



Attacking Demand, Escalating Violence

**The Impact of Twenty Years of End Demand
Implementation on People who Trade Sex
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Introduction

Sex work, commercial sex or transactional sex is the exchange of sexual services for resources.¹ Sexual services encompass a broad range of activities, experiences, and forms of regulation which are often shaped by the dynamics of gender, access to capital and resources, dynamics of familial structure, and other, constantly shifting parameters. Sex work has never been static, and neither has its regulation.

Currently, there are four primary forms of regulation that law enforcement and state entities use to govern the sex industry.²

- **Full criminalization** creates criminal penalties for the broad acts of selling, buying, and organizing sexual services, and no victimization or violence is required to incur criminal penalty.
- **Asymmetrical criminalization, “End Demand” or the “Nordic Model”**³ describes efforts that focus on “ending demand” for all commercial sex, often under the claim that abolishing the sex trade entirely is the most effective way to end trafficking into the sex trade, with either a non-interest in non-trafficked workers, or a refusal to believe that non-trafficked workers exist. Despite the claim that these regimes do not criminalize the seller of sexual services, because sex work requires the participation of both the buyer and the seller, “transaction remains de facto illegal.”⁴
- **Legalization** creates a government-administered regime within which the sex trade may operate legally.
- **Decriminalization** treats the sex trades as any other industry, with industry-informed labor standards, and criminal penalties around trafficking and violence. Over the last twenty-two years, seven countries have shifted their legal approach to a new legal structure where the purchaser of sexual services faces criminal penalty.

Every state in the United States currently criminalizes all aspects of commercial sexual exchange, including selling services, buying services, any support or third-party involvement, or maintaining locations through a range of criminal and civil penalties. The United States is, therefore, not an “End Demand” country, but demand-focused tactics have been pushed in cities⁵, states⁶ and federally⁷ in the

¹ For the purposes of this paper, the term sex work is being used to refer exclusively to sex work criminalized under prostitution laws and its legal regulation. The scope of this paper does not include regulation of other forms of sex work, such as pornography/cam work or stripping/peep shows, which face different legal regulation.

² While there are four main “categories” of regulation, each country is unique in the drafting and implementation of legal regimes.

³ The model has also been using the terms “equality model” or “partial decriminalization”, neither of which are used in this paper.

⁴ (Chu S. K., 2013, p. 107)

⁵ The CEASE Network was a project of Demand Abolition, a project which funded different arms of law enforcement to increase policing of the sex trade focused on clients. More information can be found at <https://www.ceasenetwork.org/>.

⁶ (Cerullo, 2021)

⁷ (Wagner and Jeffries Introduce Legislation to Reduce Worldwide Sex Trafficking Demand, 2019)

United States through efforts such as incentivizing client stings through grants, bifurcating existing law, and increasing penalties for purchasers. As of this writing, no state has fully changed its criminal code to reflect a Nordic Model approach, and even states that have focused on demand continue to prosecute sellers of sexual services/sex workers.

Prior to adopting this model, many countries attempted to predict the impact of these policies using economic modeling. “End Demand” borrows its name from the idea that if there are fewer clients (a reduction in the demand for people who are willing to exchange money for sexual services), there would be a reduction in the number of people “supplying” sexual services. This approach is highly flawed. The premise of “supply and demand” is insufficient for examining the sex trade, or any human service, as it does not consider the impetus of people to sell sexual services, instead treating the reason why people seek to offer sexual services as the same as objects produced by a third party. But sex workers are not objects. A reduction in potential clients does not decrease the need for people to sell sex to meet their sustained resource needs or the options available to meet those needs, but instead changes the circumstances under which they are capable of doing so. Additionally, looking at a country’s rates of human trafficking without considering migration, especially regional migration, is too reductive. When multiple EU countries are shifting their internal policing policies at the same time, they are making national borders more permeable. An increase in the visibility of a country’s sex trade at the same time as an increase in policing in another does not reflect increases or reductions in human trafficking. Instead, this shows displacement of sex workers to less visible spaces within the country, or to other countries. All it tells us is that people in the sex trades are avoiding police. Lastly, the most commonly-cited study, “Does Legalized Prostitution Increase Human Trafficking,”⁸ uses data collected between 1996 and 2003, a time period during which an international protocol on human trafficking was agreed upon, and saw a number of public information campaigns that pushed for identification under the “human trafficking” label. In 2006, the United States’ Government Office of Accountability released a report on global human trafficking which noted that, “Existing estimates of the scale of trafficking at the global level are questionable, and improvements in data collection have not yet been implemented,”⁹ – three years *after* the end period of data collection in the above report.

There is no need to rely on theoretical economic modeling to assess the impact of this legal regime on people working in the sex trades almost twenty-two years after implementing the Nordic Model. Of the seven countries which have adopted this legal regime, non-governmental organizations serving sex workers, governmental departments, and community organization in five countries have produced reports on the impact of regime change to the Nordic Model.

This paper looks at the impact of passing and implementing Nordic Model legislation on sex workers’ lives and working conditions in the countries which have adopted and implemented this legal

⁸ (Cho, 2012)

⁹ (Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad.” Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives, 2006)

regime and where reports are available. These countries are Canada (buying, organizing¹⁰ and advertising is criminalized), Northern Ireland (buying and organizing is criminalized), France (buying and organizing are criminalized federally with some municipal penalties), Sweden (buying and organizing are criminalized), and Norway (buying and organizing are criminalized). While Iceland adopted the policy of criminalization of buyers in 2009, law enforcement has said that it does not have the funding to enforce the law, therefore it cannot be said to have been implemented, and there are no reports on the impact of adoption.¹¹ Israel adopted legislation in July of 2019, but information has not been made available at the time of drafting. Finland has what is sometimes considered a version of the Nordic model, but it is only illegal to buy sex from someone working under a third party or someone who is a victim of human trafficking, and therefore does not target the sex industry broadly, as under the Nordic Model. Because “End Demand” legislation is about criminalization of clients of the sex trade broadly, this model would not be considered within the parameters of this paper. *See Appendix for individual country information.*

Definition of End Demand and Parameters of this Paper

This paper looks at the implementation of the “Nordic Model” or “End Demand” model which criminalizes the purchasing of sexual services, but does not explicitly criminalize the selling of sexual services. In every place where this has been implemented, it has also criminalized third party or “organizing” activities, but those charges are outside the scope of this paper and there is no way to assess that form of criminalization, as it does not explicitly exist. The Nordic Model explicitly identifies the goal as to abolish the sex trade entirely, including for those who are engaged by choice or circumstance and is based on a belief that all sex work is inherently harmful, regardless of how the person selling sex identifies.

Impacts of Adopting End Demand Regulations

Since 1999, moving to a legal regime of asymmetrical criminalization, or End Demand, is the only legal regime change to regulating the sex industry which has happened in multiple countries. One country has adopted a regime of full decriminalization, and the majority have not made wide-scale changes to the legal approach to the sex trade. Of the countries which have moved to an End Demand model, many have intentionally documented the changes which have occurred in the years following. Adoption of legalization schemes, such as in Germany, did not include extensive documentation of the impacts, and often codified existing patterns and practices in the industry, for example legally zoning of an official red-light district in the place where the sex industry was already located. While New Zealand shifted to a model of decriminalization and robustly documented the impact to people in the sex trade over the course of five years, it is the only country in the world which has adopted the model of decriminalization. While no two countries are identical, there are consistent patterns of how “End Demand” regimes have impacted sex workers in each country. Below are the impacts arranged topically, with data cited from various countries which have made the shift to the Nordic Model.

¹⁰ Organizing refers to third party laws which criminalize the facilitation and furthering of another person to engage in commercial sex. This person may be a manager, partner/peer, assistant/driver, or fellow sex worker.

¹¹ (Prostitution in Iceland)

Policing of People Who Trade Sex

Despite being framed as a decriminalization of the sellers of sexual services, many countries have reported that sex workers still face high levels of policing, and often remain criminalized under third party or organizing laws. Because policing of the buyer involves policing and surveillance of the sex trade and the transaction of commercial sex, sellers of sexual services still experiencing policing and its associated harms. Additionally, because organizing laws do not require victimization or violence, they can still be used against sex workers who work collectively.

In Norway, “many sex workers remain subject to a high level of surveillance by police as a means to enforce both the ‘promotion’ law – leading to subsequent raids and evictions – and to identify and ‘stake out’ sex workers as a means to identify buyers of sex in order to fine them.”¹² Street-based workers also have also reported that they are “regularly subjected to police stops, questioning and identity checks and are often penalized as a result of these stops.”¹³ Additionally, after the passage of the ban, law enforcement began targeting the locations where sex workers operated, known as “Operation Homeless,” which involved locating apartments where sex workers lived and/or worked and alerting the landlords of potential legal penalties if they failed to stop sex work, which led to waves of forced evictions.¹⁴

Sex workers will often ask potential and inquiring clients as a harm reduction technique to reduce safety risks. In Canada, sex workers reported that they were continuing to screen for law enforcement amongst the inquiries of potential clients in order to avoid potential arrest and system involvement, with behaviors including assessing language and driving around to look for law enforcement when arriving at a location. This resulted in additional anxiety in order to engage in sex work.¹⁵ Indoor workers reported altering their locations, while street-based workers reported moving to different locations for the purpose of avoiding law enforcement. One worker described “being pushed to work in back alleys where there’s no lighting and all these things, because of the way that, you know, you feel like the police could come.”¹⁶

In Sweden, passage of the law also came with a SEK\$7,000,000 allocation specifically for police enforcement, which mostly went to video surveillance of areas known for sex work and publicity campaigns targeting potential clients.¹⁷ Police admittedly have continued to actively surveil and non-consensually engage with sex workers. Police described their process of using online locations to determine where sex workers lived and worked to one researcher, where they would surveil the location and wait for clients to emerge, and eventually go to the apartment to ask questions, including documentation status.¹⁸

¹² (Amnesty International, 26 May 2016, p. 9)

¹³ (Amnesty International, 26 May 2016, p. 9)

¹⁴ (Amnesty International, 26 May 2016, p. 31)

¹⁵ (Chu S. K., 2019, p. 31)

¹⁶ (Chu S. K., 2019, p. 32)

¹⁷ (Scouler, 2011, p. 15)

¹⁸ (Vuolajärvi, 2018, p. 7)

In France, sex workers reported that police presence remained, and cited it as a barrier to working, as police intimidation, and as the impetus for pressure from law enforcement to report clients.¹⁹ Sex workers also reported that while the prostitution ordinance had been repealed, they were still criminalized and threatened by law enforcement under other potential municipal violations.²⁰

Not every country reported significant changes in policing of the sex trade associated with implementation of the law. An officer in Northern Ireland described not avoiding implementation of the law, but saw it as “is an additional offence for which prosecutions could be mounted and we use it to the best effect that we can,” and they were not dedicating additional resources to it.²¹ Instead, law enforcement had a sex worker liaison meant to build proactive relationships with workers, noting “Where we detect [Article 64A] offences we will investigate those, but the role of the sex worker liaison officer is a supportive role.... The sex workers that we see are not committing a criminal offence, they are lone sex workers and our role is to keep everyone safe.”²²

Size of the Sex Trade

There have not been significant changes in the size of the sex trade in countries which have implemented this model of criminalization and policing, but all have noted some level of displacement and shifting of dynamics, including location and movement to digital space alongside the expansion of internet access.

While initial reports out of Sweden noted a decline in prostitution, over time there have been additional attempts to quantify the impact on the size of the market, especially considering that the early 2000s also saw an expansion of internet-based advertising and more access to cell phones. Initial reports were focused on street-based sex work within the areas which received increase policing after the law’s passage.²³ Increased police presence in an area displaces sex workers to less-policed areas. The most prominent government study from Sweden, the Skarhed study, reported that after the implementation of the law there was an increase in internet-based sex work in Sweden and surrounding countries²⁴ and could only conclude that in the years since the passage of the ban, there was likely not an increase in the size of the sex trade.²⁵ Other reports on Sweden note that indoor sex work has been hard to quantify.²⁶ In a report from the National Board of Health and Welfare in Sweden just one year after the law’s passage, which spoke to a variety of municipalities, there was a general consensus that street-based sex work had seen a dramatic decrease and “moved ‘to other arenas and modes of contact, such as the Internet and mobile phones’”.²⁷ More recent studies have put the size of the street-based

¹⁹ (Le Bail, 2019, p. 32)

²⁰ (Le Bail, 2019, p. 33)

²¹ (Ellison, 2019, p. 60)

²² (Ellison, 2019, p. 61)

²³ (Scouler, 2011)

²⁴ (Swedish Institute, 2010)

²⁵ (Swedish Institute, 2010, p. 28)

²⁶ (Cusick, 2009)

²⁷ (Scouler, 2011, p. 17)

sex trade as having returned to the same levels as prior to the law's implementation.^{28 29 30} Additionally, of those who have changed their behavior in Sweden since the law, none cited the law as the reason for stopping selling or purchasing sexual services.³¹

Other countries have also noted that there has not been a change in overall size as much as it has displaced workers. Northern Ireland, similarly, did not see a change in the size of the sex trade, but simply in the locations and venues where sex work took place.³² Reports noted that while there was a significant drop in street-based sex work, there was an increase in online-based sex work, and overall estimates are admittedly challenging.

Norway is the only country which has demonstrated a decrease in street-based and public sex work at the same time that there was an increase in online/indoor sex work. While reports estimate that there may have been a reduction in the sex trade of 10-15%, this was presented with significant caveats, and researchers were more confident in the statement that the market percentage of public versus indoor sex work had shifted.³³ Norway is also one of the few countries where policing targeted both indoor and street-based prostitution. In 2007, Norway began the four-year program "Operation Homeless," where "the police worked to identify locations where they believed sex was being sold, alerted landlords to their assessment that it was occurring, and threatened landlords with legal action if they failed to take action to stop it. The police recommended eviction of sex workers from the location as a way for landlords to avoid prosecution."³⁴ In particular, the operations targeted indoor locations where non-European migrants worked. Even Oslo police noted that the targeting of especially Thai and Nigerian women, who were an increased percentage of incoming migrants in the two years prior to the bill's passage, saying the police "focused exclusively on foreign prostitutes".³⁵

Changes in Working Conditions

The working conditions of the sex trade include a range of different experiences, any of which may have changed or been impacted by the passage and implementation of the criminalization of clients. This section discusses the dynamics under which sex workers identify clients and exchange sex, including advertising, negotiations, locations within which they exchange sex, power dynamics with clients, harm reduction and safety mechanisms, and income. As noted above, implementation of the law means policing of the sex trade, and each country is unique in how much policing shifted with the law's passage. After adoption in Canada, 72% of workers reported no change in their working conditions, while 26% of sex workers reported negative changes in working conditions, including "reduced ability to screen prospective clients, reduced access to safe workspaces and reduced access to clients (which

²⁸ (Kulick, 2003)

²⁹ Levy, J (2014) *Criminalising the Purchase of Sex: Lessons from Sweden*. Routledge, forthcoming.

³⁰ (Perrotta Berlin, 2020, p. 8)

³¹ (Perrotta Berlin, 2020, p. 9)

³² (Ellison, 2019, pp. 8-9)

³³ (Strøm, 2015)

³⁴ (Amnesty International, 26 May 2016, p. 31)

³⁵ (Amnesty International, 26 May 2016, p. 40)

meant longer hours for less pay or having to take riskier clients)".³⁶ Below is a more specific dissection of some of those changes.

Work Locations and Isolation

As noted above, policing of public space for the sex trade displaced many sex workers who were engaged in street-based work. Street-based sex work might move online or into a venue such as a brothel or massage parlor.³⁷ If policing is restricted to specific areas of a city, workers might move to other public locations. Several harms arise from this push into different physical locations to avoid police detection, including isolation from community members, invisibility from service providers, and increased vulnerability to physical violence. As noted by the Global Alliance Against Trafficking in Women, "[s]ex workers may feel the need to work alone and/or work in more isolated locations, in order to avoid detection by law enforcement."³⁸ After the 1999 law was passed in Sweden, "some women who were selling sex on the street have moved to work in illegal brothels or work alone in indoor locations, activities that may subject them to criminalization."³⁹ For those who have remained in street-based work, some have reported that fewer clients has also led to an increase in competition between workers, and in some cases offering higher-risk sexual services in order to attract clients.⁴⁰

The need to be even more discreet can lead to an interruption in access to community, including having to work in more isolated ways. In Sweden, "informal support networks among sex workers have weakened and it has become more difficult to warn other sex workers about abusive or violent aggressors posing as clients."⁴¹ This also means isolation from service providers doing outreach, including those who would be able to screen and identify trafficking situations. As noted in research by the Global Network of Sex Worker Projects, "increased mobility and the displacement of sex workers to hidden venues impedes provision of health and services to sex workers."⁴² In Canada, sex workers reported that they were more likely to working alone when in public spaces, as multiple sex workers in one location is more likely to draw attention from law enforcement. While working with multiple peers in one place is a safety mechanism which reduces the vulnerability of being a target of violence, the increased possibility of policing and arrest made clients feel unsafe, and therefore clients would avoid sex workers working in groups. Sex workers were prioritizing isolation, despite the increased risk, because it was more desirable to clients who were fearful of arrest, as well as decreased their own risk of arrest.⁴³

Sex workers in France have reported similar impacts of the law as an impetus to work in more isolated locations.⁴⁴ As one worker described in her interactions, "They hassle us more and more,

³⁶ (Center for Gender and Sexual Health Equity, 2019, p. 6)

³⁷ (Chu S. K., 2013)

³⁸ (Ham, 2011)

³⁹ (Chu S. K., 2013, p. 105)

⁴⁰ (Levy J. a., 2014, p. 8)

⁴¹ (Claivaz-Loranger, 2014)

⁴² (The Criminalisation of Clients: A Summary, 2011)

⁴³ (Chu S. K., 2019, p. 35)

⁴⁴ (Le Bail, 2019, p. 33)

because you get the feeling that they are almost making us bump into them. They say that we have no business being in the streets, that it would maybe be good if we went to the bars in Belgium”.⁴⁵ This has also resulted in challenges for outreach efforts of service providers, who have to “find” where people are working in order to avoid law enforcement attention.⁴⁶

Workers in Norway saw a variety of changes to working conditions specific to location and working with others, though described them as separate experiences. Norway also is unique in its use of forced evictions to target the sex trades and sought to displace sex workers as a policing operation.⁴⁷ This also led to housing discrimination against racialized sex workers, who reported an inability to get housing after Operation Homeless.⁴⁸ Law enforcement has also attempted to enlist hotels in policing sex work, eliminating one place where sex workers might choose to work indoors. For those who wished to work with others, be it other sex workers or specific third parties (one woman described trying to hire someone to do security for her), criminalization and policing has made this more difficult and workers reported needing to work in isolation.⁴⁹

Working in isolation from community also has changed the ability to access third party supports. In Canada, a longitudinal study of the sex trade showed one third of respondents had accessed third parties, with a decline after the passage of the country’s ban. This was even more significant for im/migrant workers, who were more likely to require administrative or safety support.⁵⁰

Loss of Income/Economic Security

The change in market dynamics has had an economic impact on many workers. In France, 78% of sex workers reported a drop in income.⁵¹ Many pointed to more challenges in finding clients because of the associated market disruption and more competition resulting in lowering prices. This has led to additional ramifications such as housing and food insecurity, noted by both workers themselves as well as service organizations reporting increased requests for food and structural support.⁵²

In a study conducted one year after the passage of the Sweden ban, the National Police Board reported similar impacts on decreased customers, lower prices, and increased competition. The Board noted that street-based workers were more likely to engage in condomless sex to be able to raise rates and accept more customers to make up for lost income. These concerns were echoed by the National Board of Health and Welfare.⁵³ Norwegian reports have also confirmed the decreasing economic opportunity of sex workers since the passage of the law.⁵⁴

⁴⁵ (Le Bail, 2019, p. 35)

⁴⁶ (Le Bail, 2019, p. 44)

⁴⁷ (Amnesty International, 26 May 2016, p. 31)

⁴⁸ (Amnesty International, 26 May 2016, p. 41)

⁴⁹ (Amnesty International, 26 May 2016, p. 64)

⁵⁰ (McBride, 2020, p. 59)

⁵¹ (Le Bail, 2019, p. 38)

⁵² (Le Bail, 2019, p. 50)

⁵³ (Östergren, p. 5)

⁵⁴ (Strøm, 2015)

To make up for this loss of income, other crimes might be committed in addition to selling sex, such as theft.⁵⁵

Client Behaviors

Interactions with clients may have also shifted after implementation, possibly resulting from the risk changes or the general stigma towards the sex trade which do not meet the level of violence. In Northern Ireland, sex workers reported increases in “no shows,” where a potential client books a session and does not show up, nonpayment, or trying to talk a worker into free services. While not criminal, all impact the income of workers, as they take up more time.⁵⁶

In Sweden, the fear of law enforcement had the effect of some clients refusing to give identifying information.⁵⁷ “Screening” potential clients is a common harm reduction practice where workers ask for different forms of information to know who the person is, both/either to identify that they are not law enforcement, or to create a sense of accountability if they were to enact some form of victimization. When clients fear police, they are more reticent to hand over this identifying information. One worker specifically noted the increase in rape perpetrated by clients who had refused to hand over identifying information since the law had passed.⁵⁸ Workers in France also identified these challenges around obtaining screening information from potential clients who were afraid of law enforcement.⁵⁹

Client fears of criminalization has also impacted willingness to provide information on exploitation and trafficking to law enforcement. Sweden saw a drop in client participation with anti-trafficking efforts after the ban’s implementation.⁶⁰

Changes in Communication with Potential Clients

Whereas freedom of communication, control and knowledge of one’s surroundings, and additional time are all important factors to reduce incidences of violence and HIV/STI transmission, policing and surveillance compromise these tools that sex workers use to stay safe. In terms of how it has impacted negotiations, sex workers overall reported these interactions “must be done rapidly...also more difficult for the seller to assess whether the client might be dangerous.”⁶¹

In Canada, sex workers continued to feel constrained in communicating with potential clients because of the need to avoid law enforcement. Sex workers reported leaving information vague until the last minute, meaning that if the desires of clients and services provided did not align, they would lose income for the night.⁶² This lack of communication also meant that sex workers felt they were not able to properly screen potential clients, increasing the vulnerability and risk of violence. In Sweden, sex

⁵⁵ (Levy J. , 2012)

⁵⁶ (Ellison, 2019, p. 143)

⁵⁷ (Levy J. a., 2014, p. 7)

⁵⁸ (Levy J. a., 2014, p. 8)

⁵⁹ (Le Bail, 2019, p. 46)

⁶⁰ (Danna, 2011, p. 25)

⁶¹ (Chu S. K., 2013, p. 106)

⁶² (Chu S. K., 2019, p. 30)

worker reported the same experience, with street-based workers reporting that they had “to work in more isolated areas and rush transactions, leading to greater risk-taking in client selection and making it more difficult for sex workers to alert others if they are in danger and to extricate themselves from dangerous situations.”⁶³ This has resulted in increased vulnerability to harm, such as an “increase in unprotected sexual services for higher prices.”⁶⁴ In France, sex workers reported that they also saw a reduction in negotiation times, which had increased the vulnerability and risk to violence with clients.⁶⁵

Reduction in Bargaining Power

The culmination of these different factors, including lower income and a reduction in potential clients, as well as the increased risk felt by clients, has been reported as changing the power balance in worker-client negotiations. French sex workers “unanimously” reported a shift in the power balance when negotiation with clients.⁶⁶ Service providers in the country “raised concerns that the purchasing ban had created a ‘buyer’s market’ which compromises sex workers’ safety.” This concern was echoed by a social service consultancy who, working on behalf of the Norwegian government, pointed out that, “Women in the street market report to have a weaker bargaining position and more safety concerns now than before the law was introduced.”⁶⁷ As one Swedish sex worker described, “It flips the power position, I have to focus on making them feel safe.”⁶⁸

Workers in multiple locations also described how a reduction in clients had increased competition between workers, especially in street-based locations, further deteriorating the bargaining power of workers. Swedish reports cited that street-based workers faced “greater competition, declining prices and harsher conditions...Fewer clients on the street can force sex workers to accept aggressive or drunken clients.”⁶⁹

This lack of power with clients has, for some, manifested in increases in violence. In Sweden, “sex workers who work on the street have reported increased risks and experiences of violence, in part because regular clients have avoided them for fear of police harassment and arrest, turning instead to the internet and indoor venues for sex.”⁷⁰ This has been a direct negative impact on health and safety. “Less demand or less business can put sex workers in situations where they feel pressured to take on more dangerous clients, work longer hours, lower their rates, or engage in unsafe work practices.”⁷¹ In Norway, this shift of risk has resulted in sex workers taking on a greater risk of client violence in order to avoid police interaction.

⁶³ (Amnesty International, 26 May 2016, p. 106)

⁶⁴ (Chu S. K., 2013, p. 107)

⁶⁵ (Le Bail, 2019, p. 44)

⁶⁶ (Le Bail, 2019, p. 38)

⁶⁷ (Amnesty International, 26 May 2016) Page 10.

⁶⁸ (Vuolajärvi, 2018, p. 7)

⁶⁹ (The Criminalisation of Clients: A Summary, 2011, p. 2)

⁷⁰ (Chu S. K., 2013, p. 106)

⁷¹ (Ham, 2011, p. 33)

Not every country has reported a drop in the demand for sexual services associated with the law. In Northern Ireland, buyers of sexual services mostly reported that they were no less likely to engage in commercial sex.⁷²

Interpersonal Violence

For many, changing work conditions have culminated in increased experiences of and vulnerability to interpersonal violence. As noted above, increased policing disperses clients and makes it more difficult to maintain income. Fewer options and lowered income leads to sex workers unable to refuse clients, lower prices, and offer services they previously opted not to. Increased surveillance reduces the ability to negotiate and screen clients, increasing vulnerability. Fearful clients may have additional requirements and refuse screening in order to not disclose personal information. All these changes culminate in a higher risk of violence, leading to increasing experiences of violence. Canada recorded that targeting buyers through increased policing of the trade, a de facto Nordic Model approach before the law changed, had resulted in increases in violence. After three months of increasing policing of local strolls in Montreal, local group "Stella recorded dramatic increases in violence experienced by sex workers working on the street," leading "the local police prefect [to acknowledge] that the targeting of clients had been an ineffective response to sex work in the community."⁷³ The group specifically reported a three-fold increase in violent incidents experienced by those trading sex since as a result of the increased policing.⁷⁴ A year after Edinburgh, Scotland increased policing areas known for sex work, reports of violence against people trading sex had more than doubled.⁷⁵

After implementation in Northern Ireland, "between 2015 and 2018 there has been an increase in the number of reports on the Uglymugs.ie website in relation to, for example, assaults (from 3 to 13) sexual assaults (from 1 to 13) and threatening behaviour (from 10 to 42)."⁷⁶ Sex workers also reported a 677% increase in "abusive phone calls" from 2016 – 2018 and a 200% increase in "threatening behavior."⁷⁷

In Sweden, there were conflicting opinions from authorities on the impact that the ban had on interpersonal violence from clients. In the official government report on the impact, two of the law enforcement bodies surveyed had reported no increase in violence while a third had reported an increase. The report also noted that street-based prostitution had become riskier since the ban went into effect because of decreasing clients and increased competition, but puts the cause on substance use and not the shifts in policing and criminalization without noting where that assumption comes from.⁷⁸ There also may have been broader effects on the experiences of violence, as one study which controlled for population rates in Sweden and other forms of victimization found that after the purchase

⁷² (Ellison, 2019, p. 12)

⁷³ (Chu S. K., 2013, p. 118)

⁷⁴ (Chu S. K., 2013, p. 118)

⁷⁵ SCOT-PEP quoted in M. Autin (2008), La pénalisation du client en Europe et dans le monde, Fondation Scelles.

⁷⁶ (Huschke S. D., 2014, p. 5)

⁷⁷ (Ellison, 2019, p. 13)

⁷⁸ (Swedish Institute, 2010, p. 33)

ban went into effect, there was an overall 10% increase in indoor assaults against women by a known perpetrator. As the reports did not distinguish how perpetrators were met or known, the study could not determine whether that was specific to sex workers.⁷⁹

Bad Surveys

While Canada did not see increases in violence for street-based workers,⁸⁰ neither did they see increases in reporting violence to law enforcement, citing a mistrust of law enforcement, immigration concerns, and concerns that sex workers are still criminalized under the new legal regime. As a result, most violence against sex workers remained unreported, with 58% of native-born sex workers and 87% of migrant sex workers saying that they had experienced violence which they did not report.⁸¹

In Norway, initial reports found that sex workers reported that the threshold of violence would have to be higher before they would report to law enforcement, but the study did not identify any increase in reporting after the law and considered this a reflection of no increases in violence.⁸² Two separate studies of sex workers found significant increases in experiences of violence. One study found that 33% of Nigerian workers reported experiences of violence at any point in their time trading sex, but that number climbed to 83% from 2009-2012, and another found an almost doubling of violence against Thai women (21% to 40%) before and after the ban. One group did report that specifically ethnically Norwegian women had seen a reduction in violence (72% to 55%) after the ban.⁸³ Workers attributed this to racialized policing practices, with one Nigerian worker noting, "Most customers do harass us because they can do anything to us. White women are more relaxed because they know police will help them."⁸⁴

France reported a similar lack of relational improvement with law enforcement, where after implementation, 70% of workers reported either no change or a deterioration in their relationships with the police.⁸⁵ Organizations in France had reported significant increases in reports of violence, some noting an increase in the overall number, and some noting that the severity of violence had increased. Some social workers, though, had cautioned around causality, as during the period around the passage of the law they had seen increased outreach trust-building between organizations and sex workers.⁸⁶

Relationships with Law Enforcement

While laws which criminalize selling sex have been removed under the Nordic model, there is generally no improvement of the relationship between law enforcement and people who trade sex, and sex workers espouse the same reluctance as in criminalized countries to calling law enforcement in the event of a crime.

⁷⁹ (Perrotta Berlin, 2020, p. 3)

⁸⁰ (Center for Gender and Sexual Health Equity, 2019)

⁸¹ (Center for Gender and Sexual Health Equity, 2019, p. 6)

⁸² (Strøm, 2015)

⁸³ (Amnesty International, 26 May 2016, p. 53)

⁸⁴ (Amnesty International, 26 May 2016, p. 58)

⁸⁵ (McBride, 2020)

⁸⁶ (Le Bail, 2019, p. 49)

In Norway, sex workers considered calling law enforcement a “last resort,” with one sex worker noting, “If a customer is bad you need to manage it yourself to the end. You only call the police if you think you’re going to die. If you call the police – you risk losing everything.”⁸⁷ A government evaluation concurred, noting that “The threshold for reporting a violent customer to the police...seems to be higher after the law. People in prostitution are afraid that such actions will come back to halt them at later stages.”⁸⁸ Some workers did note that they would have welcomed a safe police presence during their experience of trading sex.⁸⁹

Sex workers in Canada reported a range of abuses at the hands of law enforcement, namely “assault, intimidation, threats, harassment, unwarranted searches of their workplaces and belongings, destruction or theft of property, arbitrary or disproportionate application of the law, and extortion... As a result, sex workers perceive law enforcement as an ongoing threat and source of danger, and rarely as a source of protection.”⁹⁰ This also fell disproportionately upon racialized sex workers. As a Black sex worker in Canada noted, “[The police] don’t care, probably mainly only because they don’t view me as their daughter because I don’t look like them. It just made me view the world as ... they’re not here to help sex workers and especially not Black sex workers.”⁹¹ Another study in Canada found no change in sex workers’ reporting of violence and victimization to law enforcement but noted other significant factors such as substance use were also part of the decision-making process for respondents. Overall, im/migrant respondents were significantly less likely to report violence compared to the general population of sex workers: 12% to 38%. The study did note, though, that no im/migrant respondents had reported violence to law enforcement since the passage of the law.⁹²

In France, these sentiments were echoed about the police not being an option when someone faces victimization, and several cited the threat of calling law enforcement as more likely to result in violence than a positive outcome.⁹³ While the majority of respondents felt the law had negatively impacted individual client behavior, two had threatened to call law enforcement during a negative encounter with a client and been successful in being paid, and one responded that she felt her clients were more likely to observe boundaries under threat of prosecution.⁹⁴

In Sweden, reports of interactions with law enforcement have differed. While law enforcement and people no longer engaged in prostitution reported that sex workers feel protected by police presence, sex workers themselves reported that they feel “hunted.”⁹⁵ Sex workers have noted that the law has reduced the chances that someone would report victimization.⁹⁶ Increases in policing and

⁸⁷ (Amnesty International, 26 May 2016, p. 9)

⁸⁸ (Rasmussen, p. 14)

⁸⁹ (Amnesty International, 26 May 2016, p. 59)

⁹⁰ (Chu S. K., 2019, p. 22)

⁹¹ (Chu S. K., 2019, p. 29)

⁹² (McBride, 2020, pp. 36-38)

⁹³ (Le Bail, 2019, p. 39)

⁹⁴ (Le Bail, 2019, p. 39)

⁹⁵ (Swedish Institute, 2010, p. 34)

⁹⁶ (Chu S. K., 2013, p. 33)

surveillance in Sweden led to sex worker “feeling they cannot trust or turn to the police for assistance.”⁹⁷ This feeling is pervasive to both sellers and buyers of sexual services, and “clients who would have previously helped to report violence, coercion or other abuse towards a sex worker are now much more reluctant to go to the police for fear of their own arrest.”⁹⁸ When people trading sex are afraid of reaching out to seek support from law enforcement when they have been victimized, this means that they are more likely to seek out third-party support, including from potential traffickers.⁹⁹

Some countries reported a more mixed relationship with law enforcement. In Northern Ireland, 39% of sex workers said they would not seek out law enforcement in the event of victimization, while 33% said they would, with migrant sex workers noting far lower levels of the inclination to report.¹⁰⁰ The main reasons cited for non-reporting resided in stigma – the fear of being blamed, the fear of not being believed – followed by a fear of arrest.¹⁰¹ In Canada, some sex workers noted individual, positive experiences with law enforcement when they reported predominantly intimate partner violence. Canadian responses, though, bifurcated individual positive experiences of response from the broader experiences had while trading sex under law enforcement surveillance.¹⁰²

Access to Resources/Services

While many end demand laws are also guised in the framework of sex workers as victims in need of support, countries have not reported an increase in access to services or resources overall.

In Canada, sex workers reported a 41% decrease in access to health services and a 21% reduction in access to community-based resources and services since the passage of the PCEPA, the law criminalizing purchasing.¹⁰³ This may be partially attributed to contract restrictions on service provider funding which prioritizes exit-based services. In France, 26% of sex workers interviewed reported an interest in attending exit-based programs and cited the restrictive conditions as a barrier. While in France most described a desire to change activities, there was a consistent need for services that were not “exit-based.”¹⁰⁴ In Sweden, of the dedicated social service units which have been operating since the 1970s reported no increased requests for support or help in the time since the passage of the ban.¹⁰⁵ For migrants, there were even more challenges to accessing support, as one Swedish social worker noted that for domestic sex workers there were resources available for support, while for migrants, the best one could expect would be a ticket home.¹⁰⁶

⁹⁷ (Chu S. K., 2013, p. 119)

⁹⁸ (Chu S. K., 2013, p. 106)

⁹⁹ (Freedom Network, 2015, p. 1)

¹⁰⁰ (Ellison, 2019, p. 11)

¹⁰¹ (Ellison, 2019, p. 156)

¹⁰² (Chu S. K., 2019, p. 56)

¹⁰³ (Center for Gender and Sexual Health Equity, 2019, p. 7)

¹⁰⁴ (Le Bail, 2019)

¹⁰⁵ (Perrotta Berlin, 2020, p. 9)

¹⁰⁶ (Vuolajärvi, 2018, p. 9)

In Northern Ireland, the law was supposed to be accompanied by a Department of Health initiative for those wishing to leave the sex trades. Funding cuts have meant that no actual strategy has materialized beyond an initial report. Additionally, critiques of the report include an “alienating” tone, language around identity sex workers objected to, and a lack of local knowledge of the lives of people in the sex trades.¹⁰⁷

For those wishing to leave the industry, the law may provide additional incentive to do so, and in some countries an exit program was envisioned in conjunction with the law, though design, implementation and funding for these programs differ vastly by country. In Sweden, one exit-based service provider noted that “many” of those seeking exit-based services cited the law as their impetus for reaching out, and some of those who have left the sex trades said the law offered them resources they needed.¹⁰⁸ Some who work in these services, though, exclusively serve those wishing to leave the industry, with the National Coordinator against Trafficking and Prostitution explaining, “the day when they don’t like it anymore, they can come to me. So I don’t spend my energy on this group of people.”¹⁰⁹ This has been echoed by sex workers who were seeking support but not looking to exit, as one sex worker said she would only provide services if she agreed to stop selling sex and another describing how when seeking help, they had made her feel negatively about herself instead of providing the support she had requested.¹¹⁰ For Swedish sex workers seeking harm reduction services and information, though, the Swedish response has perpetuated stigma and made harm reduction outreach more challenging. One social worker openly considered harm reduction services as a problem in and of themselves, noting “harm reduction is many times a way of, I mean it, it tends to keep people in the problem, instead of helping them to leave.”¹¹¹ This is reflected in the services offered to people in the sex trades – 67% of Swedish sex workers who responded to one study had never received condoms as a part of STI prevention initiatives.¹¹²

In France, half of those surveyed in one report had not heard of the program, despite it being the first section of the law. In a 2018 survey, the majority of respondents expressed a desire to engage in a different profession and identified a secure migration status and documents, housing, and job training to integrate into the workforce as their primary needs.¹¹³ Of the existing program, though, most workers, including those interested, expressed skepticism that the program was for them for reasons spanning race and ethnicity, documentation status, and age.¹¹⁴ For the grassroots organizations who have shared the exit program with sex workers, applications to the program remain low, with one organization saying that after connecting with almost 600 workers, there were, if they were being

¹⁰⁷ (Ellison, 2019, p. 71)

¹⁰⁸ (Ekberg, 2004, p. 1204)

¹⁰⁹ (Levy J. a., 2014, p. 11)

¹¹⁰ (Levy J. a., 2014, p. 11)

¹¹¹ (Levy J. a., 2014, p. 9)

¹¹² (Levy J. a., 2014, p. 9)

¹¹³ (Le Bail, 2019, pp. 56-57)

¹¹⁴ (Le Bail, 2019, p. 55)

“generous,” ten applications to the exit program.¹¹⁵ The most common critique of the program was the requirement to stop sex work entirely and immediately in order to receive supportive services. Even for those who wished to leave, the critique was levied that there was no incremental cessation period, but only immediately leaving all sex work.¹¹⁶ Additional critiques were about the inadequate resources and support offered during participation.

It is important to note that regardless of type of programming, there is no need to connect or predicate adequately funding resources and support on criminalization.

Stigma Against Sex Workers

Because both the justification and tactics for end demand policies employ public messaging which stigmatizes and shames the sex trade broadly,¹¹⁷ it is unsurprising that sex workers have reported “increase in stigma from service providers..., anti-prostitution activists, and the general population.”¹¹⁸

Much of the messaging used to pass End Demand policies amplifies stigma against the sex trade as tool of their campaign, intentionally misrepresenting the experiences of sex workers or creating outright hostility. “Female sex workers are construed as victims with no agency—and as harmful to all women, family, and the nation at large.”¹¹⁹ During the COVID-19 crisis, law enforcement has exacerbated this stigma by publicly called sex workers, “contagion bombs” and “threats to public health.”¹²⁰ The ramifications of stigma include additional barriers to service provision, or isolation and rejection from community and family.¹²¹

Sex workers often experience End Demand rhetoric as a replication of the dehumanization associated with trafficking experiences: “Describing people as commodities can simplify anti-trafficking analysis, but does this approach help guide anti-trafficking efforts or does it replicate commodification by traffickers?”¹²² In opposition to the commodifying rhetoric of End Demand, “O’Connell Davidson (2003) found that men who saw prostitution as just another sector of work were more likely to be concerned about women trafficked into prostitution. Clients who were most likely to use the services of trafficked persons shared abolitionist ideas that women were commodities and that payment signified ownership, not exchange.”¹²³

This exclusive framing of all sex workers as victims of violence has also shaped the approach of service providers. In Sweden, one sex worker who was looking for exit services found that she was

¹¹⁵ (Le Bail, 2019, p. 59)

¹¹⁶ (Le Bail, 2019, p. 60)

¹¹⁷ Campaigns and recommendations include “education” programs targeting men and boys against participating in the sex trade as clients, as can be found on websites like Nordic Model Now! At <https://nordicmodelnow.org/what-is-the-nordic-model/>.

¹¹⁸ (Chu S. K., 2013, p. 107)

¹¹⁹ (The Criminalisation of Clients: A Summary, 2011)

¹²⁰ (PION, 2021)

¹²¹ (Chu S. K., 2019, p. 43)

¹²² (Ham, 2011, p. 68)

¹²³ (Ham, 2011, p. 34)

offered psychotherapy and “discovered these therapy sessions were aimed at uncovering sexual violence she had supposedly suffered as a child, according to the official vision of prostitution.”¹²⁴

From an LGBTQ perspective, an additional challenge to this affirmative stigmatization through a very specific narrative which relies entirely on a gendered lens is unrepresentative of the range of experiences in commercial sex, disproportionately erasing LGBTQ individuals and mischaracterizing men.^{125 126} “Within this framework, all men who purchase sex are deemed to be aggressors and all women in sex work are deemed to be victims of male violence and patriarchal oppression, a framing that conflates sex work with trafficking, pathologizes male clients, and renders male and trans workers largely invisible.”¹²⁷

In Northern Ireland, sex workers reported an increase in anti-social and nuisance behavior, as well as an increase in stigma which resulted in increased anxiety.¹²⁸ In a second governmental report, “Nearly all respondents in the narrative interviews felt that the law had increased the stigmatisation of sex workers in ways that made them more anxious and which had an impact on their day-to-day life.”¹²⁹

Sex workers in Norway also have noted an increase in stigma, especially with a racist and xenophobic overlay. Media frequently described im/migrant sex workers with terms such as “invasion” and “flood,” and being described as a threat. Sex workers reported that public harassment, including yelling offensive terms, not only increased after the ban, but would spike immediately after political debates on the issue. Other workers reported experiences of physical harassment and assault from the public, including groping and spitting.¹³⁰ This stigma, especially conflated with racism, has also expanded to locations such as hotels and bars, where people are removed, surveilled and harassed.¹³¹

Sex workers in Sweden have additionally reported increases in stigma from service providers, which have prevented them from either accessing resources or meaningfully engaging with services. “Sex workers with whom the RFSL has been in contact have reported that stigma prevents them talking about their prostitution experiences when testing for HIV/STI. To strengthen the stigma will lessen the chances to reach people who sell sex and to conduct harm reduction measures.”¹³² Some reported “difficulties accessing and maintaining housing as a result of anti-prostitution stigma.”¹³³ In France, sex workers also noted what they interpreted as increases in general harassment from the public in the form of verbal attacks when working in public space.¹³⁴

¹²⁴ (Danna, 2011)

¹²⁵ (Levy J. a., 2014)

¹²⁶ NWSP, 1.

¹²⁷ (Chu S. K., 2013, p. 104)

¹²⁸ (Huschke S. D., 2014, p. 5)

¹²⁹ (Ellison, 2019, p. 14)

¹³⁰ (Amnesty International, 26 May 2016, pp. 90-91)

¹³¹ (Amnesty International, 26 May 2016, pp. 92-94)

¹³² (Chu S. K., 2013, pp. 107-108)

¹³³ (Chu S. K., 2013, p. 107)

¹³⁴ (Le Bail, 2019, p. 48)

Impacts on Mental Health

In some places, the shifting circumstances of the work, compiled with the uncertainty of economic security and additional stigma and shame has contributed to people who trade sex noting the impact on mental health. Sex workers in Canada reported, experiencing symptoms from trauma to stress and paranoia.¹³⁵ In Northern Ireland, the fear of being outed created “an omnipresent source of stress and anxiety and when combined with high levels of nuisance and anti-social behaviour creates the perfect storm for a heightened state of ‘fear’.”¹³⁶ The economic precarity and additional risks have also contributed to rises in fear, depression and anxiety for sex workers in France, who also noted the increase in substance use as a coping mechanism.¹³⁷ In interviews with Swedish sex workers, one report noted that all respondents had described an increase in emotional stress with the change in the law.¹³⁸

Human Trafficking in the Sex Trade

There has never been a conclusive link between implementation of the Nordic Model in a country and a decrease in human trafficking into commercial sex, despite its implementation in multiple countries. Many countries have run into a lack of longitudinal data, especially as some countries were adopting and scaling up anti-trafficking efforts at the same time as adoption of the purchasing ban.

Sex work can take place in spectrum of formality and in criminalized and non-criminalized ways. As with any other form of labor, individuals may be involved by their own choice, because of outside circumstances, or by coercion or trafficking. Because of the informal nature of much of sex work, individuals often have a constellation of experiencing, which means each interaction can feel like a separate experience. While one day a person might make decision about what sexual services they are willing to exchange, a sudden medical expense, loss of housing, or the financial needs of a loved one can radically change a person’s situation and their decisions around sex work. It is also important to note that many people engage in sex work before and/or after a trafficking experience. Just as a domestic worker might see their skillset in domestic labor as the most viable economic option, or the one which is most available, this is also true for those who trade sex. Many of those who trade sex will never encounter a trafficking situation, but may encounter a range of exploitation, violence or stigma which is not trafficking, but does impact a person’s day to day life negatively. Not everyone who has traded sex considers their experience of trading sex inherently violent or exploitative. It is essential to respect the dignity of all people to value self-determination and allow individuals to describe and categorize their own experiences.¹³⁹

One of the challenges to this connection is a lack of robust data, as meaningful prevalence estimates in any country done longitudinally can be hard to find. While commercial or transactional sex

¹³⁵ (Chu S. K., 2019, p. 42)

¹³⁶ (Ellison, 2019, p. 151)

¹³⁷ (Le Bail, 2019, p. 53)

¹³⁸ (Östergren)

¹³⁹ The term “sex work” or “trading sex” is meant to refer to a general collection of activities and is not necessarily one adopted as an identity by everyone who might engage in those actions. We respect the right of everyone to define their own experience.

is not new, an international definition of trafficking was crafted in the United Nations' Palermo Protocols, adopted in 2000. In Sweden, the purchasing law was adopted in 1999 while the trafficking law was adopted in 2001, and prosecutions for trafficking or victim identification may have fallen under other laws in years prior. Trafficking is a relatively recent legal designation which has been lacking in a consistent definition, which means that countries are constantly learning how to understand, identify and investigate human trafficking, and are often overly focused on the sex trade, to the detriment of other forms of labor. Even the best data may remain uncontextualized to the scope of the issue.

Sweden is the only country which appears to have a disputed result in the impact the law has had on trafficking, and the lack of consistent or reliable data from Sweden makes the debate challenging overall. In one study on legalization schemes and increases in trafficking, data from Sweden could not be used, noting, "There are, however, no available nationwide statistics on trafficking victims prior to the amendment in 1999 and therefore, a direct comparison between the pre- and post-prohibition periods is impossible."¹⁴⁰ Within Europe, there is ample dispute about the impact on the law on trafficking into the sex trade in Sweden. While Interpol has cited the law as a deterrent for all third parties who no longer find the Swedish market for sexual services appealing, the Swedish National Investigation Department (NCID) concluded twice (2001 and 2003) that there was no drop in the number of trafficking victims in Sweden after the passage of the law.¹⁴¹ Additionally, subsequent critiques have noted that within the anti-trafficking discourse in Sweden, there is no distinction being made between trafficked and non-trafficked workers,¹⁴² as noted by one officer who described organized prostitution as trafficking, and noted, "we can't prove the trafficking of human beings. So we want them to get severe punishment for procuring,"¹⁴³ and the Skarhead study referring to all of those engaged in commercial sex as "exploited by prostitution."¹⁴⁴

Despite this, these laws are often sold under the guise of anti-trafficking, despite no evidence that it has an impact on the experience of exploitation or trafficking for people in commercial sex. The main studies pointed to which assert this connection, such as in the Finnish study *Abuse of victims of Prostitution*, only cite studies which use economic modeling to say that trafficking inflows increase. These studies ignore the many complex impacts of changing the regulation scheme for an entire industry, including power dynamics, changes in policing and changes in visibility.¹⁴⁵

Other countries have found no change since the law's passage, or not enough reliable information to create causality. In Northern Ireland, the Department of Justice reported that the country

¹⁴⁰ (Cho, 2012)

¹⁴¹ (Ekberg, 2004, p. 1199)

¹⁴² (Swedish Institute, 2010, p. 29)

¹⁴³ (Scouler, 2011, p. 37)

¹⁴⁴ (Swedish Institute, 2010)

¹⁴⁵ Cho, Dreher & Neumayer 2012 is one of these studies, cited in Finland, which attempts to consider scale modeling against the substitution effect, taking into account more robust economic modeling but again, not relying on actual information about the sex trade.

saw no change in experiences of trafficking.^{146 147} Similarly, Norway has been unable to distinguish reliable numbers reflecting the scope and changes of human trafficking into the sex trade in the years before and after the ban, but simply has noted that identification of potential victims of human trafficking have increased steadily since 2006 with a drop in 2013, followed by an increase in 2014.¹⁴⁸

Sex workers have reported increases in exploitation as a result of policing efforts which have made sex workers' lives more precarious. In Norway, Operation Homeless involved a wave of targeting the residences of sex workers, especially migrant sex workers, resulting in homelessness and housing instability. As a result, sex workers struggled to find housing, or became subject to their landlords' exploitative increases in rent, among other demands, in order to remain housed.¹⁴⁹ The lack of income has also been a push factor for sex workers in France to consider seeking out a manager in order to increase the number of clients they see. As one French worker described, "'I have many colleagues who prospect for work either in bars or agencies ... So, they are looking for intermediaries who they can work for. In fact, up to this point, we didn't need anyone to organise our work, but now ...'"¹⁵⁰ For non-French-speaking migrants, this need for a third party was brought on by other working conditions. For those who spoke some French, they could post ads and secure housing independently, but language barriers required others to find an intermediary to shift from street-based work to online work.¹⁵¹ While not all management or procurement is necessarily exploitative, any reliance on another person for income or resources has the potential to become an exploitative situation, and not all workers, both domestically-born or migrant, felt the need for a third party after the change in the law.

As noted before, the claim that an increase in the size of the sex trade would necessarily increase the prevalence of trafficking is based on economic modeling which relies on isolating countries from each other and purchasing law from other trends, not changes in documented prevalence. Additionally, economic modeling is premised on the idea that there will be an expansion of the sex trade with shifts in the criminalization of the sex trade. As previously noted, it has not been demonstrated that changes in criminalization towards End Demand frameworks would decrease the size of the sex trade, and therefore cannot assume that decriminalization would increase the size of the sex trade.

Impact on Im/migrants

Under the End Demand model of regulation, migrant sex workers are still criminalized for selling sexual services and face the disproportionate impact of vulnerability through lack of access to resources and heightened policing. Because of racial profiling, sex workers who are foreign nationals are still targeted for policing of the sex trade, leading to significant intentional and collateral consequences.

¹⁴⁶ (Huschke S. D., 2014, p. 7)

¹⁴⁷ (Ellison, 2019, p. 16)

¹⁴⁸ (Amnesty International, 26 May 2016, p. 77)

¹⁴⁹ (Amnesty International, 26 May 2016) Page 11.

¹⁵⁰ (Le Bail, 2019, p. 42)

¹⁵¹ (Le Bail, 2019, p. 42)

Additionally, migrants are further impacted by the trafficking narrative, receiving a disproportionate attention in both representation and police targeting. In one report from Sweden,

“Where the sex purchase law appears to be used to displace sex workers from public space, immigration legislation and trafficking rhetoric is used to displace migrant sex workers. Indeed, despite sex work being constructed as a form of violence against women, and despite conflation of consensual sex work migration and non-consensual human trafficking (Ekberg, 2004), one sex worker – known to Rose Alliance – was deported as a dishonest criminal, with ‘She has not maintained/supported herself in an honest manner/way’⁵ stamped on her deportation order (Levy, 2014; Levy and Jakobsson, 2013: 337).¹⁵²

Most recently, Norwegian sex worker organization PION has reported on the attacks on migrant sex workers during COVID-19, noting that “Sex workers who have contacted PION with these experiences are from Eastern and Southern Europe and have themselves stated that their English is not very strong. We know that proficiency in English can vary within the police force. Hence, there is double concern on the misunderstandings that have taken place in these on-site interrogations that are used as legal grounds for expulsion, deportation, and detainment.”¹⁵³

Migrant sex workers have also reported racialized targeting and profiling by law enforcement. In Norway, this specifically meant targeting for eviction, especially along racialized lines. In 2011 social service organizations noted that local policing efforts were “aimed specifically and exclusively at Nigerian women in prostitution”.¹⁵⁴ Organizations have reported that police have sent letters to landlords for those suspected of prostitution, prompting forced eviction without sufficient notice.¹⁵⁵ Racial profiling of foreign nationals as sex workers, particularly women of the African and Asian diaspora, have reported that this conflation has led to being denied access to housing, motels, or other locations.¹⁵⁶ Similarly, in Canada, racialized sex workers noted that this conflation of non-white identification with migration status also caused them to be targets of law enforcement.¹⁵⁷ In Sweden, police admitted to using ads for sex work to call and set up fake appointments in order to check a workers’ documents to assess if they were foreign nationals.¹⁵⁸

For migrant sex workers who are arrested by law enforcement, they face the same violent treatment and detention as anyone else. In Canada, migrant sex workers discussed how they were still subjected to incarceration either in jails and detention facilities, but because of

¹⁵² (Levy J. a., 2014, p. 11)

¹⁵³ (PION, 2021)

¹⁵⁴ (Letter from Pro Sentret, ROSA and Silje E. Stenvaag to Oslo police “Politiets aksjoner overfor nigerianske kvinner i prostitusjon”, 2011)

¹⁵⁵ (Amnesty International, 26 May 2016)

¹⁵⁶ (Global Network of Sex Worker Project, 2018, p. 4)

¹⁵⁷ (Chu S. K., 2019, p. 28)

¹⁵⁸ (Vuolajärvi, 2018, p. 9)

the assumption of their victimhood, were treated differently from other migrant workers, even those who were unauthorized. Even if they work illegally in Canada, they can get bail, but for the migrant sex workers, it's very difficult because they are seen as trafficking victims: "I want to protect you so I must detain you."¹⁵⁹ In Sweden, one social worker described how there are also disparate services available, and at best, foreign nationals who request help would probably only receive a ticket back to their home country.¹⁶⁰

Knowing that migrant sex workers are even less likely than other sex workers to call law enforcement and report crime has continued to make migrant sex workers a target for violence and victimization. Sex workers in Sweden and Finland reported that clients who know they are migrants will use the threat of reporting to "force women to do what they want."¹⁶¹ In Canada, condom refusal by clients increased after the passage of a purchasing ban, while rates of condom refusal stayed the same for non-im/migrant sex workers.¹⁶²

Ideological Conflicts

Sex Work is a Legitimate form of Work

One of the most significant conceptual diversions in End Demand policies is that commercial sex is a legitimate form of work. End Demand-style policies, which seek to abolish the sex trade, look to abolish the sex trades as an experience which is exclusively one of violence, regardless of the experience of the person trading sex. This is incongruent with the overwhelming understanding of the sex trade and makes no space for diverse experiences.

The International Labor Organization has had a long-standing recognition of sexual labor and critiqued the criminalization of sex work. The ILO has further calling on governments around the world to treat sex work as "a legal occupation with protection under labour law and social security and health regulations."¹⁶³ As a legitimate form of work, there are international and domestic examples of sex workers in various areas of the trade forming labor unions,¹⁶⁴ accessing labor protections through regulatory mechanisms,¹⁶⁵ and organizing in coalition with other forms of labor.¹⁶⁶ Many people who engage in commercial sex also see it as a preference to other work options, especially when those are constrained.¹⁶⁷ Sex work is the exchange of a service for the purpose of receiving resources, and one often done in lieu of other forms of work. There is no reason to disregard the framework of labor within

¹⁵⁹ (Chu S. K., 2019, p. 47)

¹⁶⁰ (Vuolajärvi, 2018, p. 10)

¹⁶¹ (Vuolajärvi, 2018, pp. 9-10)

¹⁶² (McBride, 2020, p. 103)

¹⁶³ (Raymond, 1998)

¹⁶⁴ Karnataka Sex Workers Union, <http://kswu.blogspot.com/>

¹⁶⁵ (Chatevert, 2013, pp. 140-141)

¹⁶⁶ (StreetNet, 2010, p. 2)

¹⁶⁷ (Chin, 2019, p. 16)

conversations of the sex industry outside of stigma, and doing so only serves to invalidate the various experiences of people within the sex trades.

Sex workers participate in a constellation of experience, moving between choice, circumstance or coercion informed by the experience of trading sex. Not every individual trading sex faces exploitation at the hands of a third party through force, fraud or coercion. In a 2009 report on migrant workers participating in the UK sex trade, only 6% identified themselves as having been “deceived and forced into selling sex in circumstances within which they felt they had no share of control or consent.”¹⁶⁸ Other studies have varied in how they identify experiences of exploitation. Experiences are also not stagnant, and as an individual’s circumstances change, so does their participation in the sex trade. Many trafficking victims have prior experience doing sex work, and many return to the industry after escaping their trafficking situation. This is not dissimilar from trafficking experiences in other industries, where an individual’s skill set or range of options remain consistent while the economic and labor circumstances may change.

Additionally, passage of End Demand policies is often premised on an understanding that all experiences of commercial sex are experiences of trafficking, and therefore the only way to end trafficking would be to end all experiences of commercial sex. Therefore, these tactics rely on the conflation of sex work and trafficking, a framework which we do not support and is not supported by sex workers themselves. Supporting this conflation dismisses the lives and experiences of those who have traded sex and negating their self-determination and autonomy to define and direct their lives.

Diverts Capacity from Prevention

Finally, approaches which focus on the criminalization of buyers in the sex trade do not address the complex factors which compel trafficking or the systemic issues which buttress vulnerability. For exploitation in all forms of labor, including sexual labor, the factors are often the same structural marginalization which contributes to economic instability and unsafe conditions. According to the United Nations Office of Drugs and Crime,

Some of the common factors are local conditions that make populations want to migrate in search of better conditions: poverty, oppression, lack of human rights, lack of social or economic opportunity, dangers from conflict or instability and similar conditions. Political instability, militarism, civil unrest, internal armed conflict and natural disasters may result in an increase in trafficking. The destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour. War and civil strife may lead to massive displacements of populations, leaving orphans and street children extremely vulnerable to trafficking.¹⁶⁹

¹⁶⁸ (Only a Minority of UK Sex Workers have been trafficked, 2013)

¹⁶⁹ (UNDOC)

All of these contribute to the instability which compels trafficking. Exploitation preys on need and vulnerability.

Demand for trafficked and exploitative labor is a factor which fuels trafficking. As there is a distinction between trafficked and non-trafficked labor, there must be a focus on addressing any demand for trafficked labor. This focus, though, must remain on those actively pursuing and engaging in violence-based profiting off of the sexual labor of others. Much like anti-trafficking efforts which focus on other industries, we must focus on systems which make labor more difficult to exploit. Access to labor rights, safe and legal migration, and improved resource access for vulnerable communities should take priority to address exploitation.

Conclusion

Changing the regulation of an entire industry is rare in industries which have existed as long as society. Especially within the larger context of policing, capitalism and access to social support, understanding a direct correlation between legal change and changes in the lives of those impacted is not often clear. The wave of End Demand legislation which has moved through multiple countries provides us something incredibly unique – a widespread pattern of impacts that are consistent throughout countries across multiple continents and contexts. Some countries have moved from criminalizing only the selling to criminalizing only purchasing (Sweden), while others have moved from full criminalization to buyer criminalization (Canada). Countries have ranged in size from under two million (Northern Ireland) to almost forty million (Canada). In each country the results are clear: the implementation of End Demand legislation has created negative and harmful outcomes for people in the sex trades with no evidence that the model decreases trafficking into the sex trades.

The implementation of the Nordic Model does not make sex workers safer, healthier or feel more in control of their circumstances. Sex workers report higher levels of vulnerability, more stigma, and social marginalization. In no country can it be reported that this has decreased the size of the sex trade, ended or curbed trafficking and exploitation, or that it reflects a value of centering those impacted. Sex workers deserve to be honored at experts of their industry and stakeholders with valuable contributions, and until sex workers are centered, policies will continue to view people trading sex as nothing more than the collateral consequences of others' intentions.

Appendix: Country Breakdowns

Below are short backgrounds and summaries on countries which has adopted the Nordic Model through 2020 and where reports on the impact have been made available, including studies referenced and available on the impacts for people who trade sex. Countries which have passed this model of criminalization but are not listed are Iceland, where the law was adopted but not funded, and no studies are available, and Israel, which implemented the model in July of 2020. Other countries which were excluded from this include countries where there is only criminalization of solicitation in public space (such as Fiji).

France, adopted 2016

Background: Previously, it was illegal to solicit sex both actively and passively, which was delineated by behavior. Under Law 444, passed in 2016, it became illegal to purchase sexual services, which included both a fine and jail time. It was also illegal to “organize” sex workers, what we would refer to as third party charges. Within the first six months, 249 clients, all men, were charged with purchasing sexual services.¹⁷⁰ In the first six months after the law was enacted, 249 men were prosecuted for purchasing sexual acts.^[45]

Impacts on Sex Workers:

After the passage of the law, sex workers interviewed about the changes in conditions reported:

- Reduction in clients and income, but no reduction in sex workers
- Shifting power balances to favor clients
- Increased reliance on third parties
- Shorter negotiation time to screen potential clients
- Changes in workplace locations
- Agreeing to more high risk sexual practices
- Increases in violence
- Increases in stigma
- Decrease in income
- Decreased health in the form of increased stress, fatigue
- Increased use of substances, including alcohol and tobacco
- Increased number of working hours per day

Reports Referenced:

What do Sex Workers Think about the French Prostitution Act?: A Study on the Impact of the Law from 13 April 2016 Against the ‘Prostitution System’ in France; April 2018; Medecins du Monde, Found at: <https://www.medecinsdumonde.org/en/actualites/publications/2018/04/12/study-impact-law-13-april-2016-against-prostitution-system-france>

¹⁷⁰ “Loi sur la prostitution: 249 amendes dressées en six mois”. Linfo (in French). 29 September 2016. Retrieved 30 December 2017.

Northern Ireland, adopted 2016

Background: Prior to adoption, Ireland criminalized solicitation and loitering for the purposes of prostitution, third parties, and brothels, which were defined as more than one person trading sex, as per the [Policing and Crime Act 2009](#). In 2015, Maurice Morrow introduced and campaigned for the criminalization of clients in Northern Ireland. Morrow was heavily influenced by Sweden,¹⁷¹ who had said from the outset that the Nordic Model was meant for exporting to other countries. The bill removed solicitation and loitering from the criminal code, and added a penalty of up to one year in prison and a £1000 fine for clients. The Legislation was supported by the Catholic Church, a handful of women's groups and Equality Now. The Department of Justice conducted research on how sex workers felt about the legislation, as well as an overview of the industry which was published in October of 2014. The survey found that roughly 12% had been told that they were trafficked at some point in their lives but only 3% . Of respondents, 25% said they wanted to stay in the industry while another 35% wanted another job or "professional qualifications" to get another job. When asked about the Nordic Model, only 2% of workers would support the criminalization of clients. Most sex workers reported that criminalizing clients would leads to, [Quotation also includes bullet points]

- a potential decrease in security
- worse working conditions and increased risks
- the loss of decent clients and an increase of violent clients increased involvement of organised crime groups and 'pimps'.
- Sex workers also stated that they would feel even less inclined to report crimes to the police out of fear of incriminating themselves or becoming involved in legal procedures;
- they had already made changes to prepare for a potential change in law, e.g. in regard to protecting their clients; - or that nothing would change.¹⁷²

Even law enforcement reported concerns with the ban, noting "There are concerns that we could put sex workers in a really difficult position that they're not going to go to one central location and just remain there, they're going to go out to the customer, because the customer's going to be too scared to come to a brothel."¹⁷³

Impact on Sex Workers:

- An increase in online advertisements and a reduction in street-based advertising; research presumes that the number of workers has stayed relatively the same
- No drop in the number of clients
- An increase in reports of physical assaults, sexual assaults and threatening behavior
- Higher rates of anti-social and nuisance behavior
- Higher levels of anxiety, unease and stigmatization

¹⁷¹ (McMenzie)

¹⁷² (Huschke S. D., 2014, pp. 179-180)

¹⁷³ (Huschke S. D., 2014, pp. 179-180)

Reports Used:

Assessment of Review of Operation of Article 64A of the Sexual Offenses Order (Northern Ireland) 2008: Offender of Purchasing Sexual Services; 2018. Department of Justice; <https://www.justice-ni.gov.uk/publications/assessment-impact-criminalisation-purchasing-sexual-services>.

Canada, adopted 2015

Background: In 2009, a legal challenge (Canada vs Bedford) was brought by Terry Jean Bedford and two other sex workers/activists to the standing prostitution laws. Prostitution itself was legal, but activities including maintaining a bawdy house, advertising in public spaces and “living off the avails” of prostitution were all criminalized. The three sex workers who brought the case argued that these laws were unconstitutional, as the Canadian Constitution guarantees a right to security, and these laws were forcing them to operate in secret, therefore compromising their ability to stay safe. The government argued that prostitution was inherently harmful and a danger to the community at large. While the three were successful in their suit, this opened the door for the imposition of new prostitution laws.

Impact on Sex Workers:

- No improvement in working conditions or negative changes in working conditions (72% and 26%, Harms of End Demand Criminalization)
- No change in rates of reporting to law enforcement (Harms of End Demand Criminalization)
- Reduction in access to health services (Harms of End Demand Criminalization)
- Reduction in access to community-led support services (Harms of End Demand Criminalization)
- Disproportionate impacts on migrants for negative outcomes, rates of unreported violence, policing and workplace inspections and fear (Harms of End Demand Criminalization)
- Displacement and movement of workplace locations, leading to increased vulnerability (Harms of End Demand Criminalization)
- Mistrust of police, and an adversarial relationship with law enforcement (Harms of End Demand Criminalization)
- Inability to negotiate condom use with clients (Harms of End Demand Criminalization)
- Criminalization of condoms as evidence (Harms of End Demand Criminalization)
- Criminalization of third party advertising limits sex workers’ access to critical safety protections from violence afforded by online sex work (Harms of End Demand Criminalization)
- Reduced access to third parties, including those sought out for

Reports Referenced for Canada:

Center for Gender & Sexual Health Equity. “Harms of End-Demand Criminalization: Impact of Canada's PCEPA Laws on Sex Workers’ Safety, Health & Human Rights.” December 2019. Found at: http://cgshe.ca/app/uploads/2019/12/Harms_2019.12.16.v1.pdf.

Canadian HIV/AIDS Legal Network. “Perils of Protection.” 27 March 2019. <http://www.hivlegalnetwork.ca/site/the-perils-of-protection/?lang=en>

Sandra Ka Hon Chu and Rebecca Glass, “Sex Work Law Reform in Canada: Considering Problems with the Nordic Model,” Alberta Law Review (2013) 51:1, http://www.aidslaw.ca/site/wp-content/uploads/2014/06/Nordic_model-ALR-Oct2013.pdf, 101 – 124, 117.

Norway, adopted in 2009

Background: Prior to 2009, criminalization focused on third parties and the organizing of sex work, as well as trafficking and exploitation by force. The first policy discussion around criminalization of purchasers began in 1997, but was not seriously explored until a few years later. The Justice Ministry investigated the situation in 2003, looking at Sweden and the Netherlands, which had recently legalized brothels, as two forms of different regimes. Neither was determined to be desirable, and there was a noted lack of data from Sweden, as well as consequences of the implementation were highlighted.¹⁷⁴ At the same time, there were rising concerns about an influx of im/migration, specifically from Africa and more directly from Nigeria, who were engaging in street-based sex work.¹⁷⁵ Researchers noted that the market had become increasingly globalized, whereas it had been previously domestic.¹⁷⁶ This was conflated with assumptions of a rise in trafficking into the sex trade, which supported people who wanted to raise criminalization and policing. Despite the findings of the commission, the legislature moved forward with criminalizing purchasers of sexual services.

Impact on Sex Workers:

- Economic conditions have worsened “due to the implementation of the law”
- Reduction in street-based sex work and a lack of clarity on the expansion of online sex work, leading to the conclusion that indoor sex work has increase its size of the market instead of a clear change in the sex of the market overall, though with indications that it may have been reduced
- Work-related costs for sex workers have increased, leading to reduced profit
- A weaker bargaining position for sex workers
- Increases in safety concerns
- Police reports of violence have not increased, but sex workers reported both that they would incur a higher level of violence before reporting, and a change in the nature of violent interactions to being “less harsh”
- Evictions, especially for migrant workers

Reports Used:

Norwegian Ministry of Justice and Police Affairs, op. cit.; Swedish National Board of Health and Welfare op. cit.; Dodillet & Östergren, op. cit.; P. Östergren (2003)

Steinar Strøm, Ingeborg Rasmussen, Sidsel Sverdup and Vibeke Wøien Hansen. “Normative Findings from the Evaluation Report of the Norwegian Sex Buying Act.” Paper presented at The Pontifical Academy of Social Sciences: Human Trafficking: Issues Beyond Criminalization. 17 – 21 April, 2015.

¹⁷⁴ (Purchasing Sexual Services in Sweden and the Netherlands: Legal Regulation and Experiences, 2004)

¹⁷⁵ (Skilbrei on 'un-Norwegian' prostitution. Nordic Prostitution Policy Reform, Nppr.se. Archived from the original on 26 April 2009, 2009)

¹⁷⁶ (Strøm, 2015)

Casina Pio IV, Vatican City. Available at
http://www.endslavery.va/content/endslavery/en/publications/acta_20/strom.html.

Sweden, adopted 1999

Background: Sweden was the first implementation of what it now considered the Nordic Model. Throughout the 1900s, sex work was always stigmatized and problematized in Swedish society, and criminalization targeted sex workers themselves. In the 1960s, there was a growing framework that stigmatized sex work, but began shifting the blame for what was considered a social ill from the seller to the purchaser of sexual services. By the 1980s, when reform was being considered, police and LGBTQ groups opposed criminalization whereas women's political groups advocated for criminalization. Between 1970 and 1985 also saw a shift in immigration to Sweden from a labor-based system to a refugee-based system,¹⁷⁷ and shifted the inflows to be heavier from the Middle East and Latin America.¹⁷⁸ In 1993 a commission was formed, with reports presented to the legislature. Debate ensued, often split by gender, but left out entirely were people who traded sex. In 1999 the model was introduced, with a heavy focus on packaging it for exportation to other countries.

Impacts on Sex Workers:

- More challenges in assessing potential clients
- Increased stigmatization ("sex workers feel hunted") from police, social workers, media and anti-prostitution activists
- Increased apprehension about reporting violence to police
- Lower prices in street-based sex work
- Increased pressure to engage in higher-risk sexual behavior
- Increases in stress, feelings of powerlessness and resignation, and compromises in emotional well-being

Reports Used:

Ostergran, Petra. "Sex Workers Critique of Swedish Prostitution Policy," retrieved from http://www.petraostergren.com/pages.aspx?r_id=40716

Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers . [Jay Levy](#), [Pye Jakobsson](#) **First Published** March 31, 2014 Research Article <https://doi.org/10.1177/1748895814528926>

¹⁷⁷ (Nilsson, 2004)

¹⁷⁸ (Sweden: Restrictive Immigration Policy and Multiculturalism, 2006)

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