 77% in the Republic of Ireland since the introduction of its sex purchase law. Furthermore, sex workers are reluctant to report victimisation to the police because of: previous bad interactions with the police, for fear of losing clients, fear of losing their homes or custody of their children, and for migrant workers, fear of deportation.^{8,9} Rather than fulfilling its aim of reducing violence and exploitation, the sex buyer law simply acts as ‘a policy irritant, exacerbating these very issues.’¹⁰

4. Migrant sex workers feel the negative effects of the sex buyer law the most

The negative effects of the sex buyer law are felt greatest by those already suffering economic difficulties, particularly people who migrate to sell sex.¹¹ Research commissioned by the Oslo municipality in Norway found that landlords do not want to rent apartments to people from ‘nationality groups associated with prostitution.’¹² Thus, migrant sex workers are at greater risk of homelessness, and the risk of deportation makes them less likely to report victimisation to the police. The decrease in clients induced by the implementation of the sex buyer law is also particularly detrimental to victims of trafficking who are more likely to accept dangerous clients because failing to repay their debts increases the risk of violent retaliations from their exploiters.¹³

5. The sex buyer law causes further breakdown in police-sex worker relations

In Sweden, sex workers have reported police harassment, aggressive policing, and a general (further) breakdown in police-sex worker relations.¹⁴ Invasive questioning of sex workers and the confiscation of condoms as evidence is not uncommon. Verbal and physical abuse of sex workers by the police has been reported.¹⁵ Moreover, in France the decriminalisation of soliciting, introduced alongside the implementation of the sex buyer law, coincided with an increase in municipal orders and fines aiming to move sex workers from central to more peripheral, dangerous and less visible areas¹⁶. As such, although the sex buyer law does not criminalise sex workers directly, they are de facto treated as if sex work were illegal.

A Better Solution

Research produced by members of the SWRH, and those working outside of the hub, indicates that the most effective response is to decriminalise sex work. Evidence from New Zealand, where sex work was decriminalised in 2003, suggests it has improved the human rights of sex workers, giving them confidence to engage with the criminal justice system when they experience victimisation.¹⁷ Sex workers in New Zealand report not having to rush transactions and thus being better equipped to screen clients.¹⁸ Sex workers are also better able to refuse clients, insist on condom use, and have greater freedom to govern their own sex work.¹⁹ In Australian states where sex work is decriminalised, sex workers have better access to health provision.²⁰ Please see our forthcoming policy brief for a more detailed evaluation of decriminalisation.

The importance of implementing this policy response has also been recognised globally by sex workers, sex worker support organisations and others, including international organisations such as, the World Health Organisation, Amnesty International, UNAIDS, and Amnesty International.

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² Scoular, J. (2004) Criminalising punters: Evaluating the Swedish position on prostitution, *Journal of Social Welfare and Family Law*, 26(2): 195-210.

³ Levy, J. and Jakobsson, P. (2014) Sweden’s abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden’s sex workers, *Criminology and Criminal Justice*, 14(2): 593-607.

⁴ Sanders, T., Scoular, J., Campbell, R., Pitcher, J., Cunningham, S. (2018) *Internet sex work: Beyond the gaze*. London: Palgrave

⁵ Krusi, A., Pacey, K., Bird, L., Taylor C., Chettiar, J., Allan, S. et al. (2014) Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study, *BMJ Open*, 4(6): e005191.

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- ⁶ Vuolajärvi, N. (2018) Governing in the name of caring: The Nordic Model of prostitution and its punitive consequences for migrants who sell sex, *Sexuality Research and Social Policy*. Online First.
- ⁷ Sanders, T. (2008) *Paying for pleasure: Men who buy sex*. London: Willan.
- ⁸ Connelly, L., Kamerade, D., and Sanders, T. (2018) Violent and non-violent crimes against sex workers: The influence of the sex market on reporting practices in the UK, *Journal of Interpersonal Violence*, Online First.
- ⁹ NSWP (2018) *Policy brief: The impact of 'end demand' legislation on women sex workers*. Edinburgh: NSWP.
- ¹⁰ Kingston, S. and Thomas, T. (2018) No model in practice: A 'Nordic model' to respond to prostitution? *Crime, Law and Social Change*, Online First.
- ¹¹ Mai, N., Giametta, C. and Le Bail, H. (2018) The impact of the 'Swedish model' in France: Chronicle of a disaster foretold, *Open Democracy*. Available: <https://www.opendemocracy.net/beyondslavery/nicola-mai-calogero-giametta-h-l-ne-le-bail/impact-of-swedish-model-in-france-chronicl>
- ¹² Bjørndah, U. (2012) *Dangerous liaisons: A report on the violence women in prostitution in Oslo are exposed to*. Oslo: MoJ.
- ¹³ Mai, N. (2018) *Mobile orientations. An intimate autoethnography of migration, sex work and humanitarian borders*. Chicago: Chicago University Press.
- ¹⁴ Östergren, P. (2004) *Sexworkers critique of Swedish prostitution policy*. Available: http://www.petraostergren.com/pages.aspx?r_id=40716
- ¹⁵ Levy, J. (2014) *Criminalising the purchase of sex: Lessons from Sweden*. Abingdon: Routledge.
- ¹⁶ Mai, N., Giametta, C. and Le Bail, H. (2018) Ibid.
- ¹⁷ Abel, G. (2014) A decade of decriminalization: Sex work 'down under' but not underground, *Criminology and Criminal Justice*, 14(5): 580-592.
- ¹⁸ Armstrong, L. (2014) Screening clients in a decriminalised street-based sex industry: Insights into the experiences of New Zealand sex workers, *Australian and New Zealand Journal of Criminology*. 47(2): 207-222.
- ¹⁹ Abel, G. (2014) Ibid.
- ²⁰ Harcourt, C., et al., (2010) The decriminalisation of prostitution is associated with better coverage of health promotion programs for sex workers, *Australian and New Zealand Journal of Public Health*, 34(3): 482-486.