



Only Rights Can Stop the Wrongs

NSWP STATEMENT

IN RESPONSE TO THE NORWEGIAN EVALUATION OF THE BAN ON THE PURCHASE OF SEX

NSWP strongly condemns the recent report released by the Norwegian Ministry of Justice and Public Security for failing to recognise the grave violations to Norwegian sex workers' human rights that are taking place with state impunity under the current model that bans the purchase of sex. NSWP urges the Norwegian Government to listen to the experiences of sex workers and acknowledge that the criminalisation of the purchase of sex in Norway is resulting in health and human rights violations of sex workers.

The Norwegian Ministry of Justice and Public Security has released a report that claims to evaluate the outcomes of Norway's ban on the purchase of sex, which came into force in 2009. The report heralds the ban on the purchase of sex as a success based on an interpretation of incomplete, biased and unempirical evidence. The report claims that the ban on the purchase of sex – a legal framework that follows the “Swedish Model” of criminalising clients – has been effective in meeting its stated objectives, including: reducing (and eventually abolishing) the purchase of sex, and through targeting demand, eliminating sex work altogether; reducing the levels of ‘trafficking for prostitution’; and improve the ‘situation’ of women and men in prostitution. Whilst the report claims that the law has been successful in its stated objective of decreasing levels of sex work, the only thing that can be demonstrated is that levels of street-based sex work have decreased. Most sex work is off-street in Norway, and the report observes that levels of indoor sex work cannot be accurately estimated:

“Our best estimate – with a high degree of uncertainty– is a market reduction of 10-20 percent compared to the situation before the law.”

It is therefore completely misleading and unfounded to suggest that overall sex work in Norway has decreased and shows a biased reading of the evidence available. The report in its ‘highlights’ section states that the poor market conditions for sex workers that have resulted from the criminalisation of the purchase of sex have served to reduce trafficking, seemingly demonstrating that the law has also been successful in achieving this aim. This claim is entirely based on a biased assumption and fails to provide any evidence of a reduction in trafficking for the purposes of prostitution. It is unethical and empirically unsound to make such a significant claim based entirely on

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assumption at the expense of sufficient evidence. NSWP is deeply concerned over the failure to recognise and report the grave violations to sex workers' rights that have flourished under this legal framework, often perpetuated by state officials and law enforcers and carried out with impunity from the state.

Increased dangers associated with sex work claimed to be positive outcomes of the law

Reduced power for sex workers in more 'favourable market conditions for clients'

It is asserted that there is now reduced demand for sexual services, noting that the legislation has created more favourable market conditions for clients of sex workers, probably since fewer clients are willing to buy sex publicly due to the possibility of arrest. As a result, transaction times are now shorter and due to increased competition in street-based sex work, sex workers are forced to lower their rates, reducing their income. This interruption to the livelihood of sex workers in Norway is heralded as a positive outcome of the law, but more worrying is the touting of the increased dangers for sex workers as a positive development. This conclusion is indicative of the disregard for the health and well-being of sex workers in Norway, who now face increased marginalisation, isolation and exclusion. Under the current ban sex workers also have to take greater risks, with less time to negotiate with clients and a reduction in bargaining power with clients and third parties.

Increased Police Surveillance and Harassment of Sex Workers

There is an obvious omission in this report that has been noted by sex worker informants in Norway which centres on the increased police surveillance and harassment of sex workers. Under the so-called 'Swedish Model' now operated in Norway, the stated goal and objective is to criminalise those who purchase sex. However this rhetoric has clearly masked the state and law enforcement strategies that are used to target clients – which include increased police harassment and surveillance of sex workers. The Norwegian report acknowledges that the law has led to increased police harassment of sex workers, as stated in interviews with sex workers and in reports from service providers. However, the report includes no analysis of the negative impact this increased harassment has had on sex workers and related service provision, including HIV prevention efforts - essentially ignoring first-hand information provided by their own informants. This shows worrying levels of state endorsement for this kind of harassment of sex workers as a justifiable method to target those who purchase sex.

Negative Impacts on Sex Workers Health

The negative impact on sex workers health is a glaring omission in the report, despite service-provider warnings that sex workers are discouraged from carrying condoms in



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case of police harassment and accusation that they are encouraging a crime, creating a context whereby unprotected sex is likely to increase. The global HIV epidemic is largely concentrated within key populations, of which sex workers are one due to widespread barriers to and exclusion from rights-based HIV prevention, treatment, care and support. To ignore the impact of the sex purchase ban on HIV prevention efforts is ludicrous and puts the Norwegian Government far out of line with international efforts to halt the epidemic. For example the prestigious medical journal, The Lancet, has just joined an ever growing number of international health and human rights organisations calling for the full decriminalisation of sex work, including third parties and the promotion of safe working conditions in order to address the HIV epidemic:

“The decriminalisation of sex work could avert HIV infections by 33- 46% in the next decade, according to a new study published in The Lancet, the world’s leading medical journal.”¹

Failing to recognise the link between the increased dangers and risks that sex workers now face in Norway both in relation to their health and safety signifies a huge disregard for the health, well-being and human rights of sex workers.

Displacing Sex Workers and Endorsing Violence

Sex workers in Norway and Sweden under similar legislation have faced widespread evictions from their homes and working premises (including on and off-street sex workers). This ultimately leads to a displacement of sex workers into more hidden and discreet locations where sex worker vulnerability to violence and other human rights violations can flourish. Though the report asserts that there are no indications that violence has increased, this is hugely unfounded and contradictory, since the report also notes that sex workers do not report such violence to the police due to the law:

“People in prostitution are afraid that such actions will come back to halt them at later stages.”

Given that conditions for sex workers have been noted as markedly more dangerous, and that evidence would suggest sex workers are less likely to report crimes against them, the more logical conclusion to draw is that violence against sex workers is likely to have increased, a link that has been documented in previous research

¹ <http://www.thelancet.com/series/HIV-and-sex-workers>



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studies². The failure to make this obvious link in the report signifies an endorsement of violence against sex workers, with impunity awarded to perpetrators, which creates significant opportunities for law enforcement officers and others who can target sex workers for violence knowing that their recourse to justice in these instances will be abated.

Conclusions

The heralding of these negative consequences for sex workers as positive outcomes of the Norwegian ban on the purchase of sex signifies a deeply flawed and biased reading of the evidence available and is strongly condemned by NSWP. As noted by an NSWP member group, SWOP-NYC:

The most disturbing parts of the findings were the many noted increases in vulnerability, while acknowledging the on-going need for resources and services. The findings openly state that “there is a need for providing more options for people that want to get out of prostitution. Language classes, work training and work options are considered to have clear positive effects and there is a need for more of such initiatives.” But despite this need for more options the study points out that for those in the sex trade, life is harder.³

To translate this finding of life for sex workers in Norway being harder, more dangerous and isolated from rights-based social and health services, as a successful outcome of the purchase of sex ban is inherently wrong. To sacrifice and demean the lives and protection of sex workers in the goal of abolishing “prostitution” shows a lack of respect for and adherence to sex workers’ basic human rights. The increase in police harassment of sex workers and associated displacement and evictions inevitably lead to sex workers holding less bargaining and negotiating power with clients, creating a context in which sex workers are more susceptible to violence and unable to protect their health through the use of HIV prevention tools.

As Pye Jakobsson, the President of the Global Network of Sex Work Projects observes:

“This report shows the responsibility the police has in terms of the impact of their tactics and policing of the ban. Sex workers face tougher conditions in that outdoor sex work environments have become less favourable; sex workers are more reluctant to

² See for example:

<http://bmjopen.bmj.com/content/4/6/e005191.full?keytype=ref&ijkey=dJU3wHlOLEkteBZ>

³ <http://swop-nyc.org/wpress/2014/08/12/nordic-model-redefines-success-as-no-results-all-collateral-damage/>



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report crimes of violence to the police, sex workers' income is reduced due to sex workers now having weaker negotiating power as clients are nervous, want to leave faster, and there are fewer clients. Indoor sex work has also become more difficult as working together for safety is not an option due to third party laws; also distressing is the fact that sex workers working indoors are constantly in danger of being evicted from the premises they are working in due to police 'educating' landlords and hotel managers on how to recognise sex workers and to evict them."

NSWP urges the Norwegian Government to listen to the experiences of sex workers and acknowledge that the criminalisation of the purchase of sex in Norway is resulting in severe health and human rights violations of sex workers. If these violations are not taken seriously violence against sex workers will continue unabated in a context where stigma will flourish. The biased nature of this report must be addressed and the dangers that have increased for sex workers in Norway must be urgently mitigated. NSWP also urges all allies and supporters to [sign the petition](#) to demand that the Swedish and Norwegian government focus on the welfare, health, and safety of sex workers and recognise that the criminalisation of the purchase of sex – the so-called Swedish model – is of considerable harm to sex workers, especially those who are already heavily marginalised and stigmatised:

NSWP exists to uphold and amplify the voice of sex workers globally, and connect regional networks advocating for the rights of sex workers of all genders. We have a growing membership of over 180 sex worker-led organisations in over 60 countries worldwide.

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