

International Insights

How Scotland can learn from international efforts to combat commercial sexual exploitation



A Model For Scotland

A Model For Scotland is an alliance of survivors, organisations and frontline service providers calling for a progressive legal model to combat commercial sexual exploitation.

Further information about the campaign can be found on A Model For Scotland’s website: amodelforscotland.org

Foreword

The role of government must be to end male violence against women – not to mitigate or legitimise it. This includes prostitution. That is why it is absolutely right that the Scottish Government recognises prostitution as a form of violence against women – and has committed to introducing a model to challenge men’s demand and support women to exit. The Scottish Government’s recently published policy principles make clear that sex buyers and profiteers will be held to account, whilst those involved in the sex trade will be acknowledged as victims of exploitation rather than perpetrators of crime. These principles must now translate into real, meaningful legislative change.

Central to Scotland’s legal approach must be decriminalising and providing support to those exploited in the sex trade – whilst criminalising the sex buyers and pimping websites who fuel and facilitate this abuse. In fact, the Scottish Government has multiple international obligations to tackle the demand for prostitution.

Learning from the experiences of other countries who have taken action to combat commercial sexual exploitation is crucial as Scotland develops its own model to combat this human rights abuse, enabling the opportunity to build on existing legislative approaches. Drawing on international insights shows us that strong political leadership is crucial in securing – and effectively implementing – policies to address sexual exploitation and sex trafficking. When this happens, reforms work to end the demand for prostitution and sex trafficking.

As a survivor of prostitution and sex trafficking and Chair of A Model For Scotland, I urge the Scottish Government to be courageous in bringing about progressive and historic legal change that will prevent countless women from being immeasurably harmed in the sex trade – and send the crucial message that women are not for sale. I hope that this report gives confidence to Scottish law makers that the international evidence base is there, and the time for change in Scotland is now.

Diane Martin CBE
Survivor of prostitution and sex trafficking
Chair, A Model For Scotland



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Executive summary

Introduction

The Scottish Government has pledged to adopt a model for Scotland to challenge men's demand for prostitution and support women to exit sexual exploitation. It has also developed policy principles to underpin Scotland's framework on prostitution. Importantly, the principles outline that "those perpetrating exploitation (such as sex buyers and profiteers) will be held to account".¹

The transnational nature of the prostitution trade, and the common challenges countries face in tackling commercial sexual exploitation, make the task of learning from international experiences indispensable.

This report presents the results of a series of dialogues with international partners about what works to reduce commercial sexual exploitation. The findings provide important learning for Scotland as it develops its own model to end the demand for prostitution.

“

Without the demand of those that are buying, the sex trade would not exist and thrive. So in order to end the sexual exploitation it really becomes imperative to address the demand, and addressing demand in law means criminalising those who buy sex.

”

- Tsitsi Matekaire, Global Lead - End Sex Trafficking, Equality Now²

Country overviews

Sweden

In 1999, Sweden became the first country to combat demand for prostitution by criminalising paying for sex – whilst decriminalising victims of sexual exploitation. Evidence shows that the proportion of men paying for sex has dropped, public attitudes have changed, and the law acts as a deterrent to sex trafficking.

Key learning

- Training for law enforcement agencies is required for effective enforcement.
- Build infrastructure to support the law's implementation.
- Develop a nationwide network of support and exiting services.
- Tackle sex trafficking and prostitution together.

Ireland

In 2017, Ireland criminalised paying for sex and decriminalised selling sex. Early observations reveal a shift in the burden of criminality from the victims to the exploiters. Women involved in prostitution report feeling more able to disclose violence against them to the police, and there is a high level of public understanding that prostitution is a form of sexual exploitation.

Key learning

- Partnership working is crucial to the adoption and implementation of laws to combat demand and support victims.
- The provision of support and exiting services for victims is a vital component of law reform.
- Building and maintaining a robust evidence base is vital for effective action against sexual exploitation.
- Public education campaigns are crucial to realising the potential of the law.

France

In 2016, France decriminalised soliciting for prostitution, criminalised paying for sex, and established comprehensive support provisions for victims of sexual exploitation. The same legislation established a national policy on prevention, education and training to prevent sexual exploitation.

The law resulted in an immediate change in law enforcement activity, shifting from a focus on penalising victims of sexual exploitation to holding sex buyers accountable. Exiting prostitution programmes have proved successful and there is a high level of public support for France's new 'abolitionist' laws to combat prostitution.

Key learning

- Strong political leadership was pivotal to securing legal reform.
- A multi-faceted legal framework supports the multiple objectives of France's response to prostitution.
- The level of criminal penalty can influence policing priorities.
- Ongoing political leadership and resourcing is required to realise the law's potential.

Iceland

In 2009, Iceland criminalised paying for sex. Selling sex had been decriminalised in 2007.

In response to the legislation, the focus of policing shifted towards targeting and holding accountable those who create demand for prostitution. There is strong support amongst the general public for Iceland's prostitution laws.

Key learning

- The prostitution trade should be tackled as part of broader efforts to combat commercial sexual exploitation.
- Enforcement of legal reforms requires strategic leadership.

United States

In 2017, the United States made it a criminal offence for pimping websites, which advertise individuals for prostitution, to operate. New legislation established criminal and civil liability for websites that promote and facilitate prostitution and sex trafficking.

The legislation led to a significant shrinkage of the sexual exploitation marketplace. Within 48 hours of the law being passed, major websites stopped hosting prostitution adverts. A year after the legislation was passed, the sexual exploitation advertising market remained significantly disrupted, with a reduction in demand and the failure of any pimping websites to recapture the market dominance of the biggest pimping website to previously operate legally.

Key learning

- Provide support and exiting services for victims of online sexual exploitation.
- Legal reform must be accompanied by law enforcement action.
- Action against pimping websites is crucial for reducing demand and deterring sex trafficking.

“

If we want to turn the tide on exploitation, we need to address demand... This cannot be a side project. This needs to be core, front and centre, in terms of how we need to end exploitation.

”

- Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings³

Introduction

The Scottish Government has pledged to adopt a model for Scotland to challenge men's demand for prostitution and support women to exit sexual exploitation.⁴ It has also developed policy principles to underpin Scotland's framework on prostitution. Importantly, the principles outline that "those perpetrating exploitation (such as sex buyers and profiteers) will be held to account".⁵ A key question stemming from this is what can Scotland learn from other countries that have embarked on a similar quest to combat commercial sexual exploitation?

To answer this question, A Model For Scotland held a series of webinars and dialogues with a range of international partners. This report presents the results of those exchanges. The report highlights what has worked to successfully reduce sexual exploitation, what the challenges have been, and how individuals, organisations and governments are working to overcome these.

This report is not an exhaustive assessment of every country and initiative designed to challenge men's demand for prostitution, and it is not an endorsement of every policy decision the countries discussed have taken (the United States has limited country-wide legislation relating to non-digital forms of commercial sexual exploitation). It offers an analysis of common and salient themes from a range of countries that have deployed legislation, policy and practices to combat commercial sexual exploitation. It also provides the Scottish government, and others, with inspiration for how it can implement its pledge to change legislation and policy in the country to challenge the demand that fuels the sex trade.

“

It is not only a question of fighting against violence, the specific oppression represented by prostitution, but it's also about teaching the principle that a woman's body is not for sale, that it is not an object, that a woman is not a commodity.

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- Najat Vallaud-Belkacem, France's former Minister for Women's Rights¹⁴

A multi-decade evidence base

Sweden was the first country in the world to adopt a legal framework that recognised prostitution as a form of violence against women – and something the state should work to end. In 1999, the country broke new ground by criminalising paying for sex⁶ while decriminalising selling sex, ensuring victims of sexual exploitation would not be punished for their own abuse. Pimping and other forms of third-party facilitation of prostitution are also illegal.

The results of this approach provide over two decades of evidence relating to the development, adoption and implementation of a national model to combat commercial sexual exploitation.

However, it is not only Sweden that provides a valuable evidence base. A growing number of countries have followed Sweden's lead by adopting legal frameworks to reduce demand for sexual exploitation, deter sex traffickers and provide support to victims. These include France, Norway, Ireland,

Northern Ireland, Israel and Iceland.

By assessing and learning from countries' experiences of combatting commercial sexual exploitation, the Scottish Government can develop an evidence-based model that is robust and right for Scotland.

An international crime requires international collaboration

The need to learn from international experience, and to collaborate with international partners, is particularly acute given the transnational nature of the sexual exploitation 'industry'.

Trafficking for sexual exploitation is the most detected form of human trafficking⁷ and the most profitable form of modern slavery in the world.⁸ The trafficking of predominantly women and girls for the purpose of sexual exploitation generates profits of nearly \$100 billion per year.⁹ Scotland is a part of this global trade in sexual exploitation.

The technology that traffickers and pimps often use to facilitate their criminal activity is also transnational in nature. A common tactic used by traffickers is to advertise their victims to sex buyers on 'pimping websites' – websites dedicated solely or partly to advertising individuals for prostitution. Some of the pimping websites that advertise women for prostitution in Scotland are owned or operated overseas.¹⁰

In the context of global threats and common challenges, it is vital to learn from international insights on combatting commercial sexual exploitation.

International obligations to tackle demand for commercial sexual exploitation

Scotland has multiple international obligations to discourage demand for sexual exploitation.

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children ('Palermo Protocol')

Article 9.5 of the Palermo Protocol stipulates: "States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking."¹¹

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Article 6 of CEDAW stipulates: "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."¹²

Council of Europe Convention on Action against Trafficking in Human Beings

Article 6 of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings requires member states: "To discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures".¹³

Legislation

Title / location: The Act on prohibiting the purchase of sexual services (SFS 1998:408) was part of a government bill to combat violence against women. The provisions in that Act are today located in Chapter 6, Section 11 of the Swedish Penal Code.¹⁵ The provisions are commonly referred to as the Sex Purchase Act.

Date introduced: The Act on prohibiting the purchase of sexual services was passed in 1998 and came into force on 1 January 1999.

Key components of the legislation:

- Demand deterrence: Paying for sex is a criminal offence. The maximum penalty for this offence was originally one year's imprisonment. In accordance with Sweden's system for issuing fines, if an offender received a fine rather than a prison sentence, the size of the fine would depend on the offender's level of income. In August 2022, the law was updated so that the minimum penalty for paying for sex is imprisonment.¹⁶ 'Payment' for sex includes any payment in kind – such as the exchange of drugs or alcohol.¹⁷
- Decriminalisation of victims: It is not an offence to be paid for sex or to solicit for prostitution.
- Accountability for third-party exploiters: Promoting or profiting from another person's prostitution was already an offence.

Progress

Demand:

The proportion of men in Sweden who reported paying for sex dropped from 12.7% to 7.6% between 1996 and 2008.¹⁸ Research published in 2015 found that 7.5% of men had paid for sex. Just 0.8% of these men had paid for sex in

the previous 12 months - the smallest proportion recorded in two decades and the lowest level in Europe.¹⁹

Public attitudes:

Public attitudes towards whether paying for sex should be an offence have changed significantly since the Sex Purchase Act was introduced. In 1996, prior to the law's adoption, 45% of women and 20% of men in Sweden expressed support for criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men.²⁰ Statistics reported in 2015 revealed that 85% of women and 60% of men (72% overall) were in favour of the law criminalising the purchase of sex.²¹

Trafficking:

The Committee of Inquiry to Evaluate the Ban against the Purchase of Sexual Services, headed by Sweden's Chancellor of Justice, evaluated Sweden's legislation on prostitution in 2010. The Committee reported: "According to the Swedish Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers who are considering establishing themselves in Sweden."²²

Law improvements:

Since the law's introduction, there have been various efforts to make improvements to Sweden's prostitution legislation, including successfully increasing the minimum sentence for the offence of paying for sex. Other proposals have included extending the offence of paying for sex so that Swedish courts can prosecute those committing the offence of paying for sex whilst abroad.²³ In the most recent attempt to introduce such a bill, politicians highlighted the fact that the vast majority of Swedish men who continue to pay for sex do so while abroad.²⁴ This measure is already in

place in Norway, where it is an offence for a Norwegian national or person domiciled in Norway to pay for sex whilst abroad.²⁵

Key learning

Training for law enforcement agencies is required for effective enforcement.

After the introduction of the Sex Purchase Act, initial enforcement levels were low. A lack of support and expertise within the police was identified as a key reason for this.

“

In the first years, the legislation within the police was met with great skepticism... Very many colleagues, including myself, had never come in contact with this type of crime and the knowledge was non-existent in the police organization. Through efforts and other knowledge-raising measures, more and more police officers have opened their eyes to these crimes and it is clearly reflected in the statistics. ...efforts against prostitution and human trafficking are prioritized in a completely different way today compared to just a few years ago.

”

- Detective Inspector Simon Haggström, Swedish Police²⁶

In 2009, the Stockholm Police Prostitution Unit was established.²⁷ This specialised policing unit now provides expertise and training to police officers across Sweden on enforcing the Sex Purchase Act.

Detective Inspector Simon Haggström of the Swedish Police insists, "the key there is to train. The reason why many police officers before did not enforce the legislation was that they simply didn't know how."²⁸

Police also now collaborate closely with social services during enforcement action. A social worker accompanies detectives from the Stockholm Police Prostitution Unit during enforcement activities, whose role is to liaise with and offer support to victims.

Detective Superintendent Kajsa Wahlberg, National Rapporteur on Trafficking in Human Beings, says: "The sex purchase law has proven not only to be a good and efficient tool to detect traffickers and pimps but also a way to find and identify victims. Women in prostitution can cooperate with the Police and provide information since they are not criminalized."²⁹

Build infrastructure to support the law's implementation.

In 2009, the National Coordination Office against Prostitution and Trafficking was established.³⁰ Its purpose is to support the effective implementation of the Sex Purchase Act by facilitating cooperation between key stakeholders, including support services and criminal justice agencies. Originally hosted at the County Administrative Board of Stockholm, responsibility for coordination now sits with the Swedish Gender Equality Agency.³¹

As part of its coordination activities,

the Swedish Gender Equality Agency oversees the National Task Force Against Prostitution and Human Trafficking. This task force provides assistance to government bodies working on matters relating to prostitution and trafficking.

“Part of the national coordination at the Swedish Gender Equality Agency is the National Task Force against Prostitution and Human Trafficking. The National Task Force consists of government agencies that work against prostitution and trafficking in human beings, and serves as a strategic and operative resource for the development of the coordination of government agencies and NGOs. The goal is to prevent prostitution and trafficking for all purposes in Sweden. An important part of the work is to improve the protection of victims and increase the prosecution of perpetrators. A special support structure designed to assist the government agencies has been developed within this government agency framework. The support structure includes a telephone helpline... a return programme, and a number of regional coordinators against prostitution and trafficking. We also provide the National Referral Mechanism.” - Swedish Gender Equality Agency³²

Meghan Donevan, Research Director at Talita, an organisation that provides support services to victims of commercial sexual exploitation, states: “Because of the [legislative] model, what we see now is that we have a very effective and unique collaboration between public authorities and NGOs.”³³

Develop a nationwide network of support and exiting services.

A core component of Sweden’s approach to combatting prostitution is the provision of support and exiting

services for individuals exploited through the prostitution trade.

Meghan Donevan at Talita highlights the ongoing need to ensure nationwide access to specialist support services. She reports: “Even though Sweden has had that very strong emphasis on social measures, holistic support, since the 70’s, we still see that it needs to be systematic throughout the country. We need trauma-informed, specialised clinics and shelters throughout the country.”³⁴

The Swedish Government has also recognised the need for greater resources for support services. Anna Ekstedt, Sweden’s Ambassador at Large for Combating Trafficking in Persons, says: “The Government has also now identified that additional efforts are needed for prevention, protection and support to people in prostitution in Sweden and additional resources have been allocated to the National Coordination at the Swedish Gender Equality Agency as an example. ... we continuously have to review and develop our processes to counter the phenomenon and ensure the rights of victims.”³⁵

Tackle sex trafficking and prostitution together.

Demand from men who pay for sex drives both prostitution and the trafficking of women into prostitution. As a result, prostitution and trafficking are treated as interlinked, not completely separate phenomena. Police trafficking units, prostitution units and municipal prostitution groups across the country work collaboratively to combat sexual exploitation.³⁶

Sweden’s National Task Force Against Prostitution and Human Trafficking embeds recognition of the interlinked nature of prostitution and trafficking

in the architecture supporting the implementation of the Sex Purchase Act.

“

It [the Sex Purchase Act] has definitely made Sweden a bad market for traffickers to conduct activities. There is too much money in trafficking businesses, it is so much money, so trying to stop it without targeting the demand is impossible.

”

- Detective Superintendent Kajsa Wahlberg, National Rapporteur on Trafficking in Human Beings³⁷



Ireland

Legislation

Title / location:

Part IV of the Criminal Law (Sexual Offences) Act 2017.³⁸

Date introduced: Part IV of the Criminal Law (Sexual Offences) Act was passed on 14 February 2017 and enacted on 7 March 2017.

Key components of the legislation:

- Decriminalisation of victims: It is not an offence to solicit for the purpose of prostitution.
- Demand deterrence: Paying for sex with money or any other form of remuneration is a criminal offence. The penalty is either a class E fine (of up to €500), a class D fine (of up to €1,000) or a prison sentence of up to six months imprisonment.³⁹
- Accountability for third-party exploiters: Brothel keeping, living on the earnings of another person's prostitution and other forms of third-party involvement in prostitution were already illegal under the Criminal Law (Sexual Offences) Act 1993.⁴⁰

Progress

Enforcement:

In 2020, University College Dublin's Sexual Exploitation Research Programme (SERP) published 'Shifting the Burden of Criminality', an analysis of the Irish sex trade in the context of prostitution law reform. The assessment concluded: "at just over three years old, it is very early days in terms of assessing the achievement of this objective in Ireland, but the official statistics, reports from women, service providers and the GNPSB [Garda National Protective Services Bureau] are very promising. These indicate a major shift in the burden of criminality in the right direction – from the seller, who is now decriminalised, to the buyer who is

criminalised for fuelling the demand for women that sustains the sex trade."⁴¹

“

Why this law works is because it puts them [sex buyers] at risk of bringing what they do in the dark into who they are in the day.

”

– **Mia de Faoite, Survivor-activist and Training Coordinator, Ruhama**⁴²

Victim relations with police:

Analysis by SERP in 2020 found that "the 2017 Act has already increased the likelihood that women in prostitution will report violence committed against them without fear of being criminalised themselves, and that in turn they will receive a more positive, supportive and understanding response from the Gardaí."⁴³

Furthermore, in 2021 the Department of Justice announced that previous criminal convictions for soliciting for the purpose of prostitution will be expunged, in order to support victims of sexual exploitation to overcome barriers to exiting and rebuild their lives.

The Minister for Justice, Helen McEntee, said: "The erasing of all such convictions, and the expunging of the resulting criminal records, will send an immensely important message to those in the sex trade. It will firmly assert our national policy position that the focus of An Garda Síochána's attention is not directed towards those in the sex trade, who are exploited and victimised, but rather towards those

who are responsible for exploiting them and those who purchase and demand services."⁴⁴

Public attitudes:

There is a high level of public understanding that prostitution is a form of sexual exploitation. In an independent poll of Irish adults commissioned in 2020 by Beyond Exploitation, a campaign focussed on the implementation of Ireland's new prostitution laws, 71% of respondents agreed that prostitution is sexual exploitation and that people should be supported to leave it.⁴⁵

Key learning

Partnership working is crucial to the adoption and implementation of laws to combat demand and support victims.

The introduction of Part IV of the Criminal Law (Sexual Offences) Act followed a 6-year campaign by a coalition of survivors and civil society organisations. Members of Ireland's Turn Off the Red Light campaign included front-line services, trade unions, youth organisations, women's groups and local authorities.

Mia de Faoite, a survivor of prostitution who played a key role in the campaign, said: "The Turn Off the Red Light campaign played a pivotal role in Ireland achieving legislative change. In fact, it was the main reason it happened. Ireland's legislation was about the protection of human dignity and the freedom of others, so it was vital that political parties and civil society set aside their other differences and worked together to make this progressive law change. Protecting the vulnerable is our collective responsibility."⁴⁶

Partnership working is also proving important for the effective

implementation of Part IV of the Criminal Law (Sexual Offences) Act. In 2021, the Beyond Exploitation campaign was launched to facilitate collaboration. Established by the National Women's Council of Ireland with partner organisations Ruhama and the Immigrant Council of Ireland, Beyond Exploitation brings together civil society organisations to work towards the full implementation of Ireland's laws to combat commercial sexual exploitation.⁴⁷

In 2017, a High Level Working Group was also formed to support and monitor the implementation of Part IV of the Criminal Law (Sexual Offences) Act. Members include An Garda Síochána (Ireland's National Police and Security Service), the Health Service Executive and SERP – University College Dublin.⁴⁸

The provision of support and exiting services for victims is a vital component of law reform.

A review of the implementation of Ireland's prostitution law reforms by the High Level Working Group in 2020 concluded that there was insufficient resourcing of support and exiting services for women affected by prostitution and sex trafficking in Ireland. As a result, the Group recommended to the Irish Government: "The provision of supports and exit routes for those in prostitution must be enshrined into policy in Ireland, and resources increased so that women can be supported across the entire country."⁴⁹

The National Women's Council of Ireland highlight, "Exit pathways are integral to Part IV meeting its intended aims. The absence of state supported exit pathways weakens completely the objective and purpose of Part IV."⁵⁰

Ireland's Beyond Exploitation campaign is now campaigning for the Government to establish fully resourced exit pathways for those who want to leave the prostitution trade.

Building and maintaining a robust evidence base is vital for effective action against sexual exploitation.

Prior to the adoption of Part IV of the Criminal Law (Sexual Offences) Act, a strong evidence base on prostitution and trafficking in Ireland was developed, including evidence on how to combat demand from sex buyers. The Immigrant Council of Ireland, for instance, led the international research project, Stop traffick! Tackling demand for sexual services of trafficked women and girls, which provided evidence on how to reduce demand from sex buyers.⁵¹

Since Ireland's prostitution laws were reformed in 2017, organisations have continued to build the evidence base surrounding prostitution and sex trafficking in Ireland, helping to ensure effective implementation of the legislation and supporting wider efforts to combat commercial sexual exploitation. For instance, in 2020, the High Level Working Group published an interim report detailing evidence on the effectiveness of implementation efforts.⁵² Also in 2020, SERP was funded by the Department for Justice and Equality to provide an analysis of the sex trade in Ireland.⁵³

Additionally, in 2021 the Health Service Executive Women's Health Service and SERP undertook a comprehensive study to assess the impact of prostitution on women's physical, sexual, reproductive and mental health.⁵⁴ It found that women involved in the sex trade face a series of significant adversities in their lives and are subjected to acute bodily and emotional harm as a result of their

experiences with sex buyers.

Public education campaigns are crucial to realising the potential of the law.

In order to deter sex buyers, it is necessary to build public awareness of reforms which make paying for sex a criminal offence. Education campaigns are also essential for ensuring that women exploited in the sex trade are equipped with the knowledge that they are not committing an offence, removing a key barrier to seeking help and support.

The need to increase awareness of the law among women involved in prostitution in Ireland was highlighted by a woman who was raped by a sex buyer when she shared her experiences with the support service Ruhama: "I didn't know the law had changed and that it wasn't illegal any more for me to sell sex until the women in the van told me. I had been too afraid before to go to the Gardaí to tell them in case I got in trouble or they told me it was my own fault. It was stressful to report it but the Gardaí were okay, and I felt at ease telling them about my experience."⁵⁵

France

Legislation

Title / location:

Act no. 2016-444, 'to strengthen the fight against the prostitution system and to support prostitutes', modified the provisions of nine legislative codes.⁵⁶

Date introduced:

The French Parliament passed The Act Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons on 13 April 2016.

Key components of the legislation:

- Decriminalisation of victims: Individuals exploited through prostitution are decriminalised via the repeal of the offence of solicitation.
- Demand deterrence: Paying for sex is a criminal offence. The penalty is a fine of €1500. The penalty increases for repeated offences, and a prison sentence can be imposed where there are aggravating circumstances.⁵⁷
- Support for victims: Protection, assistance and support for exiting prostitution is provided.
 1. Every department (local authority) is required to operate an agency to coordinate assistance for victims of prostitution, pimping and human trafficking.⁵⁸
 2. A fund for preventing prostitution and providing social and professional support to prostituted persons was established.⁵⁹
 3. Temporary residence permits valid for at least six months can be issued for victims of prostitution who are not French nationals.
- Education: The Act establishes a national policy for prevention, education and training on sexual exploitation. This includes a requirement that social worker education must include training on preventing and identifying prostitution, pimping and trafficking.
- Accountability for third-party

exploiters: Enabling or profiting from the prostitution of others was already a criminal offence in France prior to 2016.

“

It is a very protective framework. It has produced encouraging results in France, and it is the one model that serves women's rights and social justice.

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- Héma Sibi, CAP International⁶⁰

Progress

Enforcement:

Héma Sibi, Advocacy Coordinator at the Coalition for the Abolition of Prostitution (CAP International), highlights the immediate change in policing activity towards individuals exploited through prostitution as a result of the 2016 Act: "The first aim of the law in France was to shift the criminal burden from the victims to the perpetrators and thus to decriminalise prostituted persons. Before the Equality Model in France, nearly 2000 prostituted persons were arrested per year on prostitution activities, compared to none after."⁶¹

Conversely, enforcement action against sex buyers now takes place. Héma Sibi reports: "Since we adopted the law, there are almost 5000 sex buyers who have been arrested in France. What we know about the profile of those arrested and having participated in a mandatory awareness-raising workshop on prostitution, is that obviously, and without surprises, all of them are men, 60% of them are actually married, and

70% of them have children.”⁶²

Support services:

A fundamental component of the French legislation is the provision of exiting prostitution programmes for people involved in the sex trade when they wish to access them. Programmes include monthly financial support, accommodation, residence permits where necessary, psychosocial support and support in professional reintegration. CAP International’s Héma Sibi says: “What we can see is that since we adopted the law, 600 women have benefitted from an exit programme and almost 90% of those who have finished an exit programme and who are supported by our French grassroots organisation have found a stable job at the end of this exit programme.”⁶³

Public support:

An opinion survey conducted by Ipsos in 2019 revealed a high level of support among the French public for the country’s abolitionist prostitution laws. The survey found that 78% of the French public support France’s 2016 legislation on prostitution, which criminalised paying for sex and decriminalised victims. 74% of French people think that prostitution is violence.⁶⁴

The Conseil Constitutionnel (the French Supreme Court) also ruled in 2019 that the 2016 Act criminalising the purchase of sex was constitutional, following a challenge to its constitutional status.⁶⁵ The Conseil Constitutionnel’s ruling stated that the law helped to protect women “by depriving pimps of their profits” and “fights against this activity and against the sexual exploitation of human beings, criminal activities founded on coercion and enslavement.”⁶⁶ The ruling further stated, “in the vast majority of cases, people who end up working in prostitution are victims of pimping and trafficking”.

Key learning

Strong political leadership was pivotal to securing legal reform.

Strong political leadership proved crucial to the introduction of the Act Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons. Najat Vallaud-Belkacem was France’s Minister for Women’s Rights between 2012 and 2017 and led the reforms, securing cross-party majority backing.

Najat Vallaud-Belkacem states: “My conviction was [that] it was up to the politicians to take the initiative. It was up to politicians, in particular, to show how the current system was feeding into the globalized crime industry. ... Until the last minute I didn’t give up. I didn’t want to miss any chance, any votes. The Sunday preceding the day of the vote we called almost one by one the members of Parliament to convince them. The law was finally adopted with 130 votes of difference. Our relentless effort had paid off. And above all, I was deeply convinced that we had taken an essential step and reached a point of no return. ...this law was really an abolitionist turning point in our country.”⁶⁷

Civil society advocacy also played an important role in securing support for the 2016 Act. Prostitution survivors, organisations and activists mobilised in support of the reforms. Héma Sibi of CAP International highlights that the successful adoption of the legislation resulted from “a push from the feminist civil society calling for the Abolitionist Model on prostitution and some brave MPs that carried the voices of these feminists within the Parliament”.⁶⁸

A multi-faceted legal framework supports the multiple objectives of France’s response to prostitution.

As indicated in the title of the 2016 Act – Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons – the legislation has multiple objectives. These include deterring demand from sex buyers, supporting women to exit prostitution, preventing sexual exploitation through education and training, and promoting equality between women and men.

As such, the Act provides a multi-faceted legal framework that modified the provisions of nine legislative codes.⁶⁹ The provisions include rights and entitlements for victims, penalties for offenders, education initiatives, implementation infrastructure and financial resources.

The level of criminal penalty can influence policing priorities.

In France, a first-time offender faces a maximum penalty of a €1500 fine for paying for sex if there are no aggravating circumstances.

Lorraine Questiaux, head of legal affairs at Mouvement du Nid, an organisation that provides support for victims of sexual exploitation in France, highlights the potential implications of low-level penalties for paying for sex. She says, “as it is a very small penalty, the policemen don’t consider it as being something which is really a social problem which is really something they should fight for.”⁷⁰

Ongoing political leadership and resourcing is required to realise the law’s potential.

Najat Vallaud-Belkacem, France’s former Minister for Women’s Rights, explains

that not only is political leadership crucial to securing the introduction of legislation to prevent commercial sexual exploitation, it is necessary for the implementation of that law. She states, “it is very important to adopt a law, but what is also very important is to be consistent and to stay with the same objective and the same aim and the same motivation in a longer time if you want to have some results.”⁷¹

Advocacy to strengthen the implementation of the 2016 Act is ongoing in France. Héma Sibi says, “We can see that we still have some challenges. I would say the main one is, now that we have the law, is to implement it in a homogenous way on all the French territory. Because, for example, sex buyers have been mostly arrested in Paris, and it’s important that every region in France applies this.”⁷² Héma Sibi also highlights the need for greater resourcing: “We need more financial means that are allocated to this law so we can have a law that reaches its full potential.”⁷³

Legislation

Title / location: Article 206 of the General Penal Code, no.19 February 12, 1940 (sexual offences).

Date introduced: Iceland's legislation came into force in 2009.

Key components of the legislation:

- Demand deterrence: Paying or promising payment or any other form of remuneration for prostitution is punishable by a fine or imprisonment of up to one year.
- Decriminalisation of victims: Selling sex had already been decriminalised in 2007.⁷⁴
- Accountability for third-party exploiters: Profiting from or promoting the prostitution of others was already punishable by imprisonment for up to four years. Advertising prostitution is also an offence punishable by up to six months imprisonment.

“

A very important gender equality milestone was reached in 2009 when the purchasing of sex was made illegal... I firmly believe that this change, when the purchasing of sex was made illegal, is very important to deter sex buyers, to prevent sex trafficking, and that it was a necessary and important step.

”

- Sigríður Björk Guðjónsdóttir, National Police Commissioner of Iceland⁷⁵

Progress

Shift in police prioritisation:

As a result of the prostitution law reforms, the police in Iceland have shifted their focus to target those who create the demand for prostitution, rather than those exploited in the trade.

Sigríður Björk Guðjónsdóttir, Iceland's National Police Commissioner, states: “Before the changes, the police and the judicial system were not putting any emphasis on prostitution. ... After the changes many investigations have been launched and they have produced many cases because the seller of sex is more likely to cooperate with police”.⁷⁶

Sigríður Björk Guðjónsdóttir also highlights, “The seller can trust the police better, they can provide their testimony which they could never have done before because they were also then being criminalised. ...This is giving us a better chance to bring cases to court, both where sex is bought and also human trafficking.”⁷⁷

Attitudes:

Prior to the law's introduction and following years of public debate, there was already strong public support for criminalising the purchase of sex. A 2007 poll highlighted that 70% of Icelanders were in favour of criminalising paying for sex, with this figure rising to 83% among women.⁷⁸

Steinunn Gyðu- og Guðjónsdóttir from Stígamót, an organisation that provides support services for women involved in prostitution, suggests the legal reforms have further helped to build public understanding of the reality of prostitution. She says, “it has created a sense where people see prostitution as something that threatens the dignity and health of the seller.”⁷⁹

Stígamót's research into the impact of prostitution on its survivors also represents an important evidence base for advancing public understanding of commercial sexual exploitation. For example, a 2022 report from Stígamót found that 60% of female survivors of prostitution have attempted suicide and 92% have been subjected to other types of sexual violence.⁸⁰ Stígamót works with schools to raise awareness of the reality of sexual exploitation, which plays an important role in progressing public understanding of this form of violence against women.

Key learning

The prostitution trade should be tackled as part of broader efforts to combat commercial sexual exploitation.

Iceland's legislative reforms to combat commercial sexual exploitation extend beyond prostitution. In 2010, Iceland became the first country in Europe to outlaw strip clubs.⁸¹ Kolbrun Halldorsdóttir, the parliamentarian who first proposed the bill, said the law was important to demonstrate “that society does not accept that access to a woman's body is sold.”⁸²

Enforcement of legal reforms requires strategic leadership.

Since the demand reduction law was introduced, there has been criticism that its implementation has not been effective. In 2011, an anonymous feminist activist group called Stóra systir (Big Sister) was formed in response to what was believed to be the low priority afforded to identifying and prosecuting sex buyers. The group provided the police with 56 names and 117 telephone numbers of men who had expressed an interest in paying for sex via pimping websites and newspaper adverts that

the activists had placed.⁸³ The group demanded effective enforcement of Iceland's law against paying for sex and action to combat prostitution advertising across all media formats.

Between 2017 - 2021, there were 94 cases relating to prostitution registered in the police database.⁸⁴

Steinunn Gyðu- og Guðjónsdóttir of Stígamót criticises the number of prosecutions of sex buyers achieved. She says, “Some of it comes down to the punishment being very low for this crime so it does not become a priority – at least when it is competing for police attention with cases of rape and child abuse. Also, these cases generally require the police to take initiative – it is not common that the prostitution survivors come to the police to press charges.”⁸⁵ Moreover, the courts have ruled that the names of sex buyers should not be published, unlike for other sexual offences where names of perpetrators are published if they not connected to the family.⁸⁶ This, as well as cases taking place in closed court rooms, has been criticised for removing an important deterrent to would-be sex buyers.⁸⁷

Importantly, Steinunn Gyðu- og Guðjónsdóttir points out, “when the law was passed it didn't come with an action plan. Managing to get the ideology of prostitution being deemed as violence into the legislation was a huge win.”⁸⁸ An action plan to ensure the effective implementation of the law and comprehensive provision of support services for victims of sexual exploitation are still needed to realise the full potential of Iceland's legislation.⁸⁹

United States

Legislation

Title:

The Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (H.R. 1865)⁹⁰

Date introduced:

The Allow States and Victims to Fight Online Sex Trafficking Act was signed into law on 11 April 2018.

Key components of the legislation:

- Accountability for online exploitation: The Act establishes criminal and civil liability for websites that promote and facilitate prostitution and sex trafficking. As part of this, it is a criminal offence to own, manage or operate an “interactive computer service” with the “intent to promote or facilitate the prostitution of another person”.⁹¹ This makes it illegal for pimping websites to operate.
- Justice for victims: Victims of sex trafficking and prostitution who have been advertised via a website can sue that website for civil damages if the website knowingly facilitated their prostitution.⁹²

Progress

Shrinking the sexual exploitation marketplace:

Within 48 hours of the Allow States and Victims to Fight Online Sex Trafficking Act being passed, major websites stopped hosting adverts for prostitution.⁹³ Reddit changed its policy to prohibit facilitating transactions that involve “Paid services involving physical sexual content”⁹⁴ while Craigslist blocked a section of their website reported to host prostitution adverts.⁹⁵ These actions were taken in advance of any law enforcement action against those sites.

Valiant Richey, Special Representative and Co-ordinator for Combating Trafficking in Human Beings at the Organisation for Security and Co-operation in Europe (OSCE), reports: “that bill passed and the market declined by eighty per cent in seventy-two hours. We documented the data. Eighty per cent decline in seventy-two hours. I’m not aware of any anti-trafficking legislation anywhere in the history of the world that had such an impact on the market in such a short time.”⁹⁶

One year after the Allow States and Victims to Fight Online Sex Trafficking Act was passed, Childsafe.ai conducted an analysis of the impact on online prostitution advertising.⁹⁷ The research found that the sexual exploitation advertising market was significantly disrupted, with a reduction in demand and the failure of any pimping websites to recapture the previous market dominance of Backpage - formerly the biggest pimping website. Backpage was shut down in the same month that the Allow States and Victims to Fight Online Sex Trafficking Act was signed into law. The analysis reported: “One year after the market disruption in April 2018, web traffic to advertising websites selling sex draw 5-8% of the unique visitors individually as Backpage did at its height in 2016.”⁹⁸ Childsafe.ai concluded: “A 12x increase in the treasure and time required to market commercial sex alters the economics of sex trafficking dramatically. Startup costs are higher, monthly profits are lower and administrative hours are longer. Combined with a significant decrease in demand and an increased perception of risk, sex trafficking is a less attractive illicit business in 2019 than it was in 2018.”⁹⁹

Key learning

Provide support and exiting services for victims of online sexual exploitation.

Valiant Richey, Special Representative and Co-ordinator for Combating Trafficking in Human Beings at the OSCE, highlights the importance of implementing support services for victims alongside legislative and law enforcement action against online exploiters. He states: “When adopting policy like that you also need to supplement it with support for exiting services, support for vulnerable people, that will undoubtedly be needed if you are successful in starting to impact the marketplace.”¹⁰⁰

Legal reform must be accompanied by law enforcement action.

Law enforcement action is crucial to realising the full potential of legislation against commercial sexual exploitation online.

Rob Spectre, CEO of Childsafe.ai, points out that the Allow States and Victims to Fight Online Sex Trafficking Act “did have a debilitating effect overall on the online distribution layer [serving the prostitution trade] that existed in the United States, but its passage was also accompanied by one of the first major federal indictments of a website that was facilitating commercial sex in the United States, a site called Backpage. ... Those twin events together had a significant dislocation for websites that were operating in commercial sex. So those two events together: law enforcement and public policy.”¹⁰¹

In 2020, the National Centre on Sexual Exploitation highlighted that since the initial closures of online prostitution advertising platforms in the wake of the

Allow States and Victims to Fight Online Sex Trafficking Act’s introduction “there has been little enforcement”,¹⁰² warning that this risks undermining the impact of the legislative reforms.

Action against pimping websites is crucial for reducing demand and deterring sex trafficking.

The OSCE’s Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, highlights the importance of tackling websites that advertise prostitution for combatting demand for sex trafficking. He points out that for sex buyers, “Online shopping is a much lower entry threshold than getting in your car and driving around on the streets. And the easier the market is to access, the easier, of course, it is to sell people and to facilitate exploitation. It also reduces risks for exploiters and for buyers, thus enhancing the perception of this as a low risk, high profitability business model.”¹⁰³

Indeed, an inquiry into online pimping by the Scottish Parliament’s Cross-Party Group on Commercial Sexual Exploitation concluded that pimping websites currently play a key role in facilitating and incentivising sex trafficking in Scotland.¹⁰⁴

Update on the state of Maine

In 2023, Maine became the first US state to adopt demand reduction legislation by adopting two acts - An Act to Reduce Commercial Sexual Exploitation (LD 1435)¹⁰⁵ and An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation (LD 1436).¹⁰⁶ These acts decriminalise selling sex, provide support services for people involved in the sex trade and seal existing prostitution convictions.¹⁰⁷ This will support people to exit prostitution by removing the fear

of conviction-related discrimination when survivors are applying for employment or housing, which is a substantial barrier to leaving the sex trade. Existing penalties against sex buyers, who fuel the demand for prostitution, remain.

“

I am proud that Maine is the first state in the country to listen to survivors and understand that what we endured was not ‘work,’ but pervasive injuries and violence that destroy individuals’ lives and communities.

”

- Tricia Grant - Survivor and Executive Director of Maine-based Just Love Worldwide¹⁰⁸

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