

Challenging the introduction of the Nordic Model



The Smart Sex Worker's Guide



nswp Global Network of Sex Work Projects
Promoting Health and Human Rights



Global Network of Sex Work Projects

Promoting Health and Human Rights

NSWP exists to uphold the voice of sex workers globally and connect regional networks advocating for the rights of female, male and transgender sex workers. It advocates for rights-based health and social services, freedom from abuse and discrimination and self-determination for sex workers.

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Introduction

The ‘Nordic Model’ is used to describe the approach – first promoted and implemented in Sweden – of criminalising the purchase of sex under a broader ideological framework that sees all sex work as violence. The Nordic Model aims to eradicate sex work both in the short term, via criminalisation and fines for buying sex, and in the long term, by creating an understanding of sex work as inherently harmful to both the individual and society. Under this framework all sex workers are viewed as victims lacking agency, and sex work is seen as something that is impossible to choose or to consent to.

It is frequently suggested that Sweden decriminalised sex work/ers in 1999, however the laws criminalising the purchase of sex were added to an existing regulatory framework. Selling sex was not historically criminalised in Sweden, although sex workers have been the targets of other criminal laws. Exporting the idea of criminalising the purchase of sex has been a central aim of the Swedish government since long before the law itself was introduced, and since 1999 vast resources have been dedicated to its promotion.

Previously referred to as the ‘Swedish Model’, its supporters have increasingly referred to this approach as the Nordic Model, reinforcing the broader agenda of normalising the spread and inevitability of the model. There is no uniform ‘Nordic’ approach to sex work¹; Finland has criminalised purchasing sex only from individuals who are defined as ‘trafficked’ and Denmark has not implemented any sex-purchase ban model. Iceland criminalised the purchase of sex, adopting the same ideology and view on sex work as Sweden. Norway, after initially rejecting the model, has now adopted it, bowing to public pressure regarding the increasing number of visible migrant sex workers in the street-working area in Oslo.²

1 May-Len Skilbrei et al., “The ‘Nordic Model’ of prostitution law is a myth,” *The Conversation*, 16 December 2013.

2 Amnesty International, 2016, “The human cost of ‘crushing’ the market: criminalization of sex work in Norway.”

Despite claims that the criminalisation of purchasing sex is a new and innovative approach, the Nordic Model does not represent a radical departure from historical regulatory approaches to sex work, under which sex workers have been treated as both criminals and ‘victims’. The notion of sex work as a threat to the fundamental values of society, or as a phenomenon which should be eradicated, is hardly new. The Nordic Model’s sole invention is a repackaging and marketing of old rhetoric as a necessary measure to achieve true gender equality and to end male-perpetrated violence against women. To further Sweden’s goals of social policy exportation, the model has been marketed to take advantage of a trend in international demand for policy that responds to trafficking and issues of migration and labour exploitation via punitive enforcement measures and further expansion of border controls.³

This Smart Guide builds on NSWP’s existing toolkit on the ‘Swedish’ model⁴. NSWP members were consulted on their experiences with the Nordic Model via an e-consultation process, and excerpts from their submissions feature heavily in this guide. The first section looks at the harms caused to sex workers in countries where the Nordic Model has been introduced and summarises the arguments against introducing this approach. The second section draws on the in-depth interviews conducted with NSWP member organisations about their experiences challenging the Nordic Model, and includes case studies of organising for sex workers’ rights and challenging the dangerous rhetoric and impacts of the Nordic Model. This guide is intended as a tool to strengthen and support NSWP members and sex workers’ rights advocates’ ability to actively challenge proposals to introduce the Nordic approach in their countries.

3 Elizabeth Nolan Brown, “What the Swedish Model gets wrong about Prostitution,” Reason, 19 July 2014.

4 Global Network of Sex Work Projects, 2015, “The Real Impact of the Swedish Model on Sex Workers Advocacy Toolkit.”

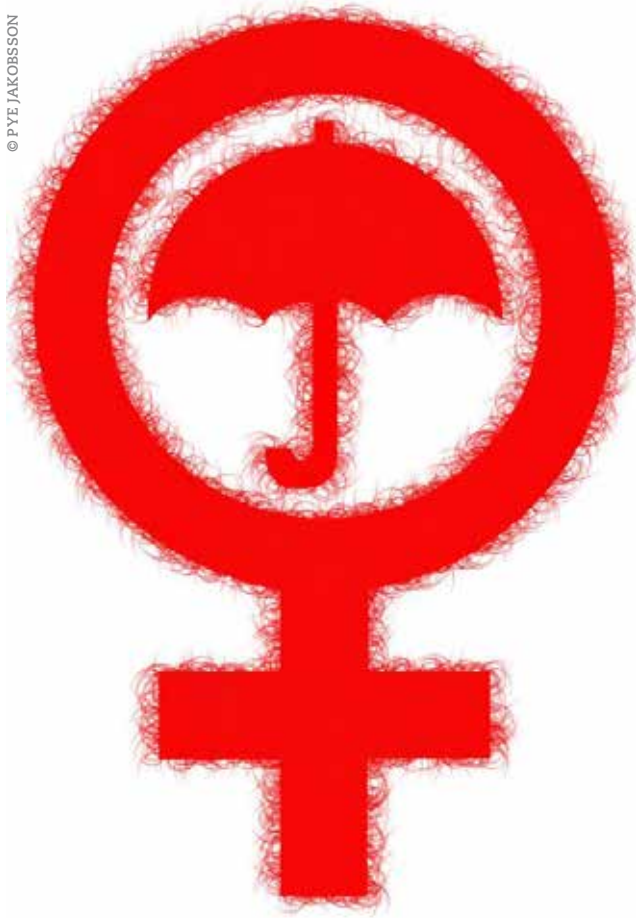
Intended and unintended consequences of the Nordic Model

The Nordic Model is harmful to sex workers in several ways. Many of the harmful consequences experienced by sex workers under the Nordic Model are calculated and explicitly intended. They are justified as necessary to achieve the overarching goal of a society where there is no sex work. Other negative consequences of the model were not necessarily expected or even considered. Even where these harms were not initially intended, they have been defended as necessary outcomes, or seen as further evidence of success.

The intended consequences of the Nordic Model have remained essentially unchanged since its initial development. The one major addition has been the argument that it effectively reduces trafficking.

The key aims of the Nordic Model include:

- To create a normative change. To send a message that society does not tolerate sex work as it is a form of violence against women perpetrated by men; that it is unacceptable and impedes equality. To shift the focus of blame from sex workers to clients as the cause of harm: to sex workers, as well as to society.
- To reduce demand for sex work and thereby reduce the presence of sex work itself. This is to be achieved through a number of different measures, such as targeted information and education; broader awareness campaigns; and the criminalisation of sex workers' clients, based on the principle that 'if men did not purchase sex there would be no prostitution'.
- To combat trafficking (and perceived trafficking) by reducing the client pool and making it an unattractive market for traffickers.
- To export the criminalisation of purchasing sex and the ideology behind it; to convince other countries to implement similar laws and by doing so ensure the spread of opposition to sex work as a form of labour.



Feminist symbol Red Umbrella

Intended consequences

Consequences of normative change

Its supporters justify the Nordic Model as an effective means of ‘sending a message’ that buying sexual services is unacceptable. This intended aim of the Nordic Model is critical to its successful promotion, as it allows governments to claim an indisputable achievement as soon as they introduce a law criminalising the purchase of sex. Whether this effectively creates the cultural change it aims to achieve is another question entirely. In fact, research in jurisdictions that have introduced the Nordic Model suggests that it has little to no tangible effect on the rate at which clients purchase sex. While supporters of the Nordic Model often cite a survey in Sweden that found many people support the law, when asked if they believe the law works, only one in five respondents said they thought it had any effect on the number of people who buy sex.⁵ Research in Northern Ireland has concluded it is “unclear that criminalisation will change the behaviour of male purchasers, many of whom thought that their actions were already illegal.”⁶

5 Jari Kuosmanen, “Attitudes and perceptions about legislation prohibiting the purchase of sexual services in Sweden,” *European Journal of Social Work* 14.2(2011):247–263.

6 Susann Huschke et al., “Stopping the Traffic? The problem of evidence and legislating for the ‘Swedish model’ in Northern Ireland,” *Anti-Trafficking Review* 8(2017):16–33.

A new norm, the victim narrative, has resulted in severe negative consequences for sex workers. While many of the harms sex workers face under the Nordic Model could be seen as unintended, they are also the predictable outcome of any policy developed and implemented without meaningful consultation with sex workers. Under the Nordic Model, the message that sex work is violence against women and incompatible with equality, means that sex workers' experiences of harm are weaponised against them and used as further evidence of positive outcomes of a model that is harming them.

Reducing demand by reducing sex workers' options

'End Demand' offers a way for states to absolve themselves of responsibility for rights violations and exploitation, and allows them to avoid addressing the structural issues necessary to ensure equality. Reducing demand is oversimplistically represented as a way to address the lack of labour and human rights protections for workers. There are a number of negative consequences for sex workers under an end demand approach, such as increased policing that targets sex workers, disregard for sex workers' safety, and problematic attitudes among service providers (including health providers and law enforcement).

Demand-based approaches obscure structural factors of inequality such as inequitable access to resources and discriminatory migration policies. As the Global Alliance Against Traffic in Women (GAATW) notes, "demand-based approaches fail to acknowledge migrants' and workers' own demands, motivations, aspirations, resistance strategies and recommendations."⁷

Increased policing, targeting sex workers

The Nordic Model is a model of criminalisation, and therefore requires increased policing resources. Policing is resource- and cost-intensive, as Simon Haggstrom from the Stockholm Police Prostitution Unit confirms: "you have to investigate these kinds of [sex purchase] crimes, because no-one reports them. And it's like looking for a needle in a haystack."⁸

7 Global Alliance Against Trafficking in Women, 2011, "[Moving Beyond Supply and Demand Catchphrases](#)."

8 "[Sweden's Prostitution Law Part II: A Decade Old Taboo](#)," Sveriges Radio, 26 August 2010.

Sweden did not have red-light districts, or known premises with several sex workers before the model was introduced. As a result, individual sex workers, rather than districts or venues, have become the target of police surveillance. It is well understood that attitudes to sex work among police, social services and other state actors are heavily influenced by political agenda, and that sex workers bear the brunt of reinforced stigma through prejudiced and discriminatory service delivery.

Lack of safety

If this legal model had no negative effects – or even improved the lives of people who sell or trade sex – sex workers and sex worker-led organisations would support it. However, sex worker-led organisations worldwide (along with organisations such as the Global Alliance Against Traffic in Women, Human Rights Watch, and the World Health Organization) oppose the Swedish model. This opposition is grounded in the fact that the model harms people who sell sex, whether those people are working through choice, circumstance or coercion.

SCOT-PEP BRIEFING PAPER⁹

Nordic Model ideology necessitates approaching sex workers as victims, and legislating for an increased level of power and intervention by the state authorities in sex workers' lives. This represents the logical failure of historical policies that produce a contradiction for authorities: to both protect a (victim) group and enforce punitive laws against them simultaneously.

Sex workers in France reported in their submissions that the introduction of the Nordic Model saw “clients’ bargaining power increasing, rates decreasing, and a need [for sex workers] to take more risks, to be more mobile and available, and to adapt to clients’ demands.” Research in Canada¹⁰ and the UK¹¹ has shown that criminalising clients undermines sex workers’ ability to implement safety measures, and reduces negotiation time for street-based sex workers. Given the logical nature of these consequences in terms of market dynamics, this disregard for sex workers’ safety must be considered an *intended* effect. Another intended harm is the consequence of withholding safe sex and safety information on the basis that it encourages sex work and is an inappropriate use of state funding – a rights-based approach is deemed incompatible with the Model.

9 SCOT-PEP, 2015, “The Swedish Model: a briefing from SCOT-PEP.”

10 A Landsberg et al., “Criminalizing Sex Work Clients and Rushed Negotiations Among Sex Workers Who Use Drugs in a Canadian Setting,” *Journal of Urban Health* 94.4(2017): 563–571.

11 Kim Blankenship et al., “Criminal Law, Policing Policy and HIV Risk in Female Street Sex Workers and Injection Drug Users,” *Journal of Law, Medicine & Ethics* 30.4(2002): 548, 550.

Increased power to police, increased policing and surveillance of migrant sex workers

The Nordic Model considers all sex work – by default – as involuntary; this has specific implications for migrant sex workers. If their work is involuntary, then they are not only victims of violence under the Nordic Model framework, but also victims of human trafficking, regardless of consent or the conditions under which they work or migrate. This conflation of sex work and trafficking severely increases the ability of the police to implement measures reserved for the serious crime of trafficking.

Most countries already have laws that prohibit trafficking, or equivalent offences. It is unclear why the Nordic Model has been held up as an effective approach to trafficking in the sex industry, when an end demand approach has not been encouraged in other industries that have high levels of trafficking (such as the domestic, agricultural and textile industries). Sweden's conflation of sex work with trafficking has attracted criticism from the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA):

GRETA notes that the identification of victims of trafficking in Sweden depends to a large extent on their willingness or ability to provide information necessary for the initiation of a criminal investigation. GRETA is concerned that this leaves victims of trafficking without formal identification and outside of the scope of the protection measures provided for under the Convention.¹²

Globally, trafficking policies have been heavily influenced by the increasingly xenophobic and racist border control agendas of countries in the Global North, as well as the U.S. formulated Trafficking in Persons (TIP) reports. This environment has allowed the Nordic Model to gain traction as a solution to trafficking. In reality, the Nordic Model serves as an ineffective tool requiring substantial ongoing financial resources that enables increased racial profiling and deportation of migrant sex workers. The Nordic Model claims to protect migrant sex workers by granting police increased powers to raid their workplaces under the guise of targeting human traffickers, third parties and clients. In reality, when migrant sex workers' workplaces are raided they are targeted for police abuse, arrest, detention and deportation; another logical intended consequence showcasing a lack of consultation with the affected population.

12 Group of Experts on Action against Trafficking in Human Beings, 2014, "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden."

Migrant sex workers in Sweden report that police do not just arrest their clients, they also inform hotels and landlords of their activities, resulting in sex workers being thrown out without refunds. Additionally, any contact with the police often results in deportation for ‘not earning a living in an honest way’ in accordance with the Alien Act, even though selling sex itself is not illegal. These consequences effectively criminalise the selling of sex for migrant workers under the Nordic Model.

In Canada, the introduction of a Nordic Model-style bill in 2014 has seen increased profiling and raids on the workplaces of Asian sex workers:

“the new laws coupled with immigration laws put Asian sex workers more at risk.”

SEX WORKER-LED ORGANISATION, CANADA

As many sex worker activists have noted, the conflation of migrant sex workers as trafficking victims under too-broad trafficking legislation has resulted in unreliable and misleading data in many countries.¹³ Comparisons of numbers of assumed victims of trafficking have long been challenged as problematic due to the differences in definitions and methods used in research.¹⁴

13 Robyn Maynard, “Carceral Feminism: The Failure of Sex Work Prohibition,” *Fuse Magazine* 35.3(2012).

14 Ronald Weitzer, “New Directions in Research on Human Trafficking,” *The ANNALS of the American Academy of Political and Social Science* 653.1(2014): 6–24.

Origami red umbrellas
designed and distributed for
a CEDAW presentation



Increased discrimination

The Nordic Model has facilitated the reversal of anti-discrimination protections and enhanced the ability of state authorities to covertly profile and discriminate against certain groups of people. In 2014, a Swedish bar was taken to court for a policy according to which they refused entry to ‘Asian-looking women’. However, the Court of Appeal found that it was lawful to refuse them entry based on their appearance, given that it was done with the *intention of preventing a crime*, which in Sweden includes sex work.¹⁵

Exporting the Model to other countries

Export of sex-purchase criminalisation and its accompanying ideology has remained a key aim of the Nordic Model; its implementation overseas is seen as ultimate proof of its success. Its spread requires public support and publicity for the model has refuelled a tired, circular debate on sex work in the public sphere, deeply reinforcing stigma. Sweden also encourages countries that have adopted the model to take part in building political pressure focused on other countries considering the model.

Unintended consequences

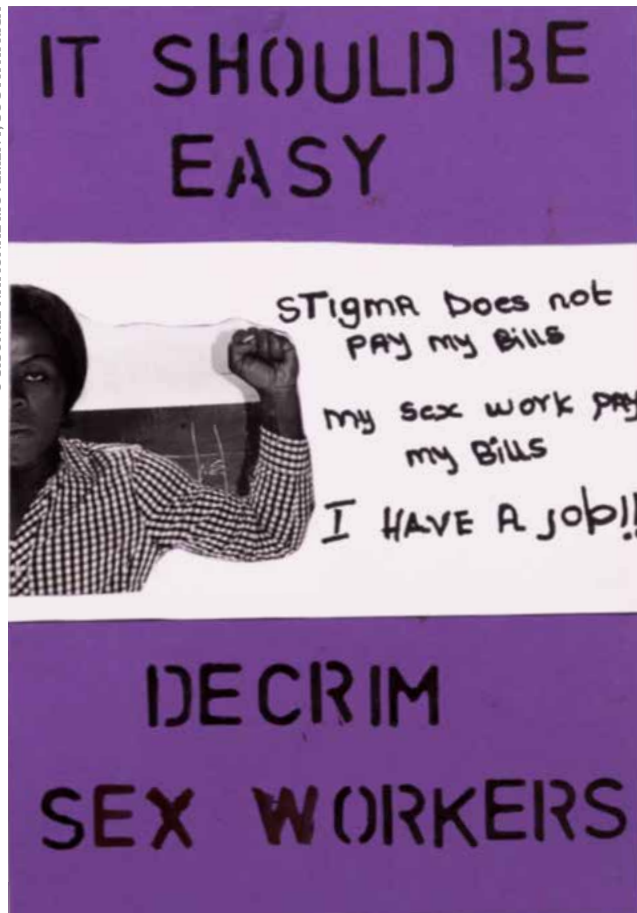
Increased social stigma

In Sweden, increased social stigma for sex workers has been an unintended consequence resulting from the Nordic Model, a fact that is relatively uncontested by the Model’s proponents. The stated aim of the Model – to shift the focus of blame from sex workers to clients – has not worked. While an increase in stigma has been observed regarding the purchase of sex, this stigma has not been removed or transferred from sex workers. Instead, stigma has increased dramatically in relation to sex workers, sex work and those who purchase sex.

The aim of creating normative change means that stigma and discrimination against sex workers is encouraged; Swedish officials argue that an increase in stigma faced by sex workers “must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution”.¹⁶ In Israel, criticisms of the Nordic Model’s harmful impact on sex workers have been met with similar rhetoric: ‘Some women will have to suffer, for the long term [goal]’ or ‘We’re going to abolish sex work, so what’s the problem?’

15 “Swedish Appeals Court Approves Discrimination Against ‘Asian-Looking Women’ on the Grounds of ‘Preventing Prostitution,’” Global Network of Sex Work Projects, 30 June 2014.

16 Anna Skarhed et al., 2010, “SOU 2010:49: Förbud mot köp av sexuell tjänst En utvärdering 1999–2008,” 34.



Poster designed by sex workers in South Africa at a 2017 workshop to highlight stigma and criminalisation

Lack of a rights-based approach

A rights-based approach is often seen as incompatible with the purpose of the Model. In response to discussions about sex workers' human rights, Nordic Model advocates have described the 'only' right as "the right not to be bought and sold"¹⁷. Within the Nordic Model, there is only space for a single narrative, in which sex workers are defined by what is done to them, and denied rights, their preferred terminology or the space to voice their narratives. Instead, the model focuses its protective powers, not on individuals facing harm, but on the idea of a 'greater good', of protecting society from the perceived harms of sex work. To achieve this aim, sex work must be singularly harmful in order to justify the state's efforts. Thus, sex workers must suffer if they insist on trying to work, as police in Sweden confirm – "it should be difficult to be a prostitute in our society – so even though we don't put prostitutes in jail, we make life difficult for them."¹⁸

17 Ciana Brennan, "Sex workers have asked Jill Meagher's husband to drop his support for an anti-sex trade group," *thejournal.ie*, 18 May 2015.

18 Charlotte Ashton, "Could Sweden's prostitution laws work in the UK?," *BBC News*, 30 September 2010.

Lack of access to quality health care

In countries where the Nordic Model has been introduced, sex workers face increased barriers to accessing healthcare, with increased stigma and discrimination from healthcare providers. This is a violation of their human right to equitable healthcare and has serious impacts on their health.

A Swedish sex worker, quoted in community research by Rose Alliance explains:

Are there specific health risks with sex work? Of course there are, but that is hardly unique for us. Construction workers need specific protective equipment, risk physical work-related injuries and are running a higher risk of being killed while working than many other professions, including sex work. However, that is the concern of unions, not politicians and the social services.

[The Nordic Model] is sold as a progressive model meant to address gender inequality. However, it is dangerously reductive. When the discussion around the issue becomes ideological it moves away from harm reduction.

SEX WORKER, IRELAND

Most often organisations running ‘exit’ programmes underpinned by Nordic Model ideology only want to help sex workers if they agree to stop working:

They want to make me ‘free’ from sex work – I’d like to access services that can actually help me and be free from their opinions.

SEX WORKER, AUSTRALIA

Attitudes among service providers and police

Community-based research from Sweden showed that sex workers’ biggest concerns were prejudice from authorities – especially social services and the police – resulting in sex workers being less likely to report crimes committed against them, to seek support or legal assistance.

Yes, some women might be working in exploitative situations, but how does it help to criminalize or arrest them? ...What police are doing is making it more difficult to get the support they need.”

BUTTERFLY, A MIGRANT SEX WORKER ORGANISATION IN CANADA

Amnesty International's evaluation of the impact of the Norwegian sex purchase law¹⁹ highlighted how the Nordic Model led to sex workers being targeted and an undermining of trust in authorities. The 'Operation Homeless' initiative which ran between 2007 and 2011 saw increased enforcement of the law on the promotion of sex work. The report found that, in addition to many sex workers being evicted from their homes and workplaces, this led to an undermining of trust in authorities. Most sex workers were extremely reluctant to report crimes to the police and said that they would only do so as a last resort, or if facing extreme circumstances such as a threat to their life.

Sex workers in Oslo reported that despite claims their work is 'decriminalised', service providers often treat them like criminals, especially when they fail to stay within the narrow definition of 'victim'.²⁰ One sex worker reported that when she contacted the police after being raped, she "was placed outside of the protection of the law" and "was made responsible for being violated; as a 'prostitute' she was constructed as an 'undeserving victim'."²¹

Presenting data in misleading ways in order to export the Nordic Model

They have to lie in order to keep the myth alive.

SEX WORKER, SWEDEN

Arguments in support of the Nordic Model contain numerous examples of flawed methodology and misleading data analysis. For example, the data from an evaluation of street-based sex work pre- and post-model implementation in Stockholm is often extrapolated to apply to all modes of sex work. Another frequently deployed technique is the use of the 'absence of evidence' as evidence. The Swedish government's own evaluation has been criticised for claiming that a lack of data on indoor sex work constitutes evidence that, "as far as we can see, prostitution has at least not increased in Sweden"²².

19 See footnote 2.

20 Ulla Bjordahl, 2010, "Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to," 12.

21 Ibid.

22 See footnote 16.

As sex workers are routinely excluded from discussions about sex work by policymakers and government-appointed researchers, the insider knowledge that sex workers and sex worker-led organisations can bring to research and data analysis is excluded from reports. This may have been an unintentional oversight in the development of the Nordic Model, but it is an exclusionary approach that continues – as the inclusion of sex workers’ perspectives would hamper efforts to successfully export the model. This results in incomplete and inaccurate data when the model is evaluated. For example, where official data suggests that sex work has decreased in Sweden, sex worker organisations report that a perceived reduction in incidence is due to the dispersal and displacement of sex workers from their traditional places of work, and to sex work retreating underground due to the negative impacts of the model.

The exclusion and dismissal of sex worker perspectives

In an environment where sex workers are seen as unqualified to consent to paid sex, it is not just individual sex workers but also sex worker-led organisations who are labelled ‘unrepresentative’ if they fail to comply with the ideological understandings of the Nordic Model. The Nordic Model is a vehicle through which discussions around sex work law reform are hijacked by non-sex workers who argue for the criminalisation and stigmatisation of sex work, and the exclusion of sex workers and their organisations from policy relating to sex work.

We are called unrepresentative and given less audience than one former sex worker who seems to be more representative than the one thousand sex workers who have demonstrated against the law.

FRENCH SEX WORKER-LED ORGANISATION

Challenging the Nordic Model

The following case studies and experiences of sex worker-led organisations around the world show that the rhetoric and ideology used in support of the Nordic Model can vary widely in its key messaging, adapting to local political trends to gain greater traction. This section highlights the successes of sex workers' rights activists in challenging the Nordic Model, and what we can learn from their experiences.

Challenging state and institutional control over sex workers

Those who seek to institute repressive abolitionist approaches to sex work are doing so in an environment where sex workers have fraught relationships with the police and state authorities, due to existing or previous criminalisation of sex work as well as stigma and discrimination.

Abolitionists have better relationships with the police, authorities and the government than we do...it is more convenient and easier for politicians to give reason to people who say we need the police and the government so that they maintain their power, while we are challenging their abuse of power.

SEX WORKER-LED ORGANISATION, FRANCE

Creating public opinion in support of decriminalisation is more difficult than to get public support for rescue and rehabilitation as it is based on grounds of 'morality' and beneficiaries' approach taken by social workers and activists.

SAHELI SANGH, SEX WORKER-LED ORGANISATION, INDIA

Fundamental feminists

Sex workers in Sweden and Israel report that in the wake of cuts to social services, the Nordic Model represents a means for fundamental feminists to secure funding for 'welfare' activities. Their organisations have worked to create an environment where only one highly prescriptive and narrowly defined narrative is acceptable regarding sex work. Anyone presenting contradictory narratives or criticism of their approach is subject to personal attacks and public character assassinations.

Although a high proportion of organisations who advocate for the Nordic Model's introduction describe themselves as 'feminist', sex workers have criticised this positioning, pointing out that the ways in which such organisations treat sex workers and other marginalised women contradict the very principles of feminism.

The fundamental feminism promoted by Nordic Model supporters is criticised by sex worker-led organisations in various contexts as transphobic and exclusionary. In El Salvador a sex worker-led organisation reported that NGOs in the women's movement had successfully applied for funding using ideas co-opted from sex workers' own grassroots body of work. These NGOs failed to provide services meeting the needs of most sex workers, but in particular they failed to provide services to transgender women entirely. In the U.K., pro-Nordic Model organisations such as Nordic Model Now are open about their transphobic philosophy, stating on their website: "Because punters are almost entirely men, services for women should be female-only [sic] and services for men and transgendered people should be separate."²³

Religious organisations

Religious organisations have also used the Nordic Model as a platform for funding applications for rehabilitation, exit and anti-trafficking awareness programmes. The Nordic Model effectively increases the power of state officials to raid sex workers' workplaces, and where laws continue to exist which criminalise third parties or beneficiaries, sex workers will remain vulnerable to having their assets and funds seized. In some cases, religious organisations profit directly from fines levied by courts against people convicted of 'living on the earnings' of sex workers after raids on workplaces.

Mouvement du Nid and other Christian groups...have become institutions specialised in so-called 'helping prostitutes' despite the fact that they actually don't really help. Mouvement du Nid train students in all the schools for social workers. Mouvement du Nid is the voice in France that is considered serious and representative of sex workers as they are the ones 'helping' and they have many local branches in 33 metropolitan regions as they are funded by the state, regions, towns and the church to combat prostitution, train students, intervene in schools, lead campaigns, educate people about what prostitution is, and rescue 'prostituted people'.

SEX WORKER-LED ORGANISATION, FRANCE

23 "What is the Nordic Model," Nordic Model Now.



© JANELLE FAWKES

'Off the Back of Whores'
oil on canvas

JF 12

Police

In Sweden, police from Stockholm's Prostitution Unit have made public statements calling for increased penalties relating to the criminalisation of sex purchase: "If the crime is considered to be more serious it will be easier to allocate more resources."²⁴ There is a clear conflict of interest for the police if their funding allocations are dependent on their ability to prosecute more serious offences. Additionally, police and sex workers both report that violence against sex workers is no longer reported; increased police powers are a barrier to reporting. In 2017, an Inspector from the Reykjavík Metropolitan Police Department told reporters that sex work was increasing, and that more funding is needed for investigation.²⁵ Yet in the same interview he also admitted a complete lack of any solid information or data about sex work – police departments are leveraging the political climate created by the Nordic Model to secure funding without evidence of need.

In Canada, the introduction of Nordic Model-inspired laws in 2014 has seen the Canadian federal government allocate millions of dollars to combat 'human trafficking' while refusing to finance safety measures to protect workers in the sex industry.

...20 million dollars of "exiting money" was attached to Bill C-36, now the current prostitution law in Canada. That money has resulted in programs that victimize sex workers and ensure more police presence in the industry. Exit money goes hand in hand with prohibition, whether we want it to or not, by virtue of the fact that it promotes the ideology that it accompanies.

SEX WORKER, CANADA

The role of language and terminology in challenging the Nordic Model

Sex workers in Nordic Model countries stressed that terminology was instrumental in building-up the victim narrative necessary to push for its introduction. They highlighted how Nordic Model proponents had built support by using misleading terms, and co-opting terms such as 'decriminalisation'. Anti-sex work advocates conflated 'legalisation' and 'decriminalisation' and used existing stereotypes and misunderstandings about sex work to maintain state control over sex workers and disqualify sex workers from policy debates.

²⁴ See footnote 8.

²⁵ Vala Hafstad, "Prostitution on the Rise in Iceland," Iceland Review, 11 May 2017.

‘EXIT’ PROGRAMMES: A sex worker from Canada recognised the reality of some people wanting to stop doing sex work, but was critical of the term ‘exit programme’:

‘Exit’ suggests not only that the “exit” and “entry” in and out of the sex industry are smooth and exact moments (when we know people’s experiences in the sex industry are more transient), but it suggests that working in the sex industry requires even more tailored responses than “exiting” or stopping to do other work. Yes, stopping or pausing sex work, or moving from sector to sector within the industry does require specific knowledge and a set of instructions if one is to do additional or different work outside of the sex industry: living on liquid cash, living and working with stigma, having holes in one’s resume, learning or stopping to work within a criminalised context - all require a specific set of knowledge. But no-one “exits” sex work anymore than they “exit” nursing or teaching. The term exit was developed by antis to insinuate that the sex industry is a deep hole of abuse and exploitation that women need to immediate[ly] get out of, when in fact many of us “exit” abuse, bad working conditions or violence in our personal lives or work lives, but don’t necessarily stop working or “exit” the sex industry.

‘PROSTITUTED WOMEN’: In Israel, one-dimensional political dialogue employs and enforces the terms ‘prostituted women’ and ‘prostitution’, disallowing terms like ‘sex work’ that challenge the victim narrative. In Thailand, sex workers have challenged the use of ‘prostituted women’ by drawing comparisons to other industries. They ask why people continue to say ‘doctors’ when they could say ‘doctored women’, pointing out that equivalent phrases have not been adopted in the same way that ‘prostituted women’ has.

‘SEX WORK’: In the lead up to the High-Level Meeting on Ending AIDS in 2016, Icelandic officials called for the term sex work to be replaced with ‘sex sellers’ in the resulting Political Declaration. An open letter from Rose Alliance was signed by hundreds of sex worker-led organisations, individuals and allied organisations explaining the importance of the term:

For those of us who sell sex, “sex work” is the preferred way to describe our work, and the term comes from our own community. To us, there is magic behind this term, as it holds the possibility of accessing labour rights. This would mean accessing a whole added layer of rights, including protection against unjust working conditions, exploitation and forced labour – the very same rights violations that those arguing “selling sex” should not be called work claim they want to protect us from.”²⁶

²⁶ “Rose Alliance, 2016, “Open Letter to the Icelandic Foreign minister Lilja Dögg Alfreðasdóttir regarding the Icelandic representatives to the 2016 High-Level Meeting on Ending AIDS.”

‘WOMEN IN PROSTITUTION’: By framing sex work as a form of male violence against women, the existence of male and transgender sex workers is erased. The phrase ‘women in prostitution’ rather than, for example, ‘doing prostitution’ removes the agency of sex workers and attempts to conflate sex work with coerced, forced work.

Building alliances and challenging the Nordic Model

Finding common ground and shared principles with other social justice movements has allowed sex workers to build strong alliances and increase their political exposure.

Building alliances with other criminalised (marginalised) groups, sexual minorities and indigenous groups increased number of members’ calls for attention.

SEX WORKER-LED ORGANISATION, INDIA

Rose Alliance spoke about the successful mobilisation around the letter to the Icelandic Foreign Minister regarding the Political Declaration and the term ‘sex work’:

We had managed to set the tone so it was relevant to a lot of people and timed it to when people’s frustration over the meeting were peaking. After only three days the letter had been signed by over 100 sex worker-led networks and organisations which was amazing. It had also been signed by ...all the main global networks in the field of HIV. The final count was 20 global and 27 regional networks as well as close to 200 national and local organisations.

Although Iceland ultimately ignored the letter, the response demonstrated sex workers’ engagement with policy and politics, showcasing the need for, and the value of, their meaningful involvement in policy development.

In Ireland, sex workers have drawn attention to the parallels between the struggle for reproductive rights and sex workers’ rights, explaining that:

“behind the opposition to decriminalise both abortion and sex work lies the belief that some women are incapable of physical autonomy.”²⁷

27 Frankie Mullen, “From abortion to sex work, why the state shouldn’t control women’s bodies,” *New Statesman*, 15 February 2016.

As a sex worker-led organisation in Ecuador described, their advocacy for sex workers rights:

**“...fits within the Ecuadorian feminist model
...which places the sovereignty of our own
bodies and the power to do with our bodies
what we believe is appropriate as
a central tenet to feminism.”**



Ecuador protest

Legal Principles

In some countries, the Nordic Model has been proposed as an alleged ‘middle ground’ between decriminalisation and criminalisation – a misleading proposition based on the common misconception that it represents a form of decriminalisation for sex workers. A South African sex worker-led organisation described their difficulty in fighting the Nordic Model when policy makers and NGOs frame it as a ‘reasonable middle ground’.

A sex worker-led organisation in New Zealand shared that framing decriminalisation as an *integrative* model, in contrast to the Nordic Model as *repressive*, had been an effective tool for clarifying the differences between the frameworks.

A ‘special’ law for our industry does not contribute to the normalisation and reduction of stigma.

SEX WORKER-LED ORGANISATION, GERMANY

Rose Alliance reported that legal experts are often overlooked as potential allies. They explained that the Nordic Model presents a range of problems from a legal perspective:

First of all a criminal law should be a last resort, if no other interventions work or are realistic. Secondly criminal laws must be clearly defined, this one is up for interpretation on a number of issues. Furthermore, it is not clearly defined which interest or value the law is defending. Generally, laws on sex crimes are aimed at protecting youth or sexual autonomy. Sex workers are per definition adults and this law rather restricts sexual autonomy. Even if it is squeezed into part of the trafficking law, trafficking is already illegal so an additional criminalisation is redundant. So speak with people specialising in criminal law, they might hate sex work, but they will also strongly dislike the misuse of criminal law.

Challenging the Nordic Model through the court system

Sex workers in South Africa have reported making in-roads and developing productive relationships with individual members of parliament by making their presence known in parliament and at courts: “You can just sit in. We have started to just go to committee meetings in our T-shirts.”

In Israel, a dozen sex workers attended a court hearing regarding the closure of the brothel they worked in. They made their case, arguing to the judge that closing their workplace would only hurt them, and asking him to not close their workplace. Fundamental feminist organisations also attended the court hearing and tried to silence the sex workers, yelling over them “do not let these women talk, they should not have a standing in this case.” The judge ruled that sex workers had a right to their workplace, and ordered it not to be closed. Following this decision, newspaper articles and social media posts were highly critical of the judge calling him a violator of human rights and a pimp.

In Northern Ireland, Laura Lee (a prominent sex worker activist) has gone to Belfast’s High Court to challenge the Nordic Model’s sex purchase ban.²⁸ She is arguing that the criminalisation of her clients violates her right to work under European Human Rights law, adding that the ban has left sex workers’ rights unprotected.

28 Henry McDonald, “Northern Ireland sex worker bids to overturn ‘dangerous’ ban on hiring escorts,” *The Guardian*, 2 April 2017.

29 “They’re at it again! Sex workers protest in South Korea,” *Global Network of Sex Work Projects*, 27 September 2011.

Visible protests

In many countries, taking to the streets is a way sex workers can bring attention to their cause if they are denied other platforms. Through protest, sex workers demonstrate agency, defying the victim narrative underpinning the Nordic Model. However, protesting also leaves sex workers open to a higher risk of arrest, state violence and outing. Sex workers can plan protests with consideration of reducing the risk of harm to different members of their community. In South Korea, in 2011, over one thousand sex workers gathered in Seoul for protests.²⁹ In Ukraine, sex workers have marched outside parliament, visibly calling for decriminalisation of sex work.

Protest in Ukraine



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Using National Constitutions to challenge the Nordic Model

Sex worker-led organisations in many countries have used their national constitutions as a key tool in challenging the Nordic Model and advocating for their rights.

Sex work is work, just like any other work... the constitution of the Republic of Malawi provides for right to economic development, without having to specify whether it has to be obtained through sex work.

SEX WORKER-LED ORGANISATION IN MALAWI

In Ecuador, their progressive constitution is seen as an essential method in advocating for sex workers' rights:

It allows us to maintain dialogue with institutions, appealing to the right to work, the right to association, freedom of movement, aesthetic freedom, all of the named articles recognised in the constitution.

SEX WORKER-LED ORGANISATION, ECUADOR

In South Africa, sex worker-led organisation, Asijiki have outlined how the violence faced by sex workers is in contravention of the South African Constitution when challenging the model with policymakers.³⁰

Sharing personal narratives to dispel misunderstandings

Many sex worker-led organisations recognised the power (alongside the limitations and potential risks) of sex workers sharing their personal lived experiences under the Nordic Model in their submissions. Personal stories resonate with audiences and can help the public understand why sex workers do not want the Nordic Model. However, at the same time, organisations shared an awareness that individual stories out of context can be used to argue for policy approaches like the Nordic Model when they are considered representative of all sex workers' experiences.

Sex worker-led organisations have shared a range of ways to navigate these concerns, for example, by featuring a series of different sex workers' experiences³¹ in reports and publications to ensure a diverse range of voices that cannot be narrowly labelled or stereotyped.³²

30 Asijiki Coalition, 2015, "Fact Sheet: Sex Work and Human Rights."

31 Canadian Alliance for Sex Work Law Reform, "Migrant sex workers live under constant police threat," Ricochet Media, 23 September 2016.

32 Canadian Alliance for Sex Work Law Reform, "What's happened since the Conservatives' new sex work laws?," Ricochet Media, 19 September 2016.



Protest in Canada

Research

Policy and legal discussions regarding sex work have frequently dismissed sex workers as stakeholders. Often debates are based on moral assumptions, stereotypes and misconceptions rather than on evidence, research or community consultation. By ensuring research is conducted in ethical and accountable ways, sex worker-led organisations have been able to strengthen their ability to represent and advocate on policy issues on a range of topics including stigma and discrimination, and trafficking and migration policy.

In interviews, Rose Alliance spoke about their community research, the largest of its kind on sex work and health in Sweden. The research initially received little attention, but after a year it was cited by a well-respected academic, who gave the methodology and content of the report their seal of approval. Rose Alliance commented:

“We were still not welcomed with open arms, but we were taken seriously in a completely different way. The surveys result is still often ignored, but they can’t ignore Rose Alliance anymore as they realised they might need our help in the future.”

The survey showing that 98% [of] sex workers oppose the criminalisation was spread among information newspapers but it didn’t reach enough people and most politicians just ignore this fact, while the ‘97% of trafficking victims’ has been unchallenged when the former women rights minister claimed to help the big majority of victims.

SEX WORKER-LED ORGANISATION, FRANCE

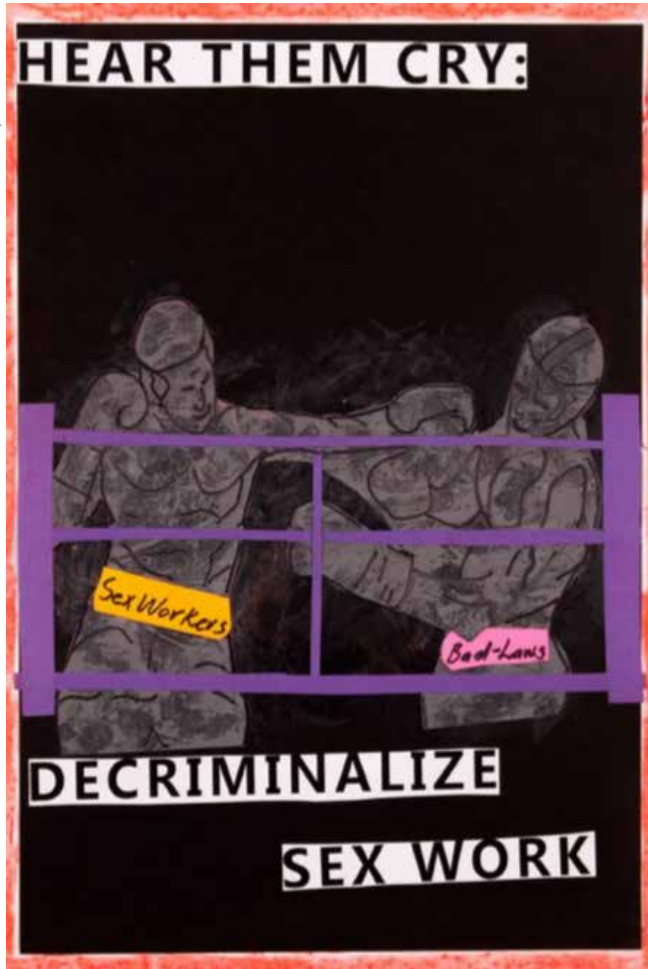
A sex worker-led organisation in India spoke about the research they are conducting on the impact of ‘raid and rescue’ models on adult sex workers:

“We hope that this research will be used to strengthen the understanding of agency and consent; livelihood; dignity; rescue and rehabilitation in the context of our work and lives.”

Sex worker community-led research in Australia³³ has provided critique of much of the existing research on migrant sex workers, highlighting the problems with conducting research in institutionalised settings such as detention centres or refuges. Other reports highlight how peer-led migrant sex work research can lead to credible research outcomes and have many broader benefits for the community.³⁴

33 Australian Institute of Criminology and Scarlet Alliance, 2015, “Migrant sex workers in Australia.”

34 Jules Kim et al., “Migrant sex work and trafficking: insider research for and by migrant sex workers” *ALAR Journal* 19.1(2013):62–96.



Poster project done by Sisonke

Art

Art is another tool sex workers use to influence the way policy makers and the wider public think about sex work. Art also enables sex workers to express their views across language barriers. In Canada, an organisation led by migrant sex workers developed a community art project – working with a community artist to support migrant sex workers in developing their artwork and storytelling. This project helped share their experiences and ideas with other sex workers as well as the public.³⁵

In India, sex worker-led organisations have used community skits or drama as an effective tool for communicating sex worker issues and policy concerns to a wider audience. “When it comes to legal models, it’s very difficult to explain the nuances between decriminalisation, criminalisation, legalisation, and ‘partial’ criminalisation,” explained a South African sex worker-led organisation. In response to this challenge, they created four short animated videos, each explaining a different legislative model. In addition, fact sheets on various legislative models have proven an important tool in clarifying key differences and deepening the understanding of different models in the community.

35 Elene Lam, “The Birth of Butterfly” *Research for Sex Work* 15(2016): 6–7.

Considerations when planning advocacy

- **At what level of government are sex work laws legislated (regional, state, national)? How does this impact on Nordic Model lobbying and protest?**
- **Does your country have constitutional protections that can be used to support sex workers' rights?**
- **What alliances can be built with other organisations?**
- **How might political debates be harnessed to promote the Nordic Model, and how can those be effectively challenged? For example, debates on migration, gentrification, trafficking and women's rights.**
- **How can you ensure sex workers are heard?**
- **What is your organisational (or personal) capacity? Be strategic with your energy, time and resources.**





nswp

Global Network of Sex Work Projects
Promoting Health and Human Rights

SOLIDARITY IN ACTION

Even before the HIV epidemic, sex workers were organising themselves. NSWP, as a global network of sex worker-led organisations, has strong regional and national networks across five regions: Africa; Asia-Pacific; Europe (including Eastern Europe and Central Asia); Latin America; and North America and the Caribbean.

NSWP has a global Secretariat in Scotland, UK, with staff to carry out a programme of advocacy, capacity building and communications. Its members are local, national or regional sex worker-led organisations and networks committed to amplifying the voices of sex workers.



nswp

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