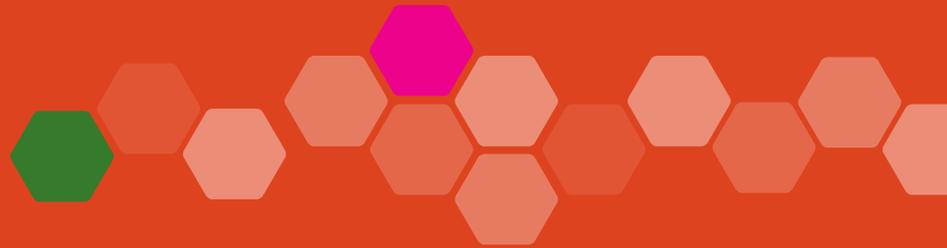




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# Challenging Demand for Prostitution: An International Evidence Review



**Crime and Justice**



# **Challenging Demand for Prostitution: An International Evidence Review**

Justice Analytical Services  
2022

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# 1. Executive Summary

This “rapid evidence review”<sup>1</sup> examines empirical research and “grey literature”<sup>2</sup> on international approaches to prostitution that seek to challenge demand through the criminalisation of the purchase of sex and decriminalisation of selling. It was prepared to inform work related to the Scottish Government’s Programme for Government commitment (2021/22) to develop a model for Scotland which effectively tackles and challenges men’s demand for prostitution.

The report identifies common principles that have shaped the design and implementation of challenging demand legislation across five jurisdictions (Sweden, Norway, Northern Ireland, the Republic of Ireland and France) and places particular emphasis on the identification of enablers, barriers and lessons learned.

The review also examines evidence with regards to safety and support provision for those involved in prostitution from two jurisdictions that have not adopted a challenging demand model, namely, New Zealand and the Netherlands<sup>3</sup>. Evidence on welfare and safety provisions was assessed with the aim of maximising opportunities for learning and identifying examples of best practice.

## Methods

The review was conducted by Justice Analytical Services at the Scottish Government. It does not constitute a systematic assessment of all available research, however, a wide range of sources were consulted in the drafting of this review including legislation, academic peer-reviewed and grey literature such as government and civil society reports and evaluations. A total of 53 papers were included on the basis of their quality and relevance to the review aims.

Most of the studies reviewed on this topic were qualitative and non-experimental and drew from small, unrepresentative samples, reflecting the difficulties in reliably studying the nature and scope of prostitution. Moreover, a number of notable evidence gaps limited the identification of lessons learned including a lack of evidence on:

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<sup>1</sup> A rapid evidence review or assessment is an approach to the search, evaluation and synthesis of evidence that follows a rigorous search and analysis methodology and usually takes between 3-6 months to complete. It is “more structured and rigorous [...] than a literature review” but not “as exhaustive as a systematic review” which involves sourcing and analysing all resources on a specified topic and can take years to complete ([Department for International Development](#)). Rapid evidence assessments are frequently used in government to “gain an overview of the density and quality of evidence on a particular issue”, “support programming decisions by providing evidence on key topics”, and “support the commissioning of further research by identifying evidence gaps” ([Department for International Development](#)).

<sup>2</sup> Grey literature refers to “information not produced by commercial publishers” ([University of Leeds](#)) e.g. government reports, working papers, policy statements.

<sup>3</sup> New Zealand has adopted a decriminalised approach, while the Netherlands has introduced a regulationist model.

- day-to-day implementation (i.e. operational practice) both in terms of enforcement practices and support provision;
- “what works” with regards to implementation of challenging demand approaches;
- data monitoring mechanisms used by government and non-government agencies to identify the numbers of those selling and purchasing sex indoors and outdoors;
- social attitudes around prostitution and the normative effects of the approaches adopted on deterrence;
- and the experiences of those involved in selling prostitution, particularly of men.

### **Challenging demand models**

Challenging demand models are characterised by a number of common features that seek to:

1. reduce demand for prostitution.
2. improve the lives of those involved in prostitution through support that reduces harm and/or supports exit.
3. change social attitudes towards the commodification of (primarily female) bodies.

Across the jurisdictions examined, these common features map onto three central strands:

- a “criminal justice” strand that criminalises the purchaser and decriminalises the seller.
- a “support for victims” strand aimed at helping those involved and preventing continued involvement.
- a “changing social attitudes” strand focused on informing the public of legislative provisions, to prevent further demand and reduce violence against those involved in prostitution.

Despite these common features there are striking differences in legislation and implementation across jurisdictions, particularly with regards to the organisation of support services and the penalties issued to purchasers.

### **Impacts and enablers of challenging demand approaches**

- The evidence indicates that there have been sustained rises in recorded crimes and charges for purchase related offences in some of the jurisdictions (France, Republic of Ireland and Sweden). However, there is less evidence available about the prevalence of purchase. Purchaser surveys conducted in Northern Ireland and the Republic of Ireland suggest that deterrence may be

ineffective, however, it is likely they largely capture the views of those who continue to purchase.

- Targeted intelligence-led police operations have been identified as a key means through which enforcement agencies have identified possible offenders and harder to reach victims as well as raise awareness of legislative provisions (Republic of Ireland). Some evidence indicates the need for increased focus on embedding widespread culture change across enforcement agencies in order to build trust with women and men involved in prostitution (Republic of Ireland).
- Cross-agency coordination which includes strong representation of advocacy and support organisations at a national level has been identified as a possible enabler of coherent policy delivery, information sharing, and collaboration between public actors, civil society and women and men involved in prostitution (Republic of Ireland, Sweden, France).
- The evidence suggests there has been a decline in on-street prostitution, however, the numbers of those involved in indoor prostitution remain unclear across jurisdictions. National estimates of the numbers accessing and benefiting from support provisions were not identified in the literature. Qualitative research does indicate that support provisions have helped women and men involved in prostitution to access vital support services such as housing and legal and health advice. It also shows that women and men involved in prostitution benefit from accessible, wide-ranging, sustained, trauma-informed and person-centred approaches to support provision.
- Evidence on the normative effects of the legislation suggests there may be high levels of acceptance among the wider public in favour of challenging demand legislation (France, Sweden and Norway). Contributing factors such as the effectiveness of national campaigns aimed at changing social attitudes or awareness programmes, however, remain unaccounted for in the literature.

### **Barriers to challenging demand**

- Some of the evidence indicates that a lack of regional consistency in enforcement and service delivery can hamper implementation of challenging demand provisions (France, Norway). Regional differences in implementation have been attributed to contrasting local policing approaches, unclear government guidelines and uneven regional budgets.
- Difficulties have been flagged with regards to the enforcement of the legislation, particularly in relation to proving offences and available surveillance powers to target offences (Northern Ireland). Challenges in gathering the necessary evidence may be contributing to low deterrence and conviction rates.
- Attempts to support women and men involved in prostitution have been hindered by insufficient resourcing of support pathways and a lack of accessibility for some women and men involved. Gaps in infrastructure aimed at responding to women and men involved in prostitution's complex socio-economic and health needs were identified (e.g. housing, financial aid,

training). Migrant women and men involved appear to be most vulnerable to experiencing limited access to support.

- The evidence suggests women and men involved in prostitution continue to be targeted and criminalised by other legislative provisions such as immigration, brothel keeping and pimping laws, contributing to low levels of trust in the police and a reluctance to report incidents (Sweden, Norway, Republic of Ireland).
- Women and men involved in prostitution continue to experience stigma and violence across jurisdictions. Some evidence suggests there has been an increase in harassment, a reduction in negotiation time to screen purchasers, and exposure to riskier behaviour (France, Republic of Ireland and Northern Ireland). The research did not, however, find evidence of an increase in serious violence.
- Finally, the evidence points to difficulties in the monitoring of online and indoor prostitution, which in the case of France has been associated with a rise in the prostitution of minors.

### **Support provision in other models**

- In the case of New Zealand the evidence suggests that specialist organisations and collectives can act as key facilitators of policy, providing valuable operational insights, information and leadership needed to secure support among those involved in prostitution.
- In the Netherlands, the evidence highlights the importance of targeted outreach to improve access to health check-ups particularly among those harder to reach as well as coordinated responses to enforcement and information sharing.
- The evidence also indicates some notable shortcomings in both jurisdictions such as a lack of adequate resources for individuals wanting to leave prostitution and migrant women and men, regional inconsistencies, a lack of monitoring of seldom heard individuals, and continued stigma and violence experienced by women and men involved in prostitution.

### **Lessons learned from the evidence**

- Overall, the evidence suggests that the implementation of challenging demand models benefits from clear and enforceable objectives that prioritise the safety and well-being of women and men involved in prostitution as well as sustained and targeted enforcement strategies aimed at detecting purchasers.
- Effective implementation requires adequate resourcing of wide-ranging, trauma-focused, sustained and de-stigmatising support provision for all women and men involved in prostitution (universal and specialist), as well as training and trauma-informed enforcement approaches aimed at building trust in order to improve intelligence gathering and relationships with those involved.

- The evidence also highlights the importance of national and regional bodies tasked with coordinating collaborative working and information sharing between relevant stakeholders (specialist/mainstream support providers, enforcement agencies, for example police, NGOs, women and men involved in prostitution) and with developing clear and evidence-informed guidance to strengthen operational consistency and improve information-sharing.
- Strategies aimed at fostering widespread “culture change” in order to challenge the ongoing stigmatisation of women and men involved and combat continued violence, harassment and social exclusion are also needed to improve conditions for individuals involved in prostitution and change societal attitudes.
- The literature indicates the importance of ensuring the approach adopted is regarded by those involved as being for them. The incorporation of lived experience insights of those involved in prostitution (particularly migrants) in the development, design, and delivery of challenging demand is key to successful implementation and operationalisation.
- Finally, the absence of robust research on prostitution highlights the need for increased regular and transparent monitoring and evaluation practices in order to develop a more complete picture of prostitution’s prevalence and nature and the impact of policy and legal interventions.

## 2. Introduction

This paper is intended to inform Scottish Government's work focused on developing a model for Scotland aimed at challenging and deterring men's demand for prostitution, through a review of evidence on international approaches that have criminalised the purchase of sex and decriminalised selling. It builds on [research](#) commissioned by Scottish Government in 2017 which examined the reliability of international evidence on the impacts of the criminalisation of the purchase of sex in Sweden, Norway, Iceland, Canada and Northern Ireland. It aims to provide an up-to-date picture of international evidence on the effectiveness of challenging demand approaches to prostitution and places particular emphasis on identifying lessons learned and examples of best practice which may help inform the development of a model for Scotland. Specifically, the review responds to the following research questions:

- What does criminalising demand look like in practice in the countries that have adopted this approach? How have these approaches been implemented in law? Are there any common principles and lessons learned?
- What have been the main challenges and barriers to decreasing demand in the countries that have adopted this approach?
- What have been the key enablers/success factors in countries that have adopted a criminalisation of demand model?
- What can we learn from the support available within alternative approaches (the decriminalisation/legalised models e.g. in the Netherlands and New Zealand) with regards to welfare and safety of those involved in prostitution?

### Policy Context

[Equally Safe](#), Scotland's strategy for preventing and eradicating violence against women and girls, adopts the position that prostitution is a form of gendered violence. In 2020 the Scottish Government held Scotland's first national [consultation](#) on prostitution: "Equally Safe: Challenging Men's Demand for Prostitution, working to reduce the harms associated with prostitution and helping women to exit", to discuss a future approach within the context of how women and girls should be treated in an equal society. There was a high level of engagement with the consultation by both individuals and organisations, with over 4,000 responses received.

Building on the consultation, the current [Programme for Government 2021- 2022](#) commits to the development of a model for Scotland which effectively tackles and challenges men's demand for prostitution. As part of the work to design the model, Scottish Government is considering how to align this with the Equally Safe Strategy and Scotland's unique legal landscape, whilst also considering whether aspects of international approaches could be applied. This review has been undertaken to identify lessons learned and best practice from other countries and will inform the work to design a model for Scotland.

It will also be complemented by Scottish Government commissioned lived experience engagement work, which has been taken forward by an external research team. The project aims to understand current support service provision and the needs of service users. The report will be published [here](#).

## Scope

Building on the 2017 international evidence review, this “rapid evidence assessment” primarily focuses on empirical research published in English since 2016 to avoid duplication. The reader is therefore advised to refer to the first evidence assessment for an account of the impacts of the criminalisation of purchase prior to 2016 where relevant e.g. in the cases of Sweden, Norway and Northern Ireland.

This review does not purport to be an exhaustive account of the evidence on prostitution nor of the approaches adopted in the jurisdictions examined or overlapping issues such as human trafficking. Rather it aims to strengthen the existing evidence base and provide insights for policy on possible strengths and opportunities for improvement in the implementation of challenging demand approaches. A rigorous search, inclusion and assessment methodology has been adhered to and is outlined in [Chapter 3](#). The review provides new insights into the cases of Sweden, Norway and Northern Ireland, as well as jurisdictions that have introduced legislation focused on challenging demand for prostitution since 2016, namely, France and the Republic of Ireland.

A search for examples of best practice with regards to safety and support provision for women and men involved in prostitution has also been conducted in jurisdictions that have not adopted a challenging demand model (New Zealand and the Netherlands)<sup>4</sup>. New Zealand’s policy approach was raised in the consultation as one of the international examples of best practice with regards to protecting those involved<sup>5</sup>. Whilst an examination of the effectiveness of the legislative models adopted in these countries was beyond the scope of this study, the inclusion of evidence on alternative measures aimed at improving well-being and safety for those involved, maximises opportunities for wider learning and introduces a comparative element to the review’s findings.

## Review Limitations

The covert and stigmatised nature of prostitution makes it difficult to reliably gauge its prevalence or the effects of legislation targeting the purchase of sex (Malloch et al. 2017). Available evidence is highly fragmented due to the absence of data pre

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<sup>4</sup> New Zealand has adopted a “decriminalised” approach that treats prostitution as a form of legitimate work and subjects it to the same employment and legal rights as other forms of occupation. Brothel keeping is subject to certification and coerced prostitution remains illegal. In the case of the Netherlands, a “regulationist” model has been in place since 2000 which removed the ban on brothel keeping and legalises prostitution in licensed premises. Involuntary prostitution and prostitution of minors are illegal.

<sup>5</sup> For analysis of the consultation see: [Equally Safe: Challenging men's demand for prostitution: analysis of public consultation findings \(www.gov.scot\)](#)

and post implementation as well as research specifically addressing “what works” with regards to challenging demand models (Malloch et al. 2017). Little reliable evidence exists on the numbers of people involved in both the selling and purchasing of sex, the scale of indoor prostitution and its overlaps with human trafficking.

Importantly, differences in evaluation and monitoring practices across jurisdictions means it is difficult to make international comparisons. The varied age of legislation across jurisdictions that have criminalised the purchase of sex, combined with a complex range of contextual factors such as the rise of the internet and contrasting social and cultural norms (Kingston & Thomas 2019; Wagenaar 2018), limits the extent to which we can determine the effects of challenging demand approaches on the prevalence of prostitution. Moreover, the literature primarily draws from small qualitative studies limiting a broader assessment of what works across cases. There is a lack of available administrative data on service users and the kinds of support accessed by those who sell sex, as well as research on the effectiveness of national awareness campaigns introduced across the jurisdictions. Finally, the scarcity of “value-free and neutral research” on the topic due to the influence of strong ideological positions on the ethical nature of the purchase and selling of sex has limited the quality and validity of empirical research on prostitution (Malloch et al. 2017; Wagenaar 2017; 2018)<sup>6</sup>. A list of the main evidence gaps identified is provided in [Chapter 3](#).

Due to these limitations, the evidence assessment was in the main unable to identify direct causal effects of challenging demand approaches. The findings made in this review should therefore be interpreted with this in mind. Enablers and barriers identified are those *associated* with challenging demand measures referenced in the literature and cannot be definitively classed as reflective of direct causality. In light of these evidence gaps, the focus of this review is on providing a rounded picture of available evidence by including and analysing a wide range of studies including academic peer-reviewed quantitative and qualitative research, as well as grey literature such as government evaluations and civil society reports. In addition to assessing empirical research, the review also draws from resources such as literature reviews, historical analyses, and legislation to identify common principles and key features of the approaches adopted across jurisdictions.

## Note on the use of language

Different language is often used by the media, individuals and organisations to refer to people who are involved in prostitution. This review adopts terminology that aligns with the Scottish Government’s definition of violence against women that includes prostitution and is contained within the [Equally Safe Strategy](#) (women/men involved in prostitution, or women/men who sell/ exchange sex). However, other terms used in papers (such as “sex work” or “sex worker” and “sex trade”), are used when citing these studies.

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<sup>6</sup> For examples of attempts to engage with these issues see: Coy et al. (2019), Ryan & Huschke (2017) and Shaver (2019).

## Structure

The review begins with a description of the methods used to identify and assess the evidence. It then provides an overview of the main features of the approaches to challenging demand adopted in the jurisdictions examined, including: common principles, existing legislation, enforcement practices and support provisions for women and men involved. Focus then moves onto an examination of the main impacts, enablers and barriers to implementation identified in the evidence and some emerging lessons learned from New Zealand and the Netherlands' support services. The review ends with a brief discussion of some of the implications of the review findings and suggestions for further research.

### 3. Methodology

#### Evidence search

The search and analysis of the evidence was conducted between October 2021 and March 2022. The identification of relevant resources began with a desk-based library search on the Scottish Government Library Service, KandE, which has access to an extensive range of online search engines and databases. These have been summarised in [Annex A](#).

To capture as much relevant material as possible the search included the following terms:

- For criminalisation models: criminalisation, prostitution, evaluation, implementation, evidence/literature review/synthesis, sex trade, sex trafficking, demand/purchase/buyer of sex, pimp.
- For decriminalisation/legalised models: decriminalisation, legalised, prostitution, evaluation, implementation, evidence/literature review/synthesis, sex trade, sex trafficking, demand/purchase/buyer of sex, pimp.

In order to supplement the 2017 evidence review and avoid duplication, findings were limited to literature published since 2016. Similar searches were conducted for New Zealand and the Netherlands, however, the search timeframe was extended to better capture the scope of research published since the adoption of current legislative approaches to prostitution (2003 and 2000 respectively). Research published since 2016 was, nevertheless, prioritised where possible so as to best reflect recent developments and lessons learned.

The first library sweep was supplemented with searches on legislation websites for each jurisdiction to provide an overview of the relevant legal provisions. These have also been included in [Annex A](#). Search engines such as Google and Google Scholar were used to identify publications and grey literature that had not been identified in the initial search and to stay up to date on any new material that emerged in the course of the evidence review. Further resources that appeared relevant to the research aims were also sourced through references in the literature identified in the initial sift. Each resource was assessed on the basis of its relevance to the research aims through the application of the following inclusion and exclusion criteria:

**Table 1. Inclusion and exclusion criteria applied to the evidence search**

| Sweden, Norway, Northern Ireland, Republic of Ireland and France* |  |  |
|---|--|--|
|   | Inclusion Criteria   | Exclusion Criteria   |
| Study Design  | Empirical studies (quantitative and qualitative); literature and secondary reviews | Predominantly theoretical or conceptual studies; empirical studies lacking explanation of the methodology used |

|                    |  |   |
|--------------------|--|---|
| Language           | Written or translated into English   | Not written or translated into English  |
| Publication Date   | Since 2016*<br><br>* since 2003/2000 in New Zealand /the Netherlands.  | Pre 2016*<br><br>*pre-2003/2000 in New Zealand/the Netherlands  |
| Publication Format | Peer-reviewed articles; government/ civil society reports/evaluations; book chapters   | Conference papers; research briefs; working papers from unidentified authors/organisations; dissertations   |
| Aim of Study       | Studies examining the implementation of approaches that seek to challenge men's demand for prostitution along the lines of the Nordic Model (criminalisation of purchasers and decriminalisation of those who sell).<br><br>*In the case of New Zealand and the Netherlands: studies examining support service provision and safety and protection measures aimed at improving welfare conditions of women and men involved. | Studies solely focusing on implementation approaches of jurisdictions that have not adopted a challenging demand approach to prostitution along the lines of the Nordic Model (with the exception of New Zealand and the Netherlands).<br><br>*In the case of New Zealand and the Netherlands: studies examining the effectiveness of the respective legislative models or elements not directly related to support service provision/women and men's safety and welfare. |

## Quality assessment

In addition to determining the relevance of the literature to the aims of the research, the robustness of empirical studies was assessed on the basis of the following quality criteria:

- clarity of the research aims/hypotheses and research questions;
- acknowledgement of related research and theories;
- declaration of funding and vested interests;
- suitability, transparency and evaluation of the methods used;
- suitability and representativeness of the interviewees/participants/sample;
- extent to which the conclusions were based on the information gained from the methods used;
- and the extent to which bias had been minimised throughout the study.

From this criteria a classification was calculated to capture the quality of the research, with “**low**” referring to studies where no or few methodological criteria had been fulfilled, “**medium**” where some of the methodological criteria appropriate for the study type had been fulfilled, and “**high**” where all or most of the methodological criteria appropriate for the study type had been fulfilled. These classifications should not be interpreted as definitive measures of the quality of the research but rather are supplied to provide an indication of the quality of the studies examined.

A total of 53 empirical studies were included in the review. The majority were classified as medium on the robustness scale, reflective of the lack of reliable and robust empirical evidence on prostitution (Wagenaar 2017). Given the inclusion/exclusion criteria specified above, no studies scoring low were included in the review. The most common limitations of the studies identified in the evidence were:

- Small sample sizes;
- A reliance on third-party data or convenience sampling limiting the representativeness of findings;
- Lack of transparency and evaluation of research questions and methods used;
- Lack of specification of the diversity of participant views;
- A lack of comparison group.

Studies were in the main observational, providing limited insights into contributing factors and the scale and validity of the phenomena identified. An overview of the research design, limitations for each study and scoring category given are provided in [Annex B](#).

## **Evidence gaps**

A number of gaps were identified in the evidence which hindered the assessment of the approaches adopted across jurisdictions in some areas. Of particular note was a lack of research into:

- **“What works” with regards to the implementation of challenging demand approaches.** There was a notable scarcity in empirical studies directly addressing the effectiveness of the interventions introduced across the cases examined and defining what “success” might look like in practice.
- **The day-to-day implementation (i.e. operational practice) of challenging demand approaches both in terms of enforcement and support provision.** Little was found which detailed the activities engaged in by frontline agencies to support challenging demand objectives or their effectiveness. Relatedly, there was scarce research examining regional and local variations with regards to implementation.

- **Monitoring approaches used by government and non-government agencies to identify the numbers of those selling and purchasing sex online/indoor and outdoor.** Beyond national evaluations, little research was found which detailed any ongoing monitoring mechanisms for measuring the numbers of individuals accessing support services.
- **Up-to-date statistics on penalties and legal proceedings.** The availability of overall figures for arrests, penalties issued and convictions related to challenging demand offences was limited across jurisdictions.
- **Social attitudes around prostitution and the effects of the approaches adopted on deterrence.** With the exception of two surveys and some qualitative research conducted with men involved in the purchase of sex, little research was identified which explored the deterrence effects of challenging demand interventions.
- **The experiences of those involved in prostitution, particularly of men and migrants (who sell sex).** The majority of studies which examined the views and experiences of those involved tended to focus on female support service users. The lack of insights into men's experiences and the views of women who do not access support services (such as some within seldom heard from groups, e.g. migrant and trafficked women and girls) means important insights into the needs of those most vulnerable may remain unreported in existing research.

Moreover, insights into evidence produced in languages other than English were limited to what was presented and described in the literature assessed which may mean some important features of the approaches here examined have not been adequately accounted for. The lack of research published in English was particularly marked in the cases of France and Norway contributing to a reliance on a few key texts.

## 4. Challenging demand

This chapter provides an overview of legislative approaches aimed at challenging men’s demand for prostitution and summarises some key features and common principles identified across the jurisdictions examined in this review<sup>7</sup>. An understanding of these features enables the identification of similarities and differences in approaches and provides some necessary background information for the assessment of lessons learned. The information has been primarily sourced from government websites and legislation as well as academic literature detailing the introduction of challenging demand, its key drivers and implementation strategies adopted by the jurisdictions in question.

It is important to note that the focus in this chapter is on outlining the central features of the approaches adopted. Lessons learned, impacts, enablers and barriers are discussed in [chapters 5](#) and [6](#).

**Table 2: Summary of key features of challenging demand approaches**

| Sweden  | Norway  | Northern Ireland  | Republic of Ireland  | France  |
|---|---|---|--|---|
| <b>Legislation</b>  |   |   |  |   |
| <i>January 1999.</i><br>Kvinnofrid (Violence Against Women) Act 1998. | <i>January 2009.</i><br>Sexkjøpsloven (Sex Purchase Act). | <i>June 2015.</i><br>Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. | <i>March 2017.</i><br>Criminal Law (Sexual Offences) Act 2017. | <i>April 2016.</i><br>Loi no. 2016-444 Visant à Renforcer la Lutte Contre le Système Prostitutionnel et à accompagner les personnes prostituées ( <i>aimed at strengthening the fight against the prostitution system and support prostituted persons</i> ) |
| <b>Key Drivers</b>  |   |   |  |   |
| Gender Equality and   | Gender Equality and                                       | Human Trafficking and   | Human Trafficking and  | Gender Equality and   |

<sup>7</sup> Sweden, Norway, Northern Ireland, Republic of Ireland and France.

|   |   |   |  |  |
|---|---|---|--|--|
| Violence Against Women  | Violence Against Women  | Sexual Exploitation   | Sexual Exploitation  | Violence Against Women   |
| Human Trafficking and Sexual Exploitation   | Human Trafficking and Sexual Exploitation   |   |  | Human Trafficking and Sexual Exploitation  |
| <b>Main Sanctions</b>   |   |   |  |  |
| Fine or up to 1 year's imprisonment.  | Fine or up to 6 months' imprisonment.   | Fine of up to £1000 and 1 years' imprisonment.  | Fine of up to €500 which goes up to €1000 in cases of recidivism.  | Fine of up to €1,500 for first offence and €3,750 for repeat offence.  |
| Fine calculated on basis of severity of offence and the individual's annual income.   | Total fine determined by local police.  |   |  | Attendance at awareness course at own expense.   |
| <b>Main Support Provisions</b>  |   |   |  |  |
| Specialist support services organised at municipal level:<br><br>Mikamottagnin gen in Stockholm and Gothenburg and the Prostitution Centre (Kompetenscentrum Sexuella Tjänster) in Malmö.<br><br>KAST: counselling and outreach programmes aimed at identifying potential buyers in Stockholm, Gothenburg and Malmö). | Specialist care largely provided at municipal level by civil society organisations.<br><br>National organisations include Pro Sentret which provides information on service provision and gathers national data. Funded by both the central government and the Oslo Municipality.<br><br>KAST NORGE: Norwegian version of KAST (Sweden) | Publication of strategy of action to be taken to ensure a programme of assistance and support (PAS) is made available to those wishing to leave.<br><br>The published strategy and website set out existing mainstream and specialist services available to women and men involved in prostitution including housing services, job centres, health. | No specification of support services or exit pathways in statute.<br><br>Support services largely provided by statutory services such as the Health Service Executive Women's Health Service and Anti-human Trafficking Team, and organisations such as Ruhama and SWAI. | State funded exit programme to help support people to leave.<br><br>Includes: access to temporary accommodation; placement on priority lists for social housing; help accessing health services; 6 month temporary residency permits (renewable to a max. of 18 months); tax debt forgiveness and financial aid for those not eligible for |

## Background

Challenging demand, also referred to as “abolitionism/neo-abolitionism”<sup>8</sup>, “the Sex Buyer law”<sup>9</sup> or the “Nordic Model”<sup>10</sup>, criminalises the purchase of sex whilst simultaneously decriminalising the selling of sex. The central premise behind challenging demand approaches is that prostitution constitutes a form of sexual violence that predominantly impedes women’s equal participation in society and as such is incompatible with commitments to gender equality and universal human rights (Ekberg 2004: 1188). Proponents of the model argue that banning and penalising purchase introduces a “deterrence effect” than can reduce demand for sexual services and related crimes such as pimping and human trafficking (Hedlin 2017; Jonsson & Jakobsson 2017: 58). Moreover, the decriminalisation of selling is purported to support women and men involved in prostitution, reducing avenues for further exploitation and encouraging exit and access to help (Ekberg 2004).

The first challenging demand model was introduced in Sweden in 1999 and has since been implemented in a number of jurisdictions on the basis of its effectiveness in tackling crimes such as human trafficking for sexual exploitation (Iceland (2009), Norway (2009), Canada (2014), Northern Ireland (2015), France (2016), Republic of Ireland (2017) and Israel (2018)). Challenging demand approaches have garnered support at EU level seen in measures such as the Directive 2011/36/EU and the 2014 European Parliament resolution on *Prostitution and Sexual Exploitation and its impact on gender equality*<sup>11</sup>. More recently, the European Commission study on the “gender dimension of trafficking in human beings” recommended that Member States “consider criminalising the purchase of sex” on the basis of its decreasing men’s likelihood to purchase in turn reducing demand for trafficking for sexual exploitation (European Commission 2016: 198).

The challenging demand model can be contrasted with other approaches to prostitution such as “prohibitionism” which bans all activities related to the selling and purchasing of sex as seen in most US states; “regulationism” which legalises and regulates purchasing, selling and brothel keeping, as seen in the Netherlands and Germany; and “decriminalisation” which aims to remove laws on voluntary prostitution and related offences as seen in New Zealand (Platt et al. 2018).

<sup>8</sup> E.g. Campbell et al. (2020); Post et al. (2019).

<sup>9</sup> E.g. Platt et al. (2018).

<sup>10</sup> E.g. Amnesty International (2016: 18) and Kingston & Thomas (2019). For discussion of some of the limitations of this term see Yttergren & Westerstrand (2016).

<sup>11</sup> See page 18 of the 2017 international evidence assessment for further details on the 2014 European Parliament debate: <https://www.gov.scot/publications/evidence-assessment-impacts-criminalisation-purchase-sex-review/>

As with any legislative model, there is no uniform way of implementing a challenging demand approach. There are marked differences across jurisdictions that reflect the influence of a complex range of contextual factors such as existing legislative provisions and varied cultural norms and approaches to the implementation of the legislation by interested agencies (Kingston & Thomas 2019). That said, a number of common features were identified across the countries examined for this review that can be summarised into the following overarching principles and strands.

## Common principles

At the heart of the measures adopted in Sweden, Norway, Northern Ireland, the Republic of Ireland and France is the view that challenging demand entails the adoption of a criminal justice and social policy approach which recognises that prostitution is:

- a gendered form of violence incompatible with commitments to gender equality and human dignity;
- closely linked to other forms of crime and sexual exploitation such as human trafficking;
- the result of a broad and complex array of structural inequalities and challenges (socio-economic, cultural, health).

In response to these features of prostitution, the provisions introduced across the five jurisdictions examined have aimed to achieve three central objectives:

- To reduce demand for prostitution;
- To improve the lives of “victims” of prostitution through support that reduces harm and/or helps exit;
- To change social attitudes towards the commodification of (primarily female) bodies.

Achieving these objectives has resulted in strategies informed by a number of common principles which can be grouped into three intervention strands:

### 1. Criminal Justice Response

The adoption of a **criminal justice system** that:

- recognises the unequal power dynamic between purchaser and seller and places the burden of criminality on the purchaser as the central driver of demand.
- **protects women and men involved** in prostitution by **decriminalising selling** and enabling them to engage with the justice system and report crimes.
- sends out a clear **normative message** against the commodification of human bodies through the criminalisation of purchase.

- combines the criminalisation of purchase with **robust measures** aimed at combatting **other forms of sexual exploitation** e.g. human trafficking, pimping and brothel keeping.

## 2. Support for Victims

The adoption of **social policy measures** that:

- **recognise and respond to the complex needs** of those involved in prostitution (socio-economic, health, cultural).
- support women and men involved in prostitution to **access a broad range of specialist/non-specialist services** at local and national levels to help reduce harm and/or encourage exit.

## 3. Changing Social Attitudes

The incorporation of **clear and consistent messaging** across services and provisions to:

- **inform the public** of both the law and available support in order to **prevent further demand/entry**.
- **change social attitudes** towards prostitution to reduce violence against women and men involved.

The following subsections provide further detail on the individual jurisdictions considered in relation to these three strands. Specifically and in keeping with the objectives and strands here described, they outline each country's:

- Criminal justice response - the legislative measures and enforcement practices adopted;
- Social policy measures - any additional support services and provisions aimed at achieving the principles listed above.
- Changing social attitudes initiatives – any measures aimed at changing social attitudes.
- Evaluation and monitoring mechanisms – any evaluations undertaken by each country.

Little information exists on the day to day implementation and operations of the criminal and social policy provisions made which may mean that important features as well as similarities and differences in approaches have not been captured. Focus has thus been on providing an overview of the central features of each case (i.e. country) and where possible, further detail on implementation has been

included. The findings from any evaluations are unpacked in the chapters that follow where discussion revolves around the identification of any lessons learned which may support the development of a model for Scotland.

## Sweden

Sweden was the first jurisdiction to implement a challenging demand approach. The criminalisation of the purchase of sex was introduced along with a range of other measures under the “Kvinnofrid”<sup>12</sup> bill on the 1 January 1999. The central aim of the bill was to “combat violence against women, prostitution and sexual harassment in working life” (as cited in SOU 2010: 30). Proponents argued that prostitution constituted a form of violence and obstacle to gender equality which was harmful to society at large (Ekberg 2004: 1189). Banning purchase would send out a clear message that women and girls were not “commodities” (Ekberg 2004: 1189) and deter “purchase” whilst reducing “the number of people involved in street prostitution”<sup>13</sup>. The Bill was passed in 1998 and the Act was later transferred to the Swedish Criminal Code in April 2005 under section 11 of the Sexual Offences Chapter<sup>14</sup>.

### Criminal justice response

Despite an emphasis on the gendered nature of prostitution, the legislation is gender-neutral and includes a number of key provisions which have come to characterise the Nordic Model. These include the criminalisation of purchase through penalties such as fines and prison sentences and the non-criminalisation of selling. Chapter 6, Section 11 of the Criminal Code states:

*“A person who, in cases other than those previously referred to in this Chapter, obtains casual sexual relations in return for a payment, is guilty of purchase of sexual services and is sentenced to a fine or imprisonment for at most one year”.*

The purchase of sexual services is considered a criminal offence in cases where the relationship is casual and payment can be in the form of money or other items such as alcohol and drugs (SOU 2010: 32). Sexual relations primarily refer to sexual intercourse but may include other acts<sup>15</sup>. Moreover, the offence includes cases where payment is promised or made by a third person and is only applicable if it does not fall under other provisions made in Chapter 6 of the Criminal Code. These include offences for rape, sexual assault, child rape, child sexual exploitation, incest, and procurement.

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<sup>12</sup> Various translated to “Peace for Women” (Östergren 2018: 170), “Women’s Refuge Act” (Vuolajärvi 2019: 153), or “Violence Against Women” (SOU 2010: 30).

<sup>13</sup> Refer to the Ministry of Justice’s description of the legislation available at: <https://www.government.se/articles/2011/03/legislation-on-the-purchase-of-sexual-services/>

<sup>14</sup> The Swedish Criminal code can be found at: <https://www.government.se/4b0103/contentassets/7a2dcae0787e465e9a2431554b5eab03/the-swedish-criminal-code.pdf>

<sup>15</sup> Refer to the Ministry of Justice’s description of the legislation available at: <https://www.government.se/articles/2011/03/legislation-on-the-purchase-of-sexual-services/>

Procurement is defined as the promotion or financial exploitation of “another person’s engagement in casual sexual relations in return for payment” and is punishable by a maximum of 4 years or if “gross” i.e. aggravated, by a minimum of 2 years and a maximum of 8. Procurement also includes cases where a landlord has failed to terminate a lease in the event they become aware of a property’s use for prostitution. Other relevant legislation includes human trafficking for sexual exploitation which is covered in Chapter 4, Section 1a of the Criminal Code and is punishable by a minimum prison sentence of 2 years and a maximum of 10.

The imprisonment term of a year for purchase was raised from 6 months in 2011 in order to increase penalties and allow for a “nuanced assessment” of more serious cases of prostitution<sup>16</sup>. The most common penalty used, however, is a fine which is calculated on the basis of the severity of the case and the offender’s income. In cases where there is clear evidence that an offence has been committed, the person apprehended may confess and a fine may be issued (Olsson 2021: 356). Where they do not, the case may be taken to court.

In a study of 1,430 criminal case records taken from district courts and local public prosecuting offices between 2011 and 2015, Olsson (2021) found that fines ranged anywhere between 500 to 80,000 SEK (approximately £40 to £6,400). A person found guilty of purchase is expected to pay a daily amount totalling one thousandth of their annual income for a number of specified days. The precedent set by the Supreme Court is 50 day fines for cases where the person is found to have purchased a sexual service (Olsson 2021: 362; SOU 2010: 40). This goes down to 40 day fines when conviction relates to attempted purchase (Olsson 2021: 362).

Selling remains legal in line with a view to remove the burden of criminality from those involved in prostitution. Purchase is considered a crime against public order which means the seller is not classified as the pursuer in legal proceedings but can act as a key witness (Östergren 2018: 171). Moreover, revenues from the selling of sex are taxed which makes those who pay tax eligible for access to sickness and childcare allowances as well as a pension (Östergren 2018: 173).

The legislation is “universal” in scope, meaning it can apply to offences committed abroad (Ratcovich 2019: 402). However, this has been hard to implement in practice due to the requirement of “double criminality” under Swedish Law which means the purchase can only be tried if it is subject to “criminal responsibility under the law of the State where it was committed” (Ratcovich 2019: 399). In 2017 a draft bill aimed at removing the double criminality requirement was rejected by the Council on Legislation in Sweden on the basis of its “inconsistency” with the principle of non-intervention under international law (Ratcovich 2019: 400).

There is little evidence with regards to day-to-day operations (Olsson 2021). The literature indicates that police enforcement largely relies on its own intelligence gathering (Olsson 2021: 362). Recent studies show that police often engage in

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<sup>16</sup> Refer to the Ministry of Justice’s description of the report available at: <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

targeted surveillance operations where they identify apartments used on escorting sites (Olsson 2021: 362), monitor people entering and exiting the premises to identify possible purchasers, and conduct ID checks of any women and men involved in the apartments (Vuolajärvi 2019: 157).

Enforcement practices also vary depending on the residency status of the person involved. The Swedish 2005 Aliens Act means that suspicion of selling sex can result in deportation or denial of entry (Vuolajärvi 2019: 155). Identified victims of human trafficking, however, may be eligible for a 6 month residency permit in cases where they may be needed for a trial or investigation. A range of concerns around these practices' potential criminalisation of women and men involved have been raised, and are explored further in Chapter 6.

### **Social policy and changing social attitudes measures**

Despite there being no mention of prostitution in social services and health legislation, the provisions outlined above build on long-standing specialist support services organised at municipal level (Östergren 2018: 173). These have primarily focused on initiatives aimed at “fighting” prostitution by supporting women and men involved to exit rather than merely reducing harm (SOU 2010: 30). In addition to state welfare provisions, specialist support services such as Mika-mottagningen<sup>17</sup> in Stockholm, Gothenburg and Evonhuset (previously Kompetenscentrum Sexuella Tjänster) in Malmö, organise outreach activities and provide legal advice, counselling, training and health support to assist those involved in prostitution. Support for those with experience of purchasing sexual services is also available. KAST offers counselling and outreach programmes aimed at educating and identifying potential buyers in Stockholm, Gothenburg and Malmö.

Over the past decade, government emphasis has been on the development of collaborative networks between statutory services and civil society organisations specialising in both prostitution and human trafficking (Erikson & Larsson 2019). In 2008, a National Action Plan to Combat Prostitution and Sex Trafficking was established, aimed at developing national partnerships between public agencies and NGOs to combat sexual exploitation more effectively (Erikson & Larsson 2019: 6).

The County Administrative Board of Stockholm (BAS) hosted the National Coordinator overseeing activities related to combatting prostitution and trafficking in 2009 until 2018 when it was replaced by the Swedish Gender Equality Agency (SGEA) which was set up to help coordinate and support Sweden's Gender Equality aims<sup>18</sup> (Erikson & Larsson 2019: 6-7). The SGEA currently leads the National Task Force against Prostitution and Trafficking (NMT)<sup>19</sup>, a national forum which streamlines regulation and collaboration in the governance of prostitution and trafficking (Erikson & Larsson 2019: 8). It constitutes an “intermediary [...] between rule makers and the implementation of policy” and fills “gaps” that have emerged in

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<sup>17</sup> Mikamottagningen: <https://socialtstod.stockholm/missbruk-och-beroende/sex-mot-ersattning/>

<sup>18</sup> The Swedish Gender Equality Agency: <https://www.jamstalldhetsmyndigheten.se/en>

<sup>19</sup> The National Task Force against Prostitution and Trafficking: <https://www.nmtsverige.se/>

the absence of “operational guidelines” in the existing legislation (Erikson & Larsson 2019: 8). It includes agencies such as Social Services, the Police Authority, the Swedish Migration Agency, and the Swedish Prosecution Authority.

The NMT’s website provides telephone helplines, an interactive map with information on regional coordinators, information on support programmes, recent reports, training guides for government and NGO staff. The NMT has also been responsible for recent awareness campaigns, notably “You Decide!” which included an informational film highlighting the links between human trafficking and prostitution, and which reached an estimated 1.6 million people (OSCE 2021: 54)<sup>20</sup>.

Other cross-agency groups which work closely with the NMT include the Swedish Platform against Human Trafficking<sup>21</sup>, an organisation made up of NGOs working against human trafficking. It “collects data on all first contacts made with civil society” and “cooperates with authorities” in anti-trafficking efforts (Erikson & Larsson 2019: 13). In 2015 it also set up a National Support Programme which provides funding for accredited service providers to support and protect human trafficking victims. Finance can be granted for victims for a 30 days’ reflection period before they report to police which is extendable to 90 days support in cases where the person does not want to report (GRETA 2018: 28).

## Evaluation

The legislation has undergone continuous monitoring and evaluation. The National Board of Health and Welfare (NBHW) was mandated to monitor the nature and extent of prostitution in Sweden in the 1998 Bill, resulting in 3 reports published in 2000, 2004 and 2007 (Malloch et al. 2017: 21)<sup>22</sup>. In 2010, an official inquiry reviewing the impact of the legislation’s implementation was conducted which concluded that the legislation was having the desired effect in challenging demand<sup>23</sup>.

In 2013 the County Administrative Board of Stockholm was commissioned to map and gather knowledge on prostitution<sup>24</sup>. The mapping exercise drew from online surveys, a National Board of Health and Welfare report, a population survey, civil society, and research with people involved in prostitution and the police (Mujaj & Netscher 2015: 12). The study found a significant decrease in on-street prostitution as well as a notable increase in online advertisements for sexual services<sup>25</sup>.

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<sup>20</sup> For a useful overview of Swedish legislation and provisions see:

[https://sharingsweden.se/app/uploads/2019/02/si\\_prostitution-in-sweden\\_a5\\_final\\_digi\\_.pdf](https://sharingsweden.se/app/uploads/2019/02/si_prostitution-in-sweden_a5_final_digi_.pdf)

<sup>21</sup> Platform Against Trafficking in Human Beings website: <https://manniskohandel.se/english/>

<sup>22</sup> Find the 2017 evidence review at: <https://www.gov.scot/publications/evidence-assessment-impacts-criminalisation-purchase-sex-review/pages/7/>

<sup>23</sup> <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

<sup>24</sup> An English version of the report can be accessed at:

<https://www.lansstyrelsen.se/download/18.35db062616a5352a22a1d7a5/1559733783690/Rapport%202015-18%20prostitution%20in%20Sweden%202014.pdf>

<sup>25</sup> See also Malloch et al. 2017 evidence review for further details on the findings.

## Norway

A decade after Sweden implemented legislation aimed at challenging demand, Norway introduced the “Sex Purchase Act” (*Sexkjøpsloven*) on the 1 January 2009. Much like the Swedish case, debates around the criminalisation of the purchase of sex had been taking place for over 30 years. Prostitution was regarded as a form of violence and major obstacle to gender equality closely tied to human trafficking by the Act’s proponents (Skilbrei 2012).

### Criminal justice approach

Purchasing or attempting to purchase sex is now punishable with fines or up to six months’ imprisonment. According to Section 316 of Chapter 26 on Sexual Offences of the Penal Code, the penalties apply to anyone who:

*“a) procures sexual intercourse or any other sexual act, for himself/herself or for another person, in return for payment or agreement to provide payment,*

*b) procures sexual intercourse or any other sexual act in return for another person paying or agreeing to pay, or*

*c) in the manner described in a) or b) above induces someone to carry out acts that are equivalent to sexual intercourse with himself/herself.”<sup>26</sup>*

The inclusion of intent to purchase means that agreement between the relevant parties is enough to classify as an offence (Jahnsen & Skilbrei 2018b: 188). If the activity occurred in a “particularly offensive manner” and “does not fall within the scope of stricter provisions”, the imprisonment term increases to a maximum of one year<sup>27</sup>. The most common penalty issued is a fine and prison sentences are only applied in severe cases or when the offender refuses to pay (Jahnsen & Skilbrei 2018b: 189). The fine level is determined by local police and has been found to fall anywhere between NOK15,000 and NOK 25,000 (approx. £1,250 to £2,075) (Jahnsen & Skilbrei 2018a: 258). The ban does not only apply to offences which take place in Norway but also extends to offences committed abroad, however, little is known about how this has been implemented in practice (Jahnsen & Skilbrei 2018b: 188). Similar to Sweden, earnings from selling sex are also tax deductible.

Section 315 on “controlling and facilitating prostitution” makes the “promotion of prostitution to others” and “renting of premises for the purposes of prostitution” punishable by a fine or an imprisonment term not exceeding six years. Additionally, it also specifies that “public announcements” offering sexual services are punishable by a fine or six months’ imprisonment which extends to those involved in selling. How this has been enforced with regards to online advertising remains unclear. The Norwegian Penal Code also includes other provisions related to

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<sup>26</sup> English translation of Chapter 6 of the Norwegian Penal Code:

[https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL\\_2-11#KAPITTEL\\_2-11](https://lovdata.no/dokument/NLE/lov/2005-05-20-28/KAPITTEL_2-11#KAPITTEL_2-11)

<sup>27</sup> For an overview see Pro-Sentret’s website which provides an overview of the legislation:

<https://prosentret.no/en/om-prostitusjon/jeg-vil-vite-mer-om-prostitusjon/norsk-lov/>

sexual offences including a separate ban against the purchase of sex from minors which increases the imprisonment term to a maximum of two years and three years where it has been particularly offensive. Human trafficking for prostitution is liable to imprisonment for a maximum term of six years which rises to 10 in cases where there has been evidence of aggravated human trafficking.

Little was found detailing implementation and enforcement practices in Norway, however, similar policing approaches as seen in Sweden were identified in the literature. Police can use a broad range of surveillance powers such as the recruitment of informants or undercover policing (Jahnsen & Skilbrei 2018a: 258). *Operasjon Husløst* (Operation Houseless) which was introduced in 2007 to help tackle human trafficking involved police working with hotels and landlords to identify women involved (Jahnsen & Skilbrei 2018a). Similar concerns have been raised around the effect of these operations on the women and men involved. The literature indicates that police can banish women and men involved from particular areas if considered a public nuisance and Operation Houseless has resulted in women and men being evicted from accommodation (Jahnsen & Skilbrei 2018a). Like Sweden, victims of human trafficking may be granted six months' residency permit which may be extended to a year or a permanent residency permit in cases where the victim is central to an investigation and legal proceeding (Jahnsen & Skilbrei 2018a: 260). During the six month reflection period, victims are also entitled to legal and medical assistance, a safe place to live, follow-up care provided by social services or immigration authorities, and return to their home country (GRETA 2017: 19).

### **Social policy and changing social attitudes measures**

The Norwegian government committed to an annual package of 10 million Norwegian Kroner (approx. £850,000 in 2022) for support agencies to facilitate policy rollout (Amnesty International 2016: 26). Beyond general welfare services, specialist care is provided at municipal level and by civil society organisations such as the Church City Mission which offer support in finding alternative sources income, counselling, 24 hour helplines and courses. They primarily act as “intermediaries” between women involved in prostitution and “universal welfare services”, helping them to complete applications and contact state agencies. They also provide health check-ups and advice in coordination with STI clinics (Brunovskis & Skilbrei 2018: 312). Support provision has been heavily focused on harm reduction and not solely on providing support to exit (Brunovskis & Skilbrei 2018).

A major player in both support provision and national data gathering has been Pro Sentret, a centre funded by both the central government and the Oslo Municipality. It was initially established in 1983 as Oslo's specialist service aimed at supporting those selling sex. In 1993 it was named “a national centre of expertise” and helps provide information on the prostitution market and “best healthcare practice” (Pro Sentret). It prioritises prevention, the promotion of gender equality and the monitoring of prostitution in Norway and abroad:

*“Pro Sentret believes that all work in relation to prostitution must be based on human rights. Prostitution is an act, not a character trait of human beings. We want to live in a society where no-one feels that prostitution is the only available option. We cooperate with individuals, respecting the choices that they make in the situations in which they find themselves. Pro Sentret wants to replace myths and prejudices about prostitution with greater insight and knowledge. We want to live in a society that, instead of stigmatising persons who sell sex, shows solidarity with them. Society should invest heavily in preventing prostitution and in providing help to people who are looking for alternatives to prostitution. Persons who sell sex must be included as equal partners in the processes involving them and their lives. Pro Sentret aims to support individuals by making them aware of their rights and responsibilities, and by helping them to maintain their self-respect and good health so that they can take control of their own lives and realise their potential.”<sup>28</sup>*

Its website currently hosts a range of resources on relevant legislation, links to available services such as ROSA, a government funded programme aimed at assisting female victims of human trafficking<sup>29</sup> and KAST Norge which much like its Swedish counterpart, provides support and educational resources to men with experience of purchasing sex with the aim of preventing men from purchasing sex/reoffending in the future<sup>30</sup>. KAST Norge is a free and anonymous conversation service.

## **Evaluation**

An evaluation of the legislation was commissioned by the Ministry of Justice and Public Security in 2013, the results of which were published in 2014. The findings suggested that the ban on purchase had contributed to a reduction in prostitution. Further detail on the findings of the report can be found in the 2017 international evidence assessment commissioned by Scottish Government (Malloch et al. 2017).

## **Northern Ireland**

Northern Ireland (NI) introduced the “Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland)” in June 2015. The legislation made changes to the existing Sexual Offences (Northern Ireland) Order of 2008 which criminalised soliciting for the purposes of prostitution in public, kerb crawling as well as the purchase of sex from someone subject to force. The introduction of a challenging demand approach to prostitution was regarded as a key step within a broader effort to introduce a more “robust legal framework” aimed at combatting human trafficking (Department of Health, Safety and Public Policy 2015: 4)<sup>31</sup>. The legislation not only introduced harsher penalties for those profiting

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<sup>28</sup> Pro-sentret: <https://prosentret.no/en/om-pro-sentret/om-oss/pro-sentret-mener/>

<sup>29</sup> ROSA: <http://rosa-help.no/old/pdf/Guide-to-assisting-sep07.pdf>

<sup>30</sup> Full list of services can be found at: <https://prosentret.no/en/for-hjelpeapparatet/informasjon/prostitusjonstiltak-i-norge/>

<sup>31</sup> See: <https://www.health-ni.gov.uk/sites/default/files/consultations/dhssps/leaving-prostitution-strategy.PDF>

from sexual exploitation but also strengthened support for victims. The Bill increased provisions to combat human trafficking such as new offences related to slavery, forced labour and exploitation as well as new support provisions for victims of trafficking.

A draft Bill of the 2015 Act was presented to the Northern Ireland Assembly in 2014 by Lord Morrow from the Democratic Unionist Party (DUP) at a time when a Challenging Demand approach was gaining support across Ireland more generally. Research suggests that the development of the Bill had been heavily influenced by the Swedish model, with well-known Swedish advocates playing a key role as advisors in the Bill's drafting (McMenzie, Cook & Laing 2019). It was passed in December 2014.

### **Criminal justice approach**

Article 64A of the "Sexual Offences (Northern Ireland) 2008" order now makes it an offence to purchase sexual services. Someone found guilty is punishable by up to one year's imprisonment and a fine of up to £1000. It states:

*"(1) A person (A) commits an offence if A obtains sexual services from a person (B) in exchange for payment—*

*(a) if the payment is made or promised by A; or*

*(b) if the payment is made or promised by a third party and A knows or believes that the payment is made or promised by a third party."*<sup>32</sup>

Payment is defined as "any financial advantage to B, or any person other than B" and includes "the provision of goods or services (other than sexual services) gratuitously or at a discount". The legislation also specifies that an offence is only committed when there is evidence of B being in the physical presence of A, of sexual touching of the other party, or of B having touched themselves for sexual gratification in A's presence. In practice this means police must prove physical presence, sexual touching and promised or exchanged payment (Ellison et al. 2019: 62).

In line with other challenging demand approaches, the "Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland)" also repeals Article 59 which had made loitering and soliciting for purposes of offering prostitution illegal. However, it does specify that an offence is committed in cases where the person involved in prostitution is found to have played a role in "aiding, abetting, counselling, or procuring the commission of an offence under Article 64A by the purchaser".

The legislation builds on provisions made in the Sexual Offences (Northern Ireland) Order of 2008 such as "causing or inciting prostitution for gain", "controlling

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<sup>32</sup> For Section 64A see: <https://www.legislation.gov.uk/nia/2015/2/part/2/crossheading/paying-for-sexual-services-of-a-person/enacted>

prostitution for gain” and brothel keeping which are all punishable by up to seven years’ imprisonment<sup>33</sup>.

### **Social policy and changing social attitudes measures**

The 2015 Act makes provisions for the development and publication of a strategy aimed at supporting people wishing to exit prostitution. Section 19 states that the strategy should “provide for a programme of support and assistance to be made available in accordance with the strategy no later than 1 April 2016” and should not be published later than 10 months after the Act’s implementation. Unlike France, the legislation does not provide great detail on what the proposed support and assistance actually entails but it does nevertheless specify that the strategy must ensure that support provided is not:

*“(a) “conditional on the person acting as a witness in any criminal proceedings;*

*(b) “is provided only with the agreement of that person; and*

*(c) “is provided in a manner which takes due account of the needs of that person as regards safety and protection from harm.”<sup>34</sup>*

Assistance and support must be offered from someone who is the same gender as the person receiving it and a review of the strategy should be conducted every three years after implementation. Crucially, it specifies that the assistance and support provisions do not affect entitlement to support and assistance offered in other statutory provisions.

The Leaving Prostitution Strategy was published in December 2015 by the Department of Health, Social Services and Public Safety<sup>35</sup>. Its central objective is to set out “actions to be taken by departments to develop” the Programme of Assistance and Support (PAS) (Department of Health, Social Services and Public Safety 2015: 4). The strategy identifies barriers to leaving prostitution, available services that can help support those wishing to exit and respond to the identified barriers. These include: housing; mental and physical health problems; experiences of violence as children; criminalisation; finance; coercion; among others. Services include: existing health and counselling services; Jobcentres; and helplines. The strategy makes clear that the core purpose of the PAS is not to replicate already existing services but to “[connect] those wishing to leave prostitution with the services and support” outlined (Department of Health, Social Services and Public Safety 2015: 20). A PAS website provides details of statutory services available to those involved in prostitution such as the Belfast Commercial Sex Workers drop-in Service, which offers sexual health support and advice for those involved in

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<sup>33</sup> See: <https://www.legislation.gov.uk/nisi/2008/1769/part/5>

<sup>34</sup> See section 19: <https://www.legislation.gov.uk/nia/2015/2/section/19/enacted>

<sup>35</sup> Leaving Prostitution Strategy: <https://www.health-ni.gov.uk/sites/default/files/consultations/dhssps/leaving-prostitution-strategy.PDF>

prostitution and is one of the few agencies providing specialised support for women and men involved<sup>36</sup>.

It is worth noting that when the legislation was being implemented, the Police Service of Northern Ireland (PSNI) established two sex worker liaison officers (SWLO) in accordance with National Police Chief's Council (NPCC) guidance (Ellison et al. 2019: 60). The central role of the SWLO's is not law enforcement, but support for women and men involved in prostitution. The number of liaison officers has since been raised to five following discussions between the PSNI and "sex worker" peer organisations<sup>37</sup>. While not specified in the Strategy, the evidence suggests that along with the Belfast drop-in service, the SWLO have become important statutory actors engaging with women and men involved in prostitution since the legislation's enactment.

No studies on the impact of challenging demand on social attitudes to prostitution was identified in the evidence search.

## Evaluation

The legislation requires that the Department of Justice carry out a review of Article 64A after three years<sup>38</sup>. The evaluation which adopted a mixed methods approach including interviews, online surveys and data "scraping"<sup>39</sup> was published in 2019 and found little evidence of a reduction in the estimated numbers of people involved in prostitution. The authors, who were highly critical of the legislation, argued that the absence of the anticipated reduction may have been the result of difficulties in enforcement and a lack of robust evidence around the effectiveness of the Nordic model more generally (Ellison et al. 2019: 167). The results of the review have been criticised by supporters of the legislation on the basis of its use of data supplied by Escort Ireland<sup>40</sup>.

## Republic of Ireland

At the time that NI was reviewing and implementing a challenging demand approach, similar debates and discussions were taking place in the Republic of Ireland (RoI). The Criminal Law (Sexual Offences) Act 2017 was introduced in March of that year as part of a broader effort to tackle child sexual abuse, human trafficking and sexual exploitation in response to Directive No. 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the

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<sup>36</sup> Leaving Prostitution support website: <https://www.nidirect.gov.uk/articles/help-people-leaving-prostitution>

<sup>37</sup> As reported by the BBC: <https://www.bbc.co.uk/news/uk-northern-ireland-51836836>

<sup>38</sup> Review available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/report-criminalisation-paying-for-sex.pdf>

<sup>39</sup> Data scraping or web scraping refers to a technique in which data or web information is extracted from a website. In this case it was used to analyse profiles on Adult Websites.

<sup>40</sup> See: <https://www.independent.co.uk/voices/northern-ireland-prostitution-nordic-model-trafficking-a9113436.html>

sexual abuse and sexual exploitation of children and child pornography<sup>41</sup>. Much like NI, the criminalisation of the purchase of sex was seen as a central piece within a wider attempt to combat human trafficking (Huschke & Schubotz 2016). The legislation aimed to send out a clear message highlighting the links between prostitution and sexual exploitation (Campbell et al. 2020: 281). In addition to criminalising purchase, it made changes to legislation on sexual exploitation and abuse and introduced offences related to child sexual grooming and child pornography (Shannon 2020).

Development of the legislation began almost a decade prior with extensive campaigning by the likes of Turn Off the Red Light (TORL), a coalition of over 60 frontline service providers seeking to end prostitution and sex trafficking<sup>42</sup>. A number of studies had drawn attention to an extensive human trafficking and sexual exploitation network in Ireland (Shannon 2020). Under existing legislation at that time, soliciting for the purposes of selling, pimping, human trafficking for the purposes of sexual or labour exploitation and brothel keeping were illegal.

In response to increasing demands for legislative change, the Department of Justice and Equality announced a consultation on the “future” of prostitution legislation in Ireland on 22 June 2012 (Shannon 2020: 4). The majority of stakeholders who participated in the hearings supported a Nordic approach and the committee recommended the adoption of a challenging demand approach following a visit to Sweden where members found positive evidence in favour of the Swedish model (Shannon 2020: 4). It argued that criminalisation of purchase would “reduce demand, stigma, barriers to support services, and risky sexual practices, lessen harm, and promote public health” (Ryan & Ward 2018: 52). A draft Bill was developed in 2015 and Criminal Law (Sexual Offences) Act 2017 was passed two years later.

### **Criminal justice approach**

The Act amends the Criminal Law (Sexual Offences) Act 1993. It creates the offence of “payment etc. for sexual activity with a prostitute” making it punishable by a €500 fine which in the event of a repeat offence, goes up to €1000. Purchase includes giving, offering or promising “to pay or give a person (including a prostitute) money or any other form of remuneration or consideration for the purpose of engaging in sexual activity”<sup>43</sup>. Sexual activity is defined as:

*“any activity where a reasonable person would consider that—  
(a) whatever its circumstances or the purpose of any person in relation to it,  
the activity is because of its nature sexual, or*

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<sup>41</sup> Criminal Law (Sexual Offences) Bill 2015:  
<https://data.oireachtas.ie/ie/oireachtas/bill/2015/79/eng/initiated/b7915s.pdf>

<sup>42</sup> See:  
[https://www.nwci.ie/discover/what\\_we\\_do/building\\_the\\_womens\\_movement/supporting\\_collectives\\_and\\_campaigns/turn\\_off\\_the\\_red\\_light\\_campaign](https://www.nwci.ie/discover/what_we_do/building_the_womens_movement/supporting_collectives_and_campaigns/turn_off_the_red_light_campaign)

<sup>43</sup> Legislation can be found at:  
<https://www.irishstatutebook.ie/eli/2017/act/2/section/25/enacted/en/html#sec25>

*(b) because of its nature the activity may be sexual and because of its circumstances or the purposes of any person in relation to it (or both) the activity is sexual”.*

Section 25 also amends subsection 2 of section 1 of the 1993 Act which included offering of “his or her services as a prostitute” in its definition of soliciting or importuning for the purposes of prostitution, thereby decriminalising the selling of sexual services. Soliciting for “the purpose of obtaining that other person’s services as a prostitute”, or “on behalf of a person for the purposes of prostitution” continue to be offences. Failure to follow police instructions to leave an area if suspected of loitering is punishable by a €1000 fine and a maximum imprisonment term of six months. Importantly, the act also doubles penalties for brothel keeping and pimping from a €1000 fine or six months’ imprisonment term to €5,000 or 12 months. For more serious offences, the Act increases the maximum imprisonment term from five years to 10. In addition to “keeping” or “managing” a brothel, brothel keeping also includes “being the tenant, lessee, occupier or person in charge of a premises” used for prostitution or the “landlord lessor”. Publication and distribution of adverts for brothels and prostitution were made illegal in 1994. In 2021 the Minister for Justice also announced plans to expunge previous criminal records for the selling of sex with the view to “firmly assert” a commitment to supporting victims of exploitation<sup>44</sup>.

Like Sweden and Norway, enforcement practices primarily rely on police intelligence gathering. An Garda Síochána engage in welfare checks, brothel raids as well as targeted intelligence operations where they locate premises used for prostitution and identify suspected purchasers entering/exiting (Shannon 2020). The Garda National Protective Services Bureau (GNPSB) “provides advice, guidance and assistance to Gardaí investigating” sexual crime, child exploitation, domestic abuse, human trafficking, organised prostitution and missing persons among others<sup>45</sup>. The bureau also “liaises with relevant Government Departments, State Bodies and voluntary groups”. In 2021, an Organised Prostitution Investigation Unit was set up within the Bureau, to replace Operation Quest and is now responsible for enforcement of the legislation<sup>46</sup>.

In 2017 a High-Level Working Group was established tasked with aiding the implementation of the purchase part of the 2017 Act. It includes members from An Garda Síochána, Health Service Executive, SERP (Sexual Exploitation Research Programme, UCD), the Department of Justice and Equality (as observers), Ruhama, Men’s Development Network, Mia De Faoite, the Immigrant Council of Ireland, the Dublin Rape Crisis Centre, Doras Lumní, the Children’s Rights Alliance and Dr Geoffrey Shannon, and serves as a means for sharing information between

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<sup>44</sup> As announced on: <https://www.justice.ie/en/JELR/Pages/PR21000101>

<sup>45</sup> GNPSB website: <https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-protective-services-bureau-gnpsb/>

<sup>46</sup> As reported in the Irish Times: <https://www.irishtimes.com/news/crime-and-law/new-garda-unit-set-up-to-investigate-organised-crime-linked-to-illegal-sex-trade-1.4474472>

frontline workers and experts as well as monitoring, gathering and collating data, documenting progress, and learning from international experience (Shannon 2020).

### **Social policy and changing social attitudes measures**

Unlike some of the other legislative provisions (NI and France) here considered, the 2017 Act did not specify the provision of specialist support for women and men involved in prostitution, however, there are a number of state funded initiatives and programmes aimed at victims of sexual exploitation. Support services made available to women and men involved in prostitution currently include services such as the Health Service Executive (HSE) Women’s Health Service (WHS) and Anti-human Trafficking Team (AHTT) which operate sexual health clinics and outreach support for women and trans women involved in prostitution as well as providing support for victims of human trafficking (Breslin et al. 2021)<sup>47</sup>.

The WHS primarily provides specialist sexual health support while its outreach service provides help on a range of issues such as housing, finance, legal and immigration concerns (Breslin et al. 2021). Other major actors include Ruhama, an NGO partially funded by the state and specialising in support for victims of prostitution, sex trafficking and other forms of sexual exploitation<sup>48</sup> and the Sex Workers Alliance Ireland (SWAI), a “sex-worker” led organisation in favour decriminalised approaches<sup>49</sup>. Ruhama offers a range of services such as counselling, care plans, employment, housing and accommodation support, legal and immigration advice, health and well-being support and outreach. SWAI focuses on “sex worker” advocacy, law, health and immigration guidance, and research support. In addition to providing specialist support, Ruhama has also played an important role in awareness campaigns such as “We Don’t Buy It” in 2015 which was shared via outdoor advertising, radio, online and social media. The campaign reached 17% of the general public and generated 2.5 million “impressions on social media” (OSCE 2021: 53).

Similar to NI, no studies on the impact of challenging demand on social attitudes to prostitution in RoI was identified in the evidence search.

### **Evaluation**

Section 27 makes a review of the legislation a requirement no later than 3 years after commencement. The Department of Justice and Equality launched an online consultation survey in August 2020 as part of the legislation’s mandatory review, the results of which have not yet been published<sup>50</sup>.

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<sup>47</sup> HSE’s WHS website: <https://www.hse.ie/eng/services/list/5/sexhealth/whp/>

<sup>48</sup> Ruhama website: <https://www.ruhama.ie/about-ruhama/>

<sup>49</sup> SWAI website: <https://sexworkersallianceireland.org/who-we-are/>

<sup>50</sup> Consultation launch: [https://www.justice.ie/en/JELR/Pages/Review\\_of\\_the\\_Operation\\_of\\_Part\\_4\\_of\\_the\\_Criminal\\_Law\\_\(Sexual\\_Offences\)\\_Act\\_2017](https://www.justice.ie/en/JELR/Pages/Review_of_the_Operation_of_Part_4_of_the_Criminal_Law_(Sexual_Offences)_Act_2017)

## France

France introduced legislation aimed at “strengthening the fight against the prostitution system and support prostituted persons”<sup>51</sup> in April 2016<sup>52</sup>. Much like the Swedish approach, the move was informed by the adoption of a “global” approach which aimed to both deter the purchase of sex and support women and men involved in prostitution (Gaudy & Le Bail 2020: 17). Proponents of the new legislation argued that criminalising purchasers supported the fight for gender equality, sending out a zero tolerance message capable of changing social attitudes and protecting those involved<sup>53</sup>.

### Criminal justice approach

Law No. 2016-444 was passed 64-12 in the National Assembly after three years of debate in parliament (St Denny 2020). It decriminalises the selling of sex and provides an exit programme aimed at helping people to leave prostitution, bringing an end to previous legislation that made public soliciting punishable by a €3,750 fine and two months imprisonment<sup>54</sup>. In addition, it allocates funding for national policy focused on 1) reducing harm to those involved in prostitution, 2) preventing entry, and 3) raising public awareness of the negative consequences of the selling and purchasing of sex.

In 2011 a cross-party commission published a report reviewing France’s approach to prostitution and recommended the criminalisation of the purchase of sex<sup>55</sup> as well as improved police training to strengthen victim detection and increased support for victims of both prostitution and trafficking (St. Denny 2020). A few months later in December 2011, the National Assembly unanimously approved a resolution in favour of criminalising the payment for sex and reaffirming a commitment to the abolition of prostitution<sup>56</sup>. MPs argued that prostitution was an obstacle to gender equality and criminalising clients was the surest way of shifting blame from the victims and reducing demand (Théry & Legardinier 2017). In 2013 the National Assembly’s Women’s Rights Delegation prepared a bill setting out a challenging demand approach which was eventually passed with some amendments on 6th April 2016 (St. Denny 2020).

The legislation comprises 23 articles covering a range of provisions which include the criminalisation of the purchase of sex even if committed abroad, an exit programme focused on helping women and men involved in prostitution to leave,

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<sup>51</sup> Loi visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées

<sup>52</sup> The bill was passed on the 6<sup>th</sup> April 2016, and the Act was promulgated on the 13<sup>th</sup> April 2016.

<sup>53</sup> See: <https://www.theguardian.com/world/2016/apr/06/france-passes-law-illegal-to-pay-for-sex-criminalise-customers> and Gaudy & Le Bail (2020: 6).

<sup>54</sup> Loi pour la sécurité intérieure, 2003.

<sup>55</sup> See: <https://www.theguardian.com/world/2011/apr/13/france-illegal-pay-sex>

<sup>56</sup> See: <https://www.bbc.co.uk/news/world-europe-16047284>

and funding for health and awareness programmes<sup>57</sup>. Purchasing sex is now punishable by a fine of €1,500 which in the case of repeat offences rises to €3,750 and becomes a criminal offence. Offenders may also be required to attend an awareness course at their own expense. The primary focus of the awareness course is to inform offenders about the “fight against the purchasing of sexual activities”<sup>58</sup>. The legislation defines purchasing as:

*“The act of soliciting, accepting or obtaining sexual relations with a person involved in prostitution, including in an occasional manner, in exchange for remuneration, a promise of remuneration, the provision of a benefit in kind or the promise of such a benefit”.*<sup>59</sup>

For cases where the person involved in prostitution is a minor or has a known disability or illness, purchasing initially became punishable by three years’ imprisonment and a €45,000 fine. This has since been increased to five years and a €75,000 fine after amendments were made in 2021 which strengthened the protection of minors from sexual crimes. The provisions for vulnerable people and minors are further supplemented with fines of up to €100,000 and €150,000, and prison sentences of up to seven and 15 years in cases where the offence occurred habitually or with several persons, through violence or abuse of position, or via an online messaging platform.

The legislation builds on extensive anti-pimping and anti-trafficking laws. Procuring is currently punishable by up to seven years’ imprisonment and a €150,000 fine. Procurement refers to anyone who “helps, assists or protects the prostitution of others”, “makes a profit out of the prostitution of others”, “hires or corrupts a person for the purpose of prostitution” (Darley et al. 2018: 96). In the case of procuring a minor or vulnerable person, the penalties go up to 10 years’ imprisonment and a €1,500,000 fine. Where the person involved is younger than 15, these penalties increase to 20 years and €3,000,000.

We find similar provisions in cases of human trafficking for sexual exploitation<sup>60</sup> and brothel keeping which is punishable by up to 10 years’ imprisonment and a €750,000 fine<sup>61</sup>. The legislation also “created an obligation upon internet service providers” to alert authorities “of any content that violates the Act in respect of pimping, and to make public the means and measures they devote to combating such illegal activities” (OSCE 2021: 62).

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<sup>57</sup> For full overview of the legislation see: <https://www.legifrance.gouv.fr/loda/id/LEGIARTI000032397200/2016-04-15/>

<sup>58</sup> Translated in Le Bail, Giametta & Rassouw (2018: 19).

<sup>59</sup> Translated in Le Bail et al. (2018: 19).

<sup>60</sup> See:

[https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006070719/LEGISCTA000006165299/2021-12-16/](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165299/2021-12-16/)

<sup>61</sup> For overview of the provisions in France see: <https://www.service-public.fr/particuliers/vosdroits/F2532>

In line with an approach that aims to support victims of prostitution, public soliciting which had previously punished both purchasers and sellers was decriminalised. Like Norway and Sweden, earnings from selling are subject to taxation, however, how it works in practice remains unclear.

### **Social policy and changing social attitudes measures**

Articles 5-14 of the legislation now provide for a range of resources to help victims of prostitution, trafficking for sexual exploitation and pimping. The services include access to temporary accommodation, placement on priority lists for social housing, help in accessing health services, six month temporary residency permits for migrant women and men involved in prostitution which are renewable for up to 18 months. They also provide for tax debt forgiveness in cases where the person is unable to pay and financial aid to facilitate social and professional integration for those who are not eligible for government welfare and asylum allowances (€330 monthly stipend and an extra €102 per dependent child) (Gaudy & Le Bail 2020: 17).

To access the programme applicants must, however, be committed to exiting and be supported by an accredited organisation. Accreditation can only be acquired if organisations show that they have been in operation for at least three years and prove that they are committed to helping people to exit. Applications to the programme are then reviewed, approved/rejected by “département” committees composed of representatives of the public sector including the gendarmerie, police, local authorities, health professionals, and social workers.

Other provisions aimed at supporting women and men involved in prostitution include: access to temporary housing by victims of human trafficking and pimping who have brought proceedings against perpetrators; the possibility for full compensation for damage caused; and the right to in camera proceedings (Théry & Legardinier 2017). In addition to these, the legislation also includes provisions aimed at bolstering efforts to change social attitudes. Articles 17, 18 and 19 establish two national policies, one focused on preventing physical, social and psychological harm, and a second one aimed at informing secondary school students of the dangers of prostitution and the commodification of the human body. In 2016 the Ministry for Women’s Rights launched a poster campaign aimed at spreading awareness of the new legislation (OSCE 2021: 52-53). Other awareness campaigns have included Mouvement du Nid’s<sup>62</sup> “The Tormenters” which also included posters and videos shown across cities such as Paris and Nice (OSCE 2021: 53).

### **Evaluation**

The legislation makes a review of its implementation a requirement after two years which was completed in December 2019<sup>63</sup>. Other reports have included the Scelles Foundation’s local evaluation which examined implementation in Narbonne, Paris,

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<sup>62</sup> Mouvement du Nid website: <https://mouvementdunid.org/>

<sup>63</sup> Evaluation in French: <https://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf>

Bordeaux and Strasbourg<sup>64</sup>. The Ministry of Solidarity and Health published a report in June 2021 which showed a steep rise in the prostitution of minors. Estimates suggest that as many as 10,000 young people may be involved in prostitution, contributing to the announcement of a €14 million plan to tackle underage prostitution<sup>65</sup>. A recent report produced by the National Advisory Commission on Human Rights, suggested that a major contributing factor behind the lack of visibility has been the increased use of the internet<sup>66</sup>.

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<sup>64</sup> Version in French can be accessed at:

[http://www.fondationscelles.org/pdf/evaluation\\_locale/2019\\_Rapport\\_evaluation\\_locale\\_mise\\_en\\_oeuvre\\_loi\\_2016\\_444\\_actualise%CC%81\\_juillet\\_2019.pdf](http://www.fondationscelles.org/pdf/evaluation_locale/2019_Rapport_evaluation_locale_mise_en_oeuvre_loi_2016_444_actualise%CC%81_juillet_2019.pdf)

<sup>65</sup> See: <https://www.rfi.fr/en/france/20211115-france-launches-14-million-euro-plan-to-fight-teenage-prostitution-pimping>

<sup>66</sup> See page 6 of the report: [https://www.cncdh.fr/sites/default/files/a\\_-\\_2021\\_-\\_5\\_-\\_english\\_-\\_prevention\\_and\\_fight\\_against\\_sexual\\_exploitation\\_of\\_minors\\_april\\_2021.pdf](https://www.cncdh.fr/sites/default/files/a_-_2021_-_5_-_english_-_prevention_and_fight_against_sexual_exploitation_of_minors_april_2021.pdf)

## 5. Impacts and enablers of challenging demand

This chapter synthesises the evidence on impacts and possible enablers of the approaches outlined in Chapter 4, paying particular attention to the central objectives underpinning challenging demand approaches identified previously, namely to:

- reduce demand for prostitution;
- improve the lives of women and men involved in prostitution through support that reduces harm and/or helps exit;
- change social attitudes towards the commodification of (primarily female) bodies.

Given the evidence gaps outlined in [Chapter 3](#), discussion is limited to describing associated impacts and enablers. Further research is needed to determine direct causality between the trends described and challenging demand interventions. The evidence describes similar trends outlined in the 2017 international evidence review commissioned by Scottish Government with regards to a drop in on-street prostitution, a rise in recorded crime and charges, and changes in social attitudes in favour of challenging demand.

As described in Chapter 2 and 3, there are a number of evidence gaps which should be borne in mind when reviewing the report findings in this section, most notably, a scarcity in research on the prevalence of purchase and selling, a reliance on small qualitative studies, and a lack of research and data on support service use and the effectiveness of national awareness campaigns. These gaps notwithstanding, the evidence points to a number of factors which may strengthen implementation of challenging demand approaches and which can be summarised as follows:

**Table 3. Summary of enablers of challenging demand referenced in the literature**

| Targeting Demand   | Sustained and accessible support provision   | Changing social attitudes   |
|--|--|---|
| <ul style="list-style-type: none"> <li>• Intelligence-led police operations aimed at detecting purchasers and identifying harder to reach groups involved in the sale of sex.</li> <li>• The adoption of enforcement policies</li> </ul> | <ul style="list-style-type: none"> <li>• Use of existing networks of support service providers to facilitate multi-stakeholder cooperation.</li> <li>• The provision of sustained, free and accessible, person-</li> </ul> | <ul style="list-style-type: none"> <li>• Strategies aimed at fostering culture change among the wider public and key stakeholders.</li> <li>• Inclusive policy that fosters support and collaboration with adults with lived</li> </ul> |

|   |  |   |
|---|--|---|
| <p>(e.g. expunging previous convictions for selling sex) aimed at building trust among women and men involved in prostitution in addition to increased victim-centred / trauma-informed training to change culture and improve cooperation.</p> <ul style="list-style-type: none"> <li>Partnership between specialist support providers, enforcement agencies and advocacy groups to improve information sharing and co-develop national operational guidelines.</li> </ul> | <p>centred, holistic and trauma informed support services aimed at building trust with women and men involved in prostitution and fostering cross-agency coordination.</p> | <p>experiences of selling sex.</p> <ul style="list-style-type: none"> <li>Awareness courses on the dangers of prostitution aimed at those with experience of buying sex.</li> </ul> |
|---|--|---|

## Targeting demand

Attempts to capture the impact of challenging demand legislation on reducing demand tend to focus on trends in detected cases of purchase. **The evidence shows there has been a sustained rise in recorded crimes and charges for purchase related offences in a couple of jurisdictions, echoing findings made in the 2017 international evidence review** (Malloch et al. 2017)<sup>67</sup>. The exact causes for the trends identified, however, remain unclear but could be attributed to a number of factors such as changes in police approaches to targeting and detecting purchasers.

Statistics cited in Gaudy and Le Bail's 2020 comparative summary of three evaluations of the French legislation including the government's 2019 national review<sup>68</sup>, show an increase in the numbers charged for all offences related to prostitution. The latter rose from 799 in 2016 to 2,072 in 2017 and 1,939 in 2018 and contrasts with the decline in numbers charged for soliciting seen in the years

<sup>67</sup> The review found that the number of reported crimes in Sweden related to purchase had increased from 94 in 1999 to 601 in 2014. The review also noted an increase in convictions from 11 in 1999 to 391 in 2013 (Malloch et al. 2017: 30-31).

<sup>68</sup> A version in French is available at: <https://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf>

running up to the introduction of the legislation from 3,290 in 2004 to 780 in 2015 (Gaudy & Le Bail 2020: 9).

Official statistics cited in a Department of Justice and Equality funded study conducted by the Sexual Exploitation Research Programme (SERP) at University College Dublin, show that the number of recorded crimes related to purchase went up from just 10 in 2018 to 92 in 2019 (a rise of 820%) (O'Connor & Breslin 2020: 81). The authors note that these figures contrast with a steady decline in recorded crimes related to brothel keeping since 2017, as well as a significant drop in recorded crimes related to "soliciting, loitering and living on the earnings of the prostitution of another" since 2014 from 79 to eight (O'Connor & Breslin 2020: 77). A similar albeit modest rise in recorded crimes was cited in the National Women's Council consultation submission for the Republic of Ireland's (RoI) ongoing national evaluation. Official statistics cited show an "increase of 171%" in recorded crimes related to the purchase of sex, with numbers increasing from only 15 in the first quarter of 2019 to 87 in 2020 (National Women's Council 2020: 8).

Exactly what might be contributing to the trends described, however, remains under-examined in the literature. **The authors of the SERP study suggest that the decline in soliciting related crimes is likely a consequence of the decriminalisation of soliciting for the purposes of selling and shifts in policing priorities towards increased targeting of purchasers** (O'Connor & Breslin 2020). Meanwhile the European Commission's *Study on the gender dimension of trafficking in human beings* which draws from face-to-face interviews with 10 Swedish stakeholders including enforcement officials, suggests that increases in the numbers of people apprehended and convicted in Sweden may have been the result of increased investment in enforcement (European Commission 2016: 127).

In terms of evidence on undetected cases of purchase the picture is less clear. **Interviews with service providers and women and men involved in prostitution highlight a perceived drop in the number of "clients"** (Le Bail et al. 2018: 32). The study, based on 70 semi-structured interviews with "sex workers", 24 interviews with grassroots organisations, focus groups and workshops with 38 people involved in prostitution and a supplementary survey (n=583), showed that the majority of interviewees displayed high levels of awareness of the legislation and had noticed an increase in fines and decline in clients due to heightened police presence (Le Bail et al. 2018: 32).

Little is known about the effects of challenging demand on deterrence more widely which may be the reflection of difficulties in evidencing it empirically (Malloch et al. 2017: 28). **A "client survey" conducted for the Northern Irish (NI) 2019 evaluation suggests the deterrence effect may be low** (n=1,276; 1,083 based in the RoI and 193 in NI) (Ellison et al. 2019). Just over half of respondents (53.5% in NI and 54.2% in the RoI) stated that the law had made no difference to the frequency with which they purchased and that they planned to continue to buy sexual services at the same rate (Ellison et al. 2019: 127). Only 11.6% (NI) and 10.8% (RoI) stated they were likely to be dissuaded from purchasing (Ellison et al. 2019: 127). These figures are not dissimilar to the proportion who stated they had

changed their behaviour in Swedish survey conducted between 2011 and 2014 (less than 10%) (Östergren 2018: 178). In NI, surveyed clients reported an increase in online purchase compared to before the law’s introduction (from 50.3% to 74.5% in NI) (Ellison et al. 2019: 122), however, **the same survey did find a notable drop in the numbers of clients who reported having paid for street based prostitution in both jurisdictions** (Ellison et al. 2019: 123).

The NI survey results also indicate a lack of awareness of the legislative provisions among purchasers and a lack of contact with enforcement. A substantial minority stated they were not aware that the law had changed in both jurisdictions (27.9% in NI and 23.7% in the RoI) (Ellison et al 2019: 125). In NI, 75.9% stated that access to commercial sexual services was just as easy as before implementation (Ellison et al 2019: 128). This number was higher in the RoI, with **83.1% stating they felt the law had little impact on purchase and ease of purchase** (Ellison et al 2019: 128). The vast majority reported never having had contact with the police for purchase of sex related offences (97.5%) (Ellison et al 2019: 12).

**Table 4. Reported purchaser contact with police**

| Northern Ireland   | Frequency (n) | Percentage  |
|--------------------|---------------|-------------|
| Never              | 117           | 97.5%       |
| Yes, arrested      | 1             | 0.8%        |
| Yes, cautioned     | 1             | 0.8%        |
| Yes, only spoke to | 1             | 0.8%        |
| <b>Total</b>       | <b>120</b>    | <b>100%</b> |

| Republic of Ireland | Frequency (n) | Percentage  |
|---------------------|---------------|-------------|
| Never               | 720           | 92.4%       |
| Yes, arrested       | 1             | 0.1%        |
| Yes, cautioned      | 6             | 0.8%        |
| Yes, only spoke to  | 42            | 5.4%        |
| <b>Total</b>        | <b>779</b>    | <b>100%</b> |

(Ellison et al. 2019: 131)

The generalisability of these figures, however, is limited given the survey’s distribution via “adult service websites” and “escorting sites” which may mean there **is an over-representation of the views of those who continue to purchase**. They do nevertheless align with similar figures found in Huschke and Ward’s

analysis of a “client” survey in NI (n=446) which had been conducted prior to the legislative changes, showing that only seven per cent stated they would stop paying for sex if it was illegal (Huschke & Ward 2017: 4)<sup>69</sup>. Concerns with the representativeness of this second sample were, however, also flagged by the authors, once again emphasising the methodological difficulties in accessing and researching purchaser views and behaviour.

Issues around evidence gathering may be a contributing factor behind the low numbers of convictions seen in NI and ineffective deterrence<sup>70</sup>. The 2019 evaluation commissioned by the Ministry of Justice Northern Ireland reported 23 recorded crimes relating to Article 64A, 15 arrests for offences related to purchase and two prosecutions and convictions for serious sexual offences against women involved between 1st June 2015 and the 31st December 2019 (Ellison et al. 2019: 11)<sup>71</sup>.

The picture in Sweden is similarly mixed. Whilst the 2017 review found indications of increased deterrence as a result of the criminalisation of purchase, recent qualitative research examining the views of 29 purchasers in Sweden in 2018 showed that **for some, criminalisation had “added to the thrill of buying sex”, whilst for others social stigma and criminality increased feelings of shame and fear of exposure** (Grönvall et al. 2021: 662). No information on the distribution of these views among interviewees was provided, however, the small sample means the findings could not be generalised. The insights nevertheless draw attention to a complex array of contributing factors which may be driving continued purchase.

The 2019 French government report noted that participant evaluations of the awareness course aimed at purchasers suggested **that a large majority had “changed their view of prostitution by the end of the course”** (Gaudy & Le Bail 2020: 9). The European Commission’s *Study on the gender dimension of trafficking in human beings*, also cited research conducted in Sweden by the National Board of Health and Welfare in 2012 which found the KAST service users **had reduced alcohol and drug consumption** (European Commission 2016: 127). Given the small number of interviews (n=10) and lack of methodological insights into the study, however, the generalisability of these insights on purchaser behaviour and course attendees is limited.

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<sup>69</sup> See Malloch et al. 2017.

<sup>70</sup> See [Chapter 6](#) for a more in depth discussion of difficulties in enforcement.

<sup>71</sup> Recorded crime and legal proceedings statistics published on the PSNI and the PPSNI websites did not break down sexual offences into crime type, however, an FOI response published by PSNI in 2020, reported that between 1 June 2015 and 7 May 2020, a total of 36 people had been arrested for paying for sexual services and a total of five people had been charged. One person had received a caution in 2015 and three had received a caution in 2016. For further details refer to: <https://www.psni.police.uk/globalassets/advice--information/our-publications/disclosure-logs/2019/crime/g-l/00552-human-trafficking-and-prostitution.pdf>

## Possible enablers and lessons learned

Due to the limited nature of available research examining the impacts of challenging demand approaches on reduction, the identification of proven success factors is difficult. Enablers and lessons learned referenced in the literature primarily centre on improved ways of targeting purchasers, gathering intelligence and increasing cooperation among women and men involved in prostitution.

A number of enforcement practices were identified by police officials as being conducive to increased detection in the RoI. Interviewed officials from the Garda National Protective Services Bureau (GNPSB) in the SERP study referenced above, **highlighted the importance of brothel raids and intelligence driven “days of action” in gathering necessary intelligence, raising public awareness and accessing harder to reach women and men involved** (O’Connor & Breslin 2020). Days of action conducted across six divisions<sup>72</sup> in April, September and November 2019 by ‘Operation Quest’<sup>73</sup> led to the identification and questioning of almost 100 suspected purchasers and were referenced by both the High Level Working Group in its interim review<sup>74</sup> and the SERP study as examples of good police practice (O’Connor & Breslin 2020: 106; Shannon 2020)<sup>75</sup>.

The same SERP study, however, also noted **the potentially traumatising effects of police raids for women and men involved in prostitution, raising concerns around a lack of adequate cooperation by those involved**. Service user records (n=144) taken from the Health Service Executive’s (HSE) specialist Women’s Health Service (WHS) between 2015 and 2018 indicated that women involved experienced these raids as “frightening” and “humiliating” (O’Connor & Breslin 2020: 95).

Interviewed GNPSN officials recognised these concerns, highlighting **the need for a “culture change” and greater embedding of a challenging demand approach across Garda operations as well as increased trust building with the women they encountered** (O’Connor & Breslin 2020: 101). They identified a number of practices they were engaging in to improve trust among women and men involved such as welfare checks, targeted phone messaging notifying women and men involved of their support during the Covid-19 pandemic (O’Connor & Breslin

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<sup>72</sup> DMR North, DMR East, DMR South Central, Wexford, Louth and Kildare.

<sup>73</sup> In February 2021, it was announced that new Garda unit has been set up which replaces Operation Quest. The new Organised Prostitution Unit aims to enforce all legislation related to purchase, brothels and violent attacks: <https://www.irishtimes.com/news/crime-and-law/new-garda-unit-set-up-to-investigate-organised-crime-linked-to-illegal-sex-trade-1.4474472>

<sup>74</sup> Committee tasked with implementing Section IV of the 2017 Act and includes members from An Garda Síochána, the Health Service Executive, SERP (Sexual Exploitation Research Programme, UCD), the Department of Justice and Equality (as observers), Ruhama, among others Men’s Development Network, Survivor activist – Mia De Faoite, the Immigrant Council of Ireland, the Dublin Rape Crisis Centre, Doras Lumní, the Children’s Rights Alliance and Dr Geoffrey Shannon as Chair.

<sup>75</sup> Suspects were identified leaving premises used for selling: <https://www.independent.ie/regionals/newcrossstandard/news/respected-local-men-are-caught-leaving-prostitutes-dwelling-38293104.html>

2020: 85). They also stressed their support for expunging past convictions related to soliciting for the purposes of selling as a way of recognising the importance of shifting the burden of criminality from women and men involved in prostitution (O'Connor & Breslin 2020: 86). This looks like it may be gaining momentum. In 2021 the Minister for Justice announced plans to expunge previous criminal records for the selling of sex with the view to “firmly assert” a commitment to supporting victims of exploitation<sup>76</sup>.

In addition to these initiatives, the High Level Working Group interim review also stated that the Garda has been in the process of developing multi-lingual resources to be distributed to women contacted through raids that inform them of the law, the role of Gardaí and available support, as well as increasingly referrals to specialist support services such as Ruhama (Shannon 2020: 10). In its recommendations, it emphasised the need for **continued resourcing of police training in “cooperation with specialist services to ensure a gender specific, victim-centred and human rights approach”** (Shannon 2020: 11). The SERP study similarly recommended **continued “trust building” and development of “positive relationships with women” through welfare checks and training of Gardaí to “ensure culture change”** (O'Connor & Breslin 2020: 106).

The effectiveness of these initiatives remains to be seen but they nevertheless signal possible lessons learned around facilitation of collaboration and trust building with women and men involved in prostitution and resonate with some of the literature on other jurisdictions which similarly points to the importance of trust-building with women and men involved to target demand.

**Cooperation between enforcement agencies and peer support organisations was also highlighted as a possible enabler of increased cooperation in a study examining trends in violence and harassment reported by “sex workers”** (Campbell et al. 2020). The mixed methods study examined 14,370 reports of crime made by “sex workers” on UglyMugs.ie between 2015 and 2019<sup>77</sup>, a third party “reporting” and “alerting scheme” for “sex workers” in both the RoI and NI (Campbell et al. 2020: 283). The authors who are critical of challenging demand legislation in Ireland, found two to threefold increases in reports of non-criminal incidents such as “suspicious behaviour”, “sought vaginal/anal sex without condom”, “unauthorised photography/recording” and “maliciously reported you to police/authorities”. They also found two to fourfold increases in crime incidents such as “assault with a weapon”, “attempted robbery”, “caused damage to property”, “robbery” and “requested illegal acts, e.g. underage sex” (Campbell et al. 2020: 298). From their sample the total number of respondents who stated having reported to the police was only 40. They suggested that temporary rises in crime reporting could “usually” be attributed to specific work done by specialist services to support reporting to the police, drawing attention to the importance of service providers as possible gatekeepers to increased reporting (Campbell et al. 2020: 306).

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<sup>76</sup> See: <https://www.justice.ie/en/JELR/Pages/PR21000101>

<sup>77</sup> Challenging demand legislation was introduced in 2017.

The authors note limits in the study's findings such as a possible over-focus on work-related victimisation to the exclusion of non-violent encounters as well as a reliance on data from a third party reporting system which does not necessarily reflect the experiences of all women and men involved in prostitution in Ireland (Campbell et al. 2020: 284). Similar conclusions, however, were drawn in the NI review (Ellison et al. 2019: 157) and in the French national evaluation which stressed the need for the **strengthening of the role of advocacy and support organisations engaged with women and men involved to improve support for “victims of rape, sexual assault, and violence” through for example, increased liaison with public prosecutors** in order to help victims of crime to report incidents (Gaudy & Le Bail 2020: 16).

Amnesty International's recent and highly critical report on the effects of the implementation of the Rol's legislation on women and men involved, makes similar recommendations (Amnesty International 2022). Interviewed “sex workers” and experts called for the separation of An Garda Síochána officers tasked with enforcement and those used for reporting as a potential facilitator of increased reporting of violent incidents by “sex workers” (Amnesty International 2022: 36). The report recommended **the development and embedding of policies “that build trust between An Garda Síochána and sex workers”** (Amnesty International 2022: 59).

**Examples of best practice with regards to mechanisms for improved cooperation may be found in Sweden where concerns with organisational problems impacting “effective action” have contributed to increased focus on fostering greater collaboration across stakeholders through bodies such as the National Task Force against Prostitution and Trafficking (NMT)** (Erikson & Larsson 2019: 6)<sup>78</sup>. According to Erikson & Larsson's analysis of policy and interviews with governors from the Ministry of Justice, CABS, the NMT and Platform<sup>79</sup>, initiatives such as the NMT have sought to **improve partnership** between public agencies and NGOs, acting as an “intermediary [...] between rule makers and the implementation of policy” and filling “gaps” in the absence of “operational guidelines” in the existing legislation through activities such as information sharing (Erikson & Larsson 2019: 8). The NMT includes agencies such as Social Services, the Police Authority, the Swedish Migration Agency, and the Swedish Prosecution Authority and adopts a flexible approach necessary to adequately “focus on victims, and work on a case-by-case basis” (Erikson & Larsson 2019: 8). **Key benefits highlighted in the study have been the development of a close relationship between public and private actors across networks, the development of “mutual trust which has heightened coordination and improved operational capacity for assisting victims” and greater incorporation of victims' perspectives in the development of programmes and collaborative networks** (Erikson & Larsson 2019: 12-14). The authors also note, however, that a possible weakness of such close collaboration may be a lack of independence between civil society and government agencies.

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<sup>78</sup> The NMT website: <https://www.nmtsverige.se/>

<sup>79</sup> See “[Sweden](#)” subsection in Chapter 4 for an overview of these government bodies.

## Impacts on human trafficking

**Recent research also draws attention to a possible relationship between challenging demand approaches and decreased human trafficking in line with the Scottish Government 2017 evidence assessment findings** (Malloch et al. 2017). Quantitative research examining the relationship between the prevalence of sex and human trafficking and differing legislative approaches towards prostitution as well as the results of a difference-in-differences<sup>80</sup> analysis of Norway's implementation of a Nordic model, found a significant negative correlation between challenging demand approaches and trafficking levels (Hedlin 2017). The author notes the need for caution in the interpretation of these findings given major gaps in human trafficking data which only accounts for reported cases of trafficking. Moreover, changes in reported cases of trafficking do not necessarily mean an increase of victims but could reflect improved reporting mechanisms and there are difficulties in determining the effects of prostitution approaches on reporting practices (Hedlin 2017).

The European Commission's study cited previously which drew from face-to-face interviews with 10 Swedish stakeholders including the Chancellor of Justice, National Rapporteurs on Trafficking, specialist anti-trafficking police officers and academics, found that interviewees regarded the purchase law as a central tool in their capacity to "address" trafficking (European Commission 2016: 125-127). Half of those interviewed claimed that the purchase legislation "provided different entry points to gather intelligence on sexual exploitation and trafficking" necessary for "targeted investigations, surveillance, and prosecutions" (European Commission 2016: 127). Further evidence on day-to-day implementation and its overlaps with human trafficking detection, however, is needed to support these findings.

## Supporting women and men involved in prostitution

Evidence providing insights into the effectiveness of provisions in supporting women and men involved in prostitution is hindered by similar difficulties seen with regards to purchase. **Reliable estimates of the numbers of women and men involved are difficult to establish and little continues to be known about the impact of service provision on the prevalence of prostitution, particularly for those who sell sex indoors and online.** Available research on support provisions is largely based on small-scale qualitative research examining the experiences of services users and providers, limiting an assessment of evidence on the accessibility and reach of available support.

In keeping with findings from Sweden and Norway outlined in the Scottish Government evidence review in 2017 which showed a notable drop in the numbers engaged in on-street prostitution<sup>81</sup>, **evidence in NI suggests there has also been**

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<sup>80</sup> Difference-in-differences is a quasi-experimental statistical method that is often used to capture the impact of policy interventions and possible causal effects.

<sup>81</sup> The 2017 evidence assessment found a significant decrease in on-street prostitution in Sweden between 1995 and 2014, with an estimated 200-250 women involved in street prostitution in 2014 compared to an estimated 650 in 1995. In 2008 an estimated 300 women and 50 men were

### **a decline in on-street prostitution since the introduction of challenging demand legislation**

The national evaluation estimated that as few as 5-10 women continued to be involved in on-street prostitution, down from 20 which had been estimated in 2014 (Ellison et al. 2019: 80). The new numbers are, however, based on estimates made by a support worker from the Belfast Commercial Sex Workers Service (BCSWS) which operates a weekly drop-in service to women and therefore may not capture those who do not access the service. Moreover, the authors note that on-street prostitution in NI has historically been low and further research into online and indoor forms of prostitution is needed.

In the case of France, the Central Office for Fighting Against Trafficking in Human Beings (OCRTEH), a police department dedicated to investigating procuring and collecting data on “sex work”, estimated that between 18,000 and 20,000 women and men were involved in on-street prostitution in 2011 (Darley et al. 2018: 99). Recent estimates of numbers of women and men involved in on-street prostitution to compare these pre-implementation estimates with the numbers involved post-implementation were not found. Interviews with representatives of grassroots organisations suggest that while they have noted a drop in purchaser numbers, a similar decrease has not been seen in the number of people they support with the exception of Maison de View du Rousillon and the Comité des TDS in Perpignan and the Planning Familial in Aude which reported a significant decrease (Le Bail et al. 2018). The authors note that enforcement in this region has been particularly strict, suggesting that **increased targeting may be key to reducing numbers of women and men involved in prostitution** (Le Bail et al. 2018: 38).

In terms of service provision, a review of the French legislation’s implementation which examined extensive documentary data and eight interviews with women’s rights delegates in charge of overseeing and organising the exit programme at “département” level, noted **unanimous consensus among delegates that the exit programme had been beneficial to those able to access it** (St. Denny 2020). Interviewees claimed that the programme had been helpful in aiding exit by giving applicants the possibility of finding alternative means of income and accessing professional training. The 2019 French national evaluation suggested that **in most cases the exit programme had enabled users to find initial albeit insecure forms of alternative employment** (Gaudy & Le Bail 2020: 24). How accessible the programme is, however, remains unclear.

The Le Bail et al. evaluation, similarly found that the majority of interviewees (70 “sex workers” and 24 members of “sex worker” organisations) who wanted to leave thought the exit programme was a positive thing even if more than half had not yet heard of it and there was some misinformation on the available support provisions (Le Bail et al. 2018: 56). The study also showed that the support provided in the exit programme aligned with the needs most identified by interviewees such as papers, housing and training (Le Bail et al. 2018: 56). Moreover, the majority of the women

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advertising online (Malloch et al. 2017: 21-22). In Norway, the research suggested a downward trend in prostitution since implementation (Malloch et al. 2017: 23).

and men interviewed in the study expressed desires to do something else, pointing to the potential of the exit programme in further supporting people involved to find alternative means of income.

A second study conducted by SERP in the RoI focused on the experiences of those involved in prostitution and its impact on health and well-being of those accessing the Women's Health Service (WHS). The study noted that interviewed **service users viewed the WHS as "invaluable" and were "thankful" it existed and was free to access** (Breslin et al. 2021: 82). Of those in the sample of WHS user records who attended the WHS more than once (n=100), 71% expressed a desire to exit (Breslin et al. 2021: 86). Meanwhile, a participatory research study conducted by Sex Work Alliance Ireland (SWAI) which included a small survey of people who sell sex (n=24), found that **the majority of respondents thought that the law did not prevent people from entering prostitution** (n=16) (SWAI 2019: 13). The main reasons reported by participants for entering "sex work" was because it offered more money or flexible hours than other jobs (n=20) and half stated they had left "sex work" for a period of time (n=12) (SWAI 2019: 33). In response to a question asking them what they would need in order to leave "sex work", the most commonly selected answers were financial stability (n=15), a well paid job (n=14), and secure accommodation (n=13), again highlighting **the importance of socio-economic factors in entry and re-entry into prostitution** (SWAI 2019: 44). The small sample of respondents means caution is needed when interpreting the generalisability of these findings, however, research examining gaps in support provision in [Chapter 6](#) echo some of these conclusions.

**No national figures for numbers of women and men involved in prostitution accessing support services were found for any of the countries**, limiting the assessment of the effectiveness of support provisions more widely.

### **Possible enablers and lessons learned**

**With regards to support for women and men involved, enablers (i.e. factors facilitating challenging demand implementation) referenced in the literature revolved around issues of collaboration, accessibility and continuity.**

Women's rights delegates in charge of overseeing and organising the exit programme at "département" level in France, suggested that an important factor in the successful delivery of the exit programme had been the existence of an established network of organisations aimed at tackling prostitution prior to the organisation of regional committees (St Denny 2020). Interviewees noted that where there was a lack of pre-existing networks or specialist organisations able to gain accreditation, the establishment of regional committees was harder (St Denny 2020: 9-10). Further issues around committee collaboration were raised in the three reviews summarised by Gaudy and Le Bail which found that there were reports of mistrust and suspicion among committee members and civil society organisations (2020: 19). Interviewed representatives of accredited organisations in the 2019 government stressed the potential of the exit programme as a means for increased cooperation between relevant stakeholders and the development of a "common culture between State services and civil society organizations" (Gaudy & Le Bail 2020: 20).

Research examining specialist support provision in the RoI, also placed an **emphasis on greater cross-agency coordination as a helpful means of fostering ongoing service use by women involved in prostitution.** The O'Connor and Breslin SERP study which analysed 144 WHS user records, interviews with Ruhama frontline workers and case studies, suggested that the appointment of case-workers for women through a case-focused approach was helpful in minimising women's recounting of traumatic experiences to multiple services (O'Connor & Breslin 2020: 57). The authors noted that the service linked women with other required services, coordinated support and provided consistent advocacy on behalf of the user which was important given the complex and wide-ranging needs presented by the women involved (O'Connor & Breslin 2020: 57). In the case studies alone, they found that recorded contacts made by Ruhama "with or on behalf of each woman ranged from 168 to over 1,300, with an average of 560 contacts per person across the ten case studies", stressing the complex and ongoing needs of the women accessing specialist support providers (O'Connor & Breslin 2020: 57)<sup>82</sup>.

Breslin et al.'s SERP analysis of women's experiences in the "Irish sex trade" which focused specifically on women's health needs and experiences, found that service users frequently expressed feelings of "entrapment" due to the same financial pressures which had led them into prostitution and regularly spoke of "taking breaks" (2021: 88). **The authors noted that this non-linearity of involvement pointed to a continuing need for free and accessible dedicated specialist health services for women involved in prostitution, as well as increased trust-building with women to foster continued service use and the development of tailored plans** (Breslin et al. 2021: 24). Women tended to access services at times of crisis or when in need of accommodation, financial support, access to health care and legal advice. Once those immediate needs were addressed women could then choose to continue to access services for longer-term support.

Key enablers identified in the study included the "appointment of a psychologist", the adoption of "holistic", "case"-focused and "trauma-informed approaches", and increased support and supervision of frontline workers to ensure facilitation of trust-building with service users. Catalysts for exiting identified in the study included "tipping points" such as "becoming pregnant, having a baby, a close relative falling ill, contracting a STI, or other health related problems caused by prostitution" (Breslin et al. 2021: 86). The study also found that **the majority of women accessing support services were migrants with past experiences of living in poverty** and some had experiences of childhood abuse and neglect, domestic violence and many experienced mental health problems. The women involved in indoor prostitution, were highly mobile, many had no fixed abode and some were undocumented (Breslin et al. 2021: 21-28). Those supported by Ruhama frequently required help with **accommodation, financial support, access to health care and legal advice**, again drawing attention to the wide range of socio-economic and health needs similarly highlighted in Le Bail et al.'s 2018 study referenced above.

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<sup>82</sup> Figures published by Ruhama in its 2021 report showed that the organisation had supported 369 women. See: <https://www.ruhama.ie/wp-content/uploads/Ruhama-Annual-Report-2021-LR-9.pdf>

The non-linearity of exit and the need for “holistic” approaches were also flagged in another study funded by HIV Ireland and conducted in collaboration with the Irish Sex Work Research Network (ISRN) and the Sex Workers’ Alliance Ireland (SWAI) between June 2019 and May 2020. The research which examined female “sex worker” interactions with healthcare providers through participatory research methods with 21 women and men involved, **found there was demand for holistic medical services able to take into account service users’ frequent inability or lack of desire to exit, emphasising the complex entry and exiting trajectories of those involved** (Ryan & McGarry 2021: 6-7).

A flexible approach enabled the development of “innovative” responses to support provision (Breslin 2020: 22) in the wake of the COVID-19 pandemic. For example, recent research conducted by SERP which included interviews with service providers from Ruhama described the establishment of new services such as the delivery of emergency packs of essentials to women around the country, online support such as a parenting support group, a self-care group and an evening social group. **The interviewees found that the online approaches had increased the service’s reach to a larger cohort of women than usual (Breslin 2020: 22), indicating the potential importance of online support provision in increasing accessibility.**

Increased outreach initiatives, support packages, hardship funds and paid return flights for migrant women and men involved were listed in Pro Sentret’s report on experiences of the Covid-19 pandemic’s handling in Norway, Finland, Sweden and Denmark (Renland et al. 2020). **As of June 2020, 91 persons had benefited from the hardship fund which was offered by service provider and “sex work” advocate PION and aimed those whose sole source of income was “sex work”** (Renland et al. 2020: 23). Concerns were raised by the report authors about the potentially stigmatising nature of these forms of support, however, and the effects of the restricted accessibility to normal welfare services on those involved. Further research is needed to determine the broader impacts of these support packages on supporting women and men involved in prostitution.

**There was a paucity in research examining the effectiveness of mainstream support provision and significant concerns surrounding possible shortcomings in services were referenced in the literature particularly in relation to capacity and help for migrant women and men involved.** These are unpacked in Chapter 6 where the focus is on barriers to implementation.

## **Changing social attitudes**

**Evidence on the normative effects of the legislation suggests there may be high levels of acceptance among the wider public in favour of challenging demand legislation in France, Sweden and Norway.** A survey conducted in France in 2019 by Ipsos and commissioned by the Coalition Abolition Prostitution International found that the majority of respondents were positive about the legislation (representative sample of 1,005 respondents aged 18 and above) (Ipsos

2019). 78% of respondents thought that Law No. 2016-444<sup>83</sup> was a “good thing” compared to 22% who thought it was a “bad thing”. Moreover, 73% of respondents thought the legislation was helping people to exit prostitution and 63% believed it helped support the fight against criminals exploiting prostitution. Two in three respondents and three in four female respondents opposed its repeal. A large majority of respondents thought that those involved in prostitution were more often victims of criminal networks and did not enter prostitution freely (83%) and 65% thought that prostitution should not be possible in a society which advocates gender equality. The findings contrast markedly with previous studies conducted before demand legislation which had shown high levels of support among the general population for the previous regulationist model. Figures cited in the literature, suggest support for the previous regulationist model was as high as 75% in 2013 (St. Denny 2020).

**Some of the literature shows higher levels of support for criminalisation in Norway and Sweden compared to jurisdictions where purchase is regulated as opposed to criminalised.** A comparative study conducted in 2014 of eight jurisdictions including France (pre-legislation), Norway and Sweden<sup>84</sup> examining attitudes towards the purchase of sex in different “prostitution regimes” found that in countries where purchase was prohibited, people who viewed gender equality as important were less accepting of purchase (Jonsson & Jakobsson 2017: 58). The study which analysed results from an internet survey (n=16,948) suggests that Swedish and Norwegian respondents held the most negative attitudes toward buying sex. The authors note, however, that the sample is not representative of the overall populations of the countries included in the study.

Determining the causal mechanisms at play behind these trends is, however, difficult as it remains unclear if these attitudinal trends are products of the legislative changes made or contributing factors behind the embrace of particular legislative models. Indeed, **little evidence examining the effectiveness of national campaigns or public education and training initiatives aimed at changing social attitudes was identified.** Research conducted in Sweden in 2008 which analysed the views of elite party members on the role of gendered perceptions in the development of political strategies aimed at changing legislation in favour of challenging demand, noted that interviewees stressed the importance of framing prostitution as a societal and equality-based issue. Other enablers mentioned in the study included gaining support among male counterparts as well as fostering cooperation among women across party lines to obtain necessary buy-in across parties (Erikson 2019). The study did not, however, assess the effectiveness of these strategies.

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<sup>83</sup> Name of the French legislation aimed at challenging demand. Outlined in [Chapter 4](#).

<sup>84</sup> Denmark, France, Germany, Netherlands, Norway, Spain, Sweden and UK.

## 6. Barriers to challenging demand

This chapter provides an overview of the main barriers to implementation of challenging demand approaches referenced in the evidence. Due to aforementioned evidence gaps, the discussion provides insights on individual jurisdictions and describes *associated* barriers rather than proven ones. The evidence points to some common barriers impeding implementation of challenging demand approaches and achievement of its central objectives, such as issues in the consistency of implementation, the application of legal provisions, the reach and accessibility of support for victims, the protection of women and men involved in prostitution and in capturing the scale and effects of online prostitution.

The research also highlights the heterogeneity of experiences among those involved in prostitution particularly in respect to migrants who constitute the majority of adults involved across the jurisdictions examined and who report heightened vulnerabilities to exploitation and exclusion. Moreover, the evidence suggests there are low levels of trust in enforcement agencies as well as low levels of support for challenging demand policy among women and men involved. Interviewed women and men involved report continued fears of criminalisation, stigmatisation and the reliance on risky purchasers who use legislative provisions to threaten them.

The evidence primarily reflects findings from small qualitative studies which are unable to account for the scale or generalisability of the issues described. The fact that the barriers here identified have been seen across cases, however, suggests that there is validity into the insights synthesised and point to possible learnings and areas for improvement. The barriers can be summarised as follows:

**Table 5. Summary of barriers to challenging demand referenced in the literature**

| Inconsistent enforcement and implementation  | Difficulties in proving offences  | Gaps in support provision  |
|--|---|--|
| <ul style="list-style-type: none"> <li>Regional enforcement differences contributing to punitive targeting of those selling sex and varied (in some cases more lenient) penalties issued against purchasers.</li> <li>Regional differences in support provision limiting access to necessary services among women and men involved.</li> </ul> | <ul style="list-style-type: none"> <li>Evidence requirements making the proving of purchase of sex offences challenging.</li> <li>Legislative loopholes resulting in a failure to fully account for the purchase of sex.</li> </ul> | <ul style="list-style-type: none"> <li>Inconsistent training of support providers and awareness raising contributing to uneven support access.</li> <li>Insufficient financing and resourcing of support provision resulting in failures to address needs and limiting the appeal of service access to women and men involved.</li> <li>A lack of legal rights resulting in the</li> </ul> |

|   |  |   |
|---|--|---|
|   |  | exclusion of migrant women and men involved from access to support, locking them into prostitution.   |
| <b>Continued criminalisation of women and men involved in prostitution</b>  | <b>Welfare and safety concerns among women and men involved in prostitution and stigma</b>   | <b>Online/Indoor prostitution and child sexual exploitation</b>   |
| <ul style="list-style-type: none"> <li>• Brothel keeping, public nuisance and immigration legislation contributing to a continued targeting of victims, the exacerbation of exploitation, exclusion and stigma of women and men involved, and low levels of trust.</li> <li>• Migration legislation targeted at migrant adults involved in prostitution who make up the majority of those selling.</li> </ul> | <ul style="list-style-type: none"> <li>• Inadequate tackling of harassment and violence of women and men involved, particularly risky purchasers who use existing legislation to threaten women and men involved in prostitution.</li> <li>• Continued feelings of stigma and judgement experienced by women and men involved.</li> <li>• Low levels of support for the legislation among women and men involved in prostitution.</li> </ul> | <ul style="list-style-type: none"> <li>• Difficulties in the monitoring of online prostitution.</li> <li>• Possible pimping, human trafficking and increased prostitution of minors on hard to monitor online platforms.</li> </ul> |

## Inconsistent enforcement and implementation

**Studies in France indicate a lack of regional consistency in the enforcement and implementation of the legislation.** Gaudy and Le Bail's comparative summary of 3 evaluations (2020) notes issues related to the uneven implementation of the legislation in France. Of particular concern has been the adoption of divergent policing approaches at local level. One of the reviews, Le Bail et al.'s 2018 study examining the effects of the legislation on women and men involved, found that municipal by-laws banning public loitering in cities such as Lyon, Nîmes, Narbonne and Toulouse and differences in policing approaches across municipalities, were resulting in diverging implementation practices and in some cases a continued targeting of women and men involved.

**The evaluations in France also suggest that regional disparities in implementation have not been solely an issue of enforcement but are also visible in the delivery of the legislation's support provisions** (Gaudy & Le Bail 2020: 17). Discrepancies in the interpretation of programme eligibility by committees across *départements* and in the delivery of the awareness courses for offenders were identified. The 2019 government evaluation found that a lack of guidance with regards to issuing residency permits as provided in the exit programme meant regional committees were often reluctant to go against separate migration provisions such as the Code of Entry for Residence and Foreigners and the Right of Asylum (Gaudy & Le Bai 2020: 19).

Similar inconsistencies were identified in St. Denny's research drawing on documentary analysis and interviews with policy actors, which noted that at the time of publication (i.e. four years after the introduction of the legislation), only 71 out of 96 French *départements* had been convened, (2020: 8). A further seven were in the process of accrediting a relevant organisation to help deliver the programme. The study found further discrepancies in regional budgets, the numbers of women accessing the programme and in applicant success rates. In some *départements* almost all applications had been successful, in others success rates were as low as 35%, reflecting diverging interpretations of the eligibility criteria (St Denny 2020: 9).

**Differences in implementation in France were attributed to contrasting interpretations of the eligibility criteria, an absence of clear ministerial guidelines and uneven regional budgets which often resulted in large urban areas receiving a high share of funding to the detriment of less densely populated départements.** The study also drew attention to contrasting policing practices across municipalities, noting that police tended to issue light penalties such as fines of €300-€550 and very few offenders were referred to the awareness courses (St Denny 2020: 12).

Regional inconsistencies have also been identified in the Republic of Ireland (RoI) (Amnesty International 2022) and Norway where local police can determine fine amounts leading to **discrepancies in the fines being issued** (Jahnsen & Skilbrei 2018b: 188) and where support service provision varies across municipalities (Brunovskis & Skilbrei 2018: 312). Further research, however, is needed to evidence the nature and effects of these variations on implementation.

## **Difficulties in proving offences**

**A second barrier to the implementation of challenging demand approaches identified in the evidence relates to difficulties encountered in the enforcement of the legislation, particularly with regards to proving offences.** This was highlighted in Northern Ireland (NI) where interviewed police officers and prosecutors described challenges in collecting the necessary evidence. They noted that the legal requirement that there be evidence of "physical presence, sexual touching for sexual gratification and payment made or promised" made proving that a crime had occurred very difficult in practice (Ellison et al. 2019: 62). Moreover, police officers also highlighted limited tools in targeting demand due to Article 64A not falling within the seriousness threshold specified by the Regulation of

Investigatory Powers Act (2000) which meant police could not use surveillance tools used in countries such as Sweden (Ellison et al. 2019: 61-65). Interviewed police officials stressed that they regarded prostitution as sitting along a “continuum of vulnerability” with **police officers prioritising the investigation of organised crime and trafficking** which may mean all cases of purchase may not be equally prioritised (Ellison et al. 2019: 60).

**In the same study, prosecutors further stressed that the reluctance of women and men involved in prostitution to provide evidence made it very challenging to prove beyond a reasonable doubt that the events had indeed taken place** (Ellison et al. 2019: 66). They also described anomalies in the legislation which had resulted in potential loopholes around sexual touching. As the legislation stands, paying someone to touch themselves sexually regardless of penetrative sex taking place constitutes an offence, however, it does not adequately account for cases where the purchaser may pay two people to touch each other (Ellison et al. 2019: 68).

**Low conviction figures have also been reported in the RoI.** An interim review of the legislation produced on behalf of the High Level Working Group noted that as of July 2019, a total of only four outcomes of criminal proceedings against buyers with a further 13 pending prosecution since the introduction of challenging demand legislation (Shannon 2020: 10)<sup>85</sup>. More recent figures released in response to a parliamentary question of the total numbers of charges and court summons for purchase-related offences between March 2017 and December 2021 were 10 and 57 respectively<sup>86</sup>. Contributing factors for the low charges remained unclear, however, interviews with senior members of the Garda National Protective Services Bureau (GNPSB) in O’Connor & Breslin’s SERP study, described **complexities and difficulties in identifying independent persons and organisers of prostitution during police raids and targeted days of action** (O’Connor & Breslin 2020: 100-101).

These concerns echo previous findings with regards to Sweden where difficulties in the interpretation of the legislation by the courts were highlighted in the 2017 review (Malloch et al. 2017). The 2010 Swedish Inquiry reported that there had been some uncertainties in the application of the provision around whether those “who have been exploited should be considered witnesses or injured parties in court proceedings” in addition to “the point in time at which an attempted offence has been committed” (SOU 2010: 40). It identified **difficulties on proving attempted crimes** with police having to resort to waiting for the sexual act to commence before intervening (SOU 2010).

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<sup>85</sup> Available at: <https://prostitutionresearch.com/wp-content/uploads/2020/02/Interim-Report-on-abolitionist-law-of-Ireland-2020.pdf>

<sup>86</sup> Departmental Debate answer available at: <https://www.oireachtas.ie/en/debates/question/2021-12-16/492/#pq-answers-492>

## Gaps in support provision

Insufficient resourcing and awareness of support services for women and men involved was flagged in a number of studies in France, RoI and NI. The French evaluations found evidence of gaps in training offered to exit programme committee members and inadequate funding provisions for accredited organisations. The 2019 government report noted that training of committee members varied between one hour and half a day and interviews conducted with programme delegates suggested that committee members were not always aware of the realities of those involved in prostitution, highlighting major knowledge gaps (Gaudy & Le Bail 2020: 18). Crucially, all three evaluations noted a lack of awareness of the exit programme among women and men involved in prostitution and concluded that the financial aid offered to applicants was insufficient to cover their daily spending costs. Indeed, in the Le Bail et al. 2018 report, more than half of those who responded to the questionnaire (n= 583) were unaware of the exit programme and only a third of those who had heard of it were interested in it (Le Bail et al. 2018: 55). Moreover, the €330 offered was criticised for falling well below the poverty line and amounting to €220 less than ordinary welfare benefits, raising doubts about the appeal of funding offered to applicants (Gaudy & Le Bail 2020: 22).

Other factors contributing to limited support provision and/or take up identified in the evaluations included lengthy application processes which meant **organisations often selected cases with greater chances of success**, excluding those with more complex needs (Gaudy & Le Bail 2020: 21), **strict accreditation criteria for support organisations which meant services that do not adopt a challenging demand stance are unable to support exit programme applicants** (Gaudy & Le Bail 2020: 21), and a **reluctance to grant temporary residence permits by committees due to limited resources such as sheltered accommodation**. Gaudy and Le Bail report that by 2020 only 341 people had effectively benefited from the exit programme which contrasts starkly with estimates that the number of people involved in prostitution in France stand anywhere between 30,000 and 40,000 (2020: 26). The number does seem to be an increase from the 29 individuals that had their applications accepted in 2017 and the 183 by April 2019 (St Denny 2020: 9). Without baseline figures for the numbers seeking to access the services, however, it is difficult to determine how high or low the acceptance rate is. St Denny notes, however, that the national budget initially provided for 1000 applicants had been reduced to 600 (St Denny 2020). **All the evaluations in France call for the removal of exiting as a necessary condition for access to support** (Gaudy & Le Bail 2020), drawing attention to the need for sustained support which incorporates an awareness of the non-linearity of entry and exit.

Similar issues around insufficient resourcing were flagged in reports on the approaches in the RoI and NI. As described previously, SERP's 2020 analysis of Ruhama case studies and WHS<sup>87</sup> user records showed that **service users had a wide range of needs requiring enhanced resourcing, increased awareness raising and a "recognised and resourced" exit programme** which included

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<sup>87</sup> The Health Service Executive's Women's Health Service. See details under Republic of Ireland in [Chapter 4](#).

“regularisation of immigration status, access to housing, health services and social protection, access to justice and provision of education, training and employment opportunities” (O’Connor & Breslin 2020: 106). SERP’s more recent study examining the effects of Covid-19 on prostitution in Ireland, found that the pandemic had exacerbated some of the challenges experienced by service users (Breslin 2020). Interviewed service providers were concerned about the consequences the loss of employment, as a result of the pandemic would have on the women who had recently exited prostitution, stressing the need for long-term support and the development of a statutory support package to ensure women could “build sustainable lives outside prostitution” (Breslin 2020: 40).

The Rol’s limited statutory support provisions were criticised in Amnesty International’s 2022 study by interviewed “sex workers” who described **difficulties in “accessing and retaining adequate housing” and an inability to “meet their basic needs through social welfare payments” which in some cases had been exacerbated by the Covid-19 pandemic** (Amnesty International 2022: 45). Prostitution emerged as a way of accessing crucial “additional income” to meet basic needs (Amnesty International 2022: 45). Ryan and McGarry’s research referenced previously also highlighted gaps in health care provision. In this study, **participants stated that the services were often poorly resourced and the exit support offered was “insufficient or not tailored to the specific circumstances of their lives”** (Ryan & McGarry 2021: 6-7).

Sweeney et al.’s analysis of eight Rol service provider interviews on barriers preventing women involved in prostitution from accessing health services prior to the legislative change found that **interviewees wanted to learn more about women and men involved in prostitution but felt restricted in what they could offer due to limited capacity** (Sweeney et al. 2020: 342). Service providers had recommended budgetary measures to develop services, education and training (Sweeney et al. 2020: 342). The authors criticised the failure to develop additional infrastructure such as specialised units to support the “psychosocial health needs” of women and men involved in prostitution (Sweeney et al. 2020: 335). They showed that whilst the National Sexual Health Strategy 2015-2020<sup>88</sup> acknowledged “sex workers” health needs, **it did not sufficiently “capture” the complexity of needs of those involved in prostitution or their circumstances** (Sweeney et al. 2020: 335).

The National Women’s Council submission to the 2020 consultation for the Irish evaluation of the legislation, suggested there was a need for the inclusion of “state funded exit pathways” in statute and which covered the same requirements as noted in the O’Connor & Breslin 2020 study referenced above including immigration status, housing and access to justice (National Women’s Council 2020: 6). Similar recommendations were also made by the High Level Working Group’s interim report which called for greater state resources for “exit supports for women affected by prostitution and sex trafficking” (Shannon 2020).

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<sup>88</sup> Accessible at: <https://www.gov.ie/en/policy-information/8feae9-national-sexual-health-strategy/>

In NI, the 2019 evaluation found that there was an overreliance on services supporting women and men involved in on-street prostitution and more needed to be done to provide services tailored to targeting those involved in online prostitution (Ellison et al. 2019). One of the central weaknesses according to the evaluation's authors **was the absence of a single agency tasked with managing and operationalising the strategy, further stressing the need for a coordinated response highlighted previously** (Ellison et al. 2019: 72). The evaluation also stressed the Department of Health's acknowledgement of a lack of funding in its Leaving Prostitution Strategy (Ellison et al. 2019: 69).

## **Gaps in support provisions for migrant women and men involved**

**The issue of a lack of resourcing was particularly marked in relation to support provisions for migrant women and men involved in prostitution.**

Studies conducted in Sweden, Norway, France and the RoI indicated that migrant women and men involved in prostitution struggled to access statutory support services. In Norway, qualitative research examining service provision and drawing from interviews with social workers (n=35) found serious shortcomings in access to support due to limited legal rights among migrant women and men (Brunovskis & Skilbrei 2018). The authors noted that despite Norway's introduction of human trafficking support allowing victims to access a six months' residence and work permit and an "inroad to Norwegian welfare services" extendable to a year if they cooperate in a police investigation, **there was limited help aimed at addressing the women and men's "socio-economic vulnerability" i.e. their financial reliance on earnings from prostitution** (Brunovskis & Skilbrei 2018: 314). Only one measure addressed education and employment opportunities for trafficking victims which entailed vocational courses in beauty and small business starter packs, however, in the main, the researchers argued that migrant women had been excluded in policy discussions around specialist and welfare support.

Similar concerns were expressed in Vuolajärvi's (2019) ethnographic research in Finland, Norway and Sweden between 2012 and 2018 which found that the majority of participants in the Nordic region were highly mobile migrants from Russia and Eastern Europe, Latin America, Nigeria and Thailand. The study also found that between 78-79% of support service users (i.e. sellers of sex) in Norway and Finland were foreigners (Vuolajärvi 2019: 160). **Participants rarely had residency permits and were worried about a "lack of access to rights and services, police harassment and deportation" and a "lack of police protection"** (Vuolajärvi 2019: 157). The study found that social services were not available to many migrant workers who were unable to "enter the formal labor market", due to not having the necessary work permits or skills to apply, **leading to the entrapment of "third-country-nationals" in a "gray economy of commercial sex"** (Vuolajärvi 2019: 160). For many participants, the possibility of having regular work was important as "selling sex was 'hard' and a 'dead end' job" (Vuolajärvi 2019: 160). Moreover, interviewed social workers in Sweden expressed frustration at the limited resources they could draw from to support irregular migrants, an issue which also extended to victims of trafficking (Vuolajärvi 2019: 160).

In the case of France, the evaluations identified issues **around the accessibility of provisions for applicants with low French literacy and education levels** which meant many women and men involved in prostitution were unable to complete training and access resources. In the case of those applying for temporary residence permits of 6 months, it was unclear how they would be able to access training within the timeframe (Gaudy and Le Bail 2020: 24). Reflecting the high proportion of migrants among women and men involved<sup>89</sup>, the Le Bail et al. 2018 study reported that the most common form of support selected in the survey as being most needed were “residency permits” (Le Bail et al. 2018: 56). Over half of respondents selected it over housing and financial assistance.

In the RoI, the literature suggests **irregular migrants who are not victims of human trafficking also lack legal rights to support** (Sweeney et al. 2021), **experience isolation** (McGarry & Ryan 2020; O’Connor & Breslin 2020) and **share fears of deportation** (Amnesty International 2022). These conditions may be contributing to increased risk taking by women and men involved and making them more susceptible to exploitation and worsening safety and well-being. The evidence indicates that the majority of women and men involved in NI are also migrants, however, no studies exploring migrants’ access to services were identified in this review (Ellison et al. 2019).

## **Continued criminalisation of women and men involved in prostitution**

**Qualitative research suggests that women and men involved in prostitution continue to be criminalised under separate legislative provisions aimed at combatting brothel keeping and monitoring migration.** In Norway and Sweden, Vuolajärvi’s ethnographic research found that migrant women and men were the targets of punitive immigration laws which could result in deportation and eviction from rented premises (Vuolajärvi 2019: 152). Research participants in Sweden described experiences of violence and harassment by the police and feelings of being partly blamed for their engagement in prostitution, and women involved in both Norway and Sweden reported being targets of ID checks by police (Vuolajärvi 2019: 158). These practices were confirmed by police informants in Sweden who participated in the study and who also noted that police often used escorting advertisements as a way of conducting immigration checks (Vuolajärvi 2019: 159). The research found that these practices resulted in a reluctance to report violence to police by migrant women and men involved (Vuolajärvi 2019: 159).

Meanwhile, **the study also found that third-party legislation in both Sweden and Norway which criminalises landlords and hotel owners providing accommodation or renting to people involved in prostitution on the grounds of pimping, was leading to the development of “blacklists” of women involved among hotel owners and landlords** (Vuolajärvi 2019: 161). Migrant women who participated in the research described being evicted from their accommodation, losing their deposits, and having to pay higher rental rates or

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<sup>89</sup> In 2010 it was estimated that 90% of those involved were foreign nationals (Darley et al. 2018: 90).

through sex in exchange for cramped housing offered by informal landlords exploiting their vulnerable situation.

Similar challenges were raised in Jahnsen & Skilbrei's qualitative research in Sweden conducted between 2010 and 2016 which incorporated fieldwork observation, media discourse analysis and interviews with a wide range of stakeholders including "sex workers", victims of human trafficking, police investigators, public prosecutors, lawyers, politicians, and social outreach workers and health personnel, as well as a range of NGO representatives. **The authors found that police could move women and men involved in prostitution from certain areas if they received public nuisance complaints** (Jahnsen & Skilbrei 2018a: 260). They also noted that police conducted identity checks and urged landlords to terminate tenancies, threatening them with pimping charges (Jahnsen & Skilbrei 2018a: 261).

Amnesty International's highly critical study of the Norwegian case published in 2016 and which drew from 54 interviews, 30 of which were from women with experience of selling sex, also found that many women and men involved were being subject to high levels of surveillance such as regular identity checks and inspections of personal belongings to identify condoms (Amnesty International 2016: 8). They found that **these practices were making many reluctant to report and were resulting in penalisations** (deportation, forced eviction and loss of livelihood) **that had worse implications for those involved than the fines for purchasers** (Amnesty International 2016: 10).

In the RoI similar fears around criminalisation were expressed by women involved. WHS service user records showed women involved were fearful of becoming known to Gardaí and being deported, (O'Connor & Breslin 2020: 89). According to the study's findings of user records, the majority of service users were migrants, many had language barriers and were undocumented (O'Connor & Breslin 2020: 37-38). Accounts of negative experiences with Gardaí included descriptions of being unfairly targeted, of being dismissed or ignored and not being supported (O'Connor & Breslin 2020: 91-95). Interviews with "sex workers" in a separate RoI study found that all research participants perceived law enforcement negatively, with fears particularly marked among migrant workers and some expressing fears of eviction (Berry & Frazer 2021: 8-10). Similar concerns were voiced in McGarry and Ryan's research where "sex worker" focus groups indicated a continued reluctance to report to Gardaí and migrant workers described feeling like they needed to be "doubly invisible" (McGarry & Ryan 2020: 38).

The NI evaluation also identified a continued lack of reporting to police officers by women and men involved. A small majority of surveyed women and men involved in prostitution stated they would not report crime directly to the PSNI (39.6%), compared to those who would (33%) (Ellison et al 2019: 11). Reasons given for not reporting (n=141) included police blaming them (22.6%), police not being interested (21.9%), being arrested (17.7%), being reported to their landlord (14.8%), and a lack of trust (14.8%) (Ellison et al. 2019: 156).

Of particular concern in research on the RoI were **the potentially criminalising effects of existing brothel keeping legislation** which penalises anyone who:

*“(a) keeps or manages or acts or assists in the management of a brothel,*

*(b) being the tenant, lessee, occupier or person in charge of a premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution, or*

*(c) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets such premises or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel”<sup>90</sup>.*

Concerns have been raised about how this legislation can apply to two or more women and men working from the same premises even for safety. One high-profile case which was referenced in the literature was the arrest and imprisonment of two migrant women from Romania, one of whom was pregnant in November 2019 (Amnesty International 2022: 27).

Whilst Amnesty International’s study acknowledged that the numbers of brothel related incidents recorded by Gardaí were low (22 between 2019 and 2021 according to An Garda Síochána’s PULSE system), they also found that the fear of the risk of criminalisation was having an impact on women and men’s behaviours (Amnesty International 2022: 28). **The majority of interviewed “sex workers” stated that they shared premises to ensure their safety, whilst some decided to work alone despite being isolated so as to not risk being criminalised for brothel keeping** (Amnesty International 2022: 24-25). Their accounts suggested they were unable to exercise their rights due to fear of being the subject of state proceedings (Amnesty International 2022: 29).

Research participants in McGarry and Ryan’s study described experiences of being **evicted from homes due to landlords feeling pressured to not renew leases** (2020: 35). “Sex workers” suggested the **need to “disaggregate” liaison work from Garda operations** such as Operation Quest, to protect those most vulnerable such as undocumented workers (2020: 36). In SWAI’s participatory study (n=24), the most significant impact of the law identified by “sex workers” were not being able to “live/work with another sex worker for fear of arrest for brothel keeping” (n=20), concerns that the “police will arrest [...] clients” (n=18) or themselves (n=17) (SWAI 2019: 14). The majority stated they had not reported to Gardaí (SWAI 2019: 24), with the most common reason for not reporting being the worry that they would be blamed by the police (n=20) and the second most common reason being the worry that they would lose their accommodation (n=18) (SWAI 2019: 25). In focus groups, “sex workers” noted that the increased targeting of migrant women and men by Gardaí meant they often earned less than their Irish or British counterparts (SWAI 2019: 50).

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<sup>90</sup> <https://www.irishstatutebook.ie/eli/1993/act/20/enacted/en/print#sec11>

Finally, some evidence indicates criminalisation of women and men involved may have increased during the Covid-19 pandemic. An international survey<sup>91</sup> examined the impacts of Covid-19 on women and men involved in prostitution conducted by the International Committee on the Rights of Sex Workers in Europe (ICRSE) between October 2020 and February 2021 (Fedorkó et al. 2021). The ICRSE defines itself as a sex worker-led community network aimed at “[amplifying] the voices of sex workers in the region” and “engaging in awareness-raising about the social, political and economic marginalisation of diverse sections of sex workers” (Fedorkó et al. 2021: 1). The study highlighted reports that police in Norway were using pandemic regulations to target foreign women and men involved, some of whom were fined 19,000 NOK (approx. £1650) for breaking quarantine and infection rules despite suggestions of a limited legal basis. It is worth noting, however, that the survey was restricted to ICRSE members and the findings may not therefore be representative of the experiences of sex workers more generally.

## **Welfare and safety concerns of women and men involved**

**The evidence shows that some women and men involved in prostitution continue to experience obstacles to improved safety and welfare after challenging demand legislation is introduced.** Research conducted with service providers and women and men involved in prostitution suggests that there has been a deterioration in working conditions for those involved particularly with regards to their ability to negotiate with clients and set boundaries since the introduction of challenging demand legislation. **Key driving factors identified include an increasing reliance on riskier “clients” willing to purchase sex despite the risk of a criminal penalty and heightened financial vulnerability of those involved in prostitution due to the reduction in clients** (Gaudy & Le Bail 2020; SWAI 2019).

In their review of the effects of the legislation in France on the working and living conditions of women and men involved in prostitution, Le Bail et al. noted that interviewees spoke of a reduction in negotiation time with clients crucial to their ability to screen potential problem purchasers (2018: 6). The majority of those interviewed (n=70 “sex workers”) reported that respectful clients were now rare and half stated that insults in the street had increased (Le Bail et al. 2018: 43, 48). Moreover, **there were reports that women and men involved in prostitution were being forced to work in more secluded, isolated areas, as well as experiencing increased exposure to violence, reduced condom use and substance abuse** (Le Bail et al. 2018: 7). This, however, did not seem to be deterring women and men from continuing to sell with many reporting that they were now accepting clients they would not have accepted previously (Le Bail et al. 2018: 43). **These issues may be contributing to a lack of support for the legislation among women and men involved.** The survey found that 511

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<sup>91</sup> Included organisations from Austria, England, France, Germany, Greece, Ireland, Italy, Norway, Poland, Portugal, Scotland, Spain and Switzerland.

respondents opposed criminalisation of clients whereas only 20 supported it (Le Bail et al. 2018: 32).

Similar concerns were raised by the French government report, which also highlighted **an increase in problem clients** noting that the lack of negotiation was not only putting women and men involved in prostitution at greater risk of violence but was also resulting in increased STI exposure due to a decrease in condom use (Gaudy & Le Bail 2020: 11). Reluctance to report to police was also found in Le Bail et al.'s study which pointed to low levels of trust in enforcement agencies among interviewed "sex workers" (Le Bail et al. 2018: 35-36). Moreover, "sex workers" described struggling with stress, physical pain, and increased anxiety over their livelihoods as a result of a drop in purchasers (Le Bail et al. 2018: 52-53).

Signs of increased harassment and intimidation by purchasers were highlighted in Campbell et al.'s analysis of reports of incidents on UglyMugs.ie<sup>92</sup> (2020). The study showed that the **new legislation in RoI did not appear to have reduced crime and abuse experienced by those involved and who reported incidents on UglyMugs** (Campbell et al. 2020: 284). "Sex workers" continued to be targets of hostility. The most common threat reported by UM website users was purchasers threatening to report them to the police (98.31% increase) (Campbell et al. 2020: 301).

O'Connor and Breslin's SERP study in RoI also draws attention to **ongoing experiences of violence and coercion among women involved**. The analysis of 1,300 reviews left on Escort Ireland between 20<sup>th</sup> April 2020 and the 27<sup>th</sup> July 2020 found that purchasers demonstrated a notable lack of concern for women's enjoyment in their exchanges or for signs of trafficking or third-party involvement described in reviews (O'Connor & Breslin 2020: 63-66). Participants (people involved in prostitution n=24) in the SWAI study described a decline in "decent regulars" and an increase in abuse and purchasers using sellers' "fear of persecution" as "leverage against" them (SWAI 2019: 54). 19 stated they had been victims of a crime (SWAI 2019: 18). The most common perpetrators were new clients (n=14) or strangers (n=11) (SWAI 2019: 23).

Ellison et al.'s 2019 examination of UglyMugs.ie data in the Northern Irish review found there had been an increase in reports of incidents on the website (225%) between 2016 and 2018 in NI, particularly with regards to threatening behaviour and abusive phone calls since the law came into effect (Ellison et al 2019: 13). Moreover, **"sex worker" survey responses (n=199) showed that 41.8% felt the legislation had made prostitution a lot more dangerous; 14.9% a little bit more dangerous; 29.1% felt no difference** (Ellison et al. 2019: 47). In narrative interviews, "sex workers" described having to deal with more requests for unsafe sex practices and clients using the law to "barter" (Ellison et al. 2019: 13-14).

The evaluation also noted, however, that **despite finding an increase in reports of "anti-social, nuisance and abusive behaviours", they did not find an**

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<sup>92</sup> A third party "reporting" and "alerting scheme" for "sex workers" in both the RoI and NI.

**increase in serious violence** (Ellison et al. 2019: 165). O'Connor & Breslin's SERP study similarly found no evidence of a surge of violence against women and men involved in prostitution following the introduction of challenging demand legislation (O'Connor & Breslin 2020: 74), while Le Bail et al. stressed that many social workers were cautious when attributing claims of increased experiences of physical and sexual violence to the legislation (Le Bail et al. 2018: 49). The evidence does nevertheless point to a need for improved strategies to monitor the violence and harassment experienced by women and men involved in prostitution.

## Stigma

**Across all jurisdictions, there were reports of ongoing stigma experienced by women and men involved in prostitution.** In NI, nearly all respondents in narrative interviews felt the law had increased stigmatisation (Ellison et al 2019: 14). Most described having to lead a double life and expressed fears of being "outed" (Ellison et al. 2019: 8). In Vuolajärvi's study in Sweden, Norway and Finland, although some women involved perceived the law as being beneficial giving them better protection against clients, the majority opposed the law on the basis of it increasing stigma which made them feel victimised (Vuolajärvi 2019: 157). In Sweden, sellers reported being treated differently within social services and more widely and many had bad experiences of reporting violence and harassment to police who they regarded as seeing them as partially responsible (Vuolajärvi 2019: 158).

**Feelings of having to lead double lives** were echoed in Berry and Fraser's interview analysis in the Rol (Berry & Frazer 2021: 10). Ryan and McGarry's study of people's experiences of accessing health services found that many continued to express reluctance to disclose experiences of "sex work" with health professionals due to feelings of judgement and a fear of their details being shared with other agencies (Ryan & McGarry 2021). "Sex workers" described feeling silenced and some noted that existing conditions meant they did not feel confident in demanding their rights (McGarry & Ryan 2020: 33). Feelings of stigma and judgement by interviewed "sex workers" were also flagged in Amnesty International's study (2022: 53) and in SWAI's research (2019).

## Online prostitution and child sexual exploitation

**The evidence points to difficulties in monitoring and gauging the scale of online prostitution i.e. cybersex and the advertising of sex online.** Despite a widespread acknowledgement of online prostitution as a major component in prostitution practices across jurisdictions, there was nevertheless **little data on the numbers of people involved and the effects of challenging demand legislation on online prostitution.** A trend analysis of 173,460 online advertisements placed on Escort Ireland between the 1<sup>st</sup> January 2012 and the 31<sup>st</sup> December 2018 conducted for the 2019 National Evaluation showed that, since the introduction of the challenging demand legislation, there had been an increase in the number of advertisements for women involved (Ellison et al. 2019). The authors identified a spike in advertisements between 2014 and 2016 around the time of the legislation's implementation, which may have been the result of increased publicity around prostitution (Ellison et al 2019: 86). The number of unique "sex workers" on the

platform increased between 2012 and 2018, peaking in 2015 with a total number of 1,270 (Ellison et al. 2019: 91). However, the number of user profiles behind the advertisements across four platforms<sup>93</sup> also indicated that there was little change in the numbers of women and men advertising online every day in 2018 (n=308) compared to 2014 when a similar study had estimated around 300-350 advertised daily on Escort Ireland (Ellison et al. 2019: 114). Male “sellers” constituted a small proportion of users on all sites, and the majority of those involved were foreign nationals.

Estimates for the RoI based on online profiles on “escorting websites” made prior to the legislation’s introduction estimated that anywhere between 500 and 700 women were available each day, the majority of whom were foreign nationals (Shannon 2020: 5). More recently, the University College Dublin’s SERP study included a “data scraping exercise” on *Escort Ireland* with the aim of providing a “snapshot” of advertising levels on the 20/07/20. It found a total of 692 profiles advertising across the RoI and NI (O’Connor & Breslin 2020: 35). The majority were foreign nationals with only 6.5% of profiles being for Irish and British women, with “client” reviews indicating signs of pimping and human trafficking. SERP’s Covid-19 study showed that during the lockdowns there had been an increased focus on the development of online platforms enabling monthly subscriptions for access to pictures and videos, chat and live “performances” on *Escort Ireland* (Breslin 2020).

**The prevalence of online prostitution in other jurisdictions is equally difficult to determine.** Olsson’s study of criminal case records in Sweden between 2011 and 2015, suggested that a high number of purchasers came into contact with women and men involved in prostitution on the street despite the rise in online forms of prostitution at that time (61% versus 35% who first contacted online n=267) (2021: 363). It also found that 73% of those arrested had addresses in the city where the offence had taken place, suggesting it had been done locally (2021: 363). The findings resonate with the Le Bail et al. study in France which similarly found that the most common means of meeting “clients” was the street (61.7%) versus 20.8% who stated the internet (Le Bail et al. 2018: 89). The findings indicate that **despite the rise in online prostitution, the street may still constitute an important meeting place between purchasers and women and men involved.** However, given the scarcity in data on online prostitution, little is known about what proportion on-street and indoor prostitution currently make of all prostitution cases. The evidence nevertheless points **to the existence of a substantial online network of prostitution which is difficult to monitor.**

The significance of online prostitution has become particularly marked in France with regards to the **rise in the prostitution of minors.** Recent government estimates suggest that as many as 10,000 young people may be involved<sup>94</sup>. In terms of possible contributing factors, the 2019 government evaluation noted **a lack of awareness and discussion of the provisions for the sexual exploitation of**

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<sup>93</sup> Escort Ireland, Vivastreet, Adultwork and Locanto.

<sup>94</sup> As reported in: <https://www.rfi.fr/en/france/20211115-france-launches-14-million-euro-plan-to-fight-teenage-prostitution-pimping>

**minors and a lack of adequate accommodation for minors** (Gaudy & Le Bail 2020). The reports also noted that no policies (for children and young people) regarding the national awareness policy had been published at the time of publication and there were major flaws in the monitoring of possible trafficking for sexual exploitation among minors in contact with child protection services (Gaudy & Le Bail 2020: 29-30). A recent report produced by the National Advisory Commission on Human Rights, highlighted the lack of knowledge around the prostitution of minors and suggest that a major contributing factor behind the lack of visibility has been the increased use of the internet<sup>95</sup>.

National exploratory research conducted in Sweden on adolescent motives for engaging in the selling of sex found that out of a total of 5,839 surveyed adolescents (mean age 18), only 51 (0.9%) reported having had experience of selling sex (Fredlund et al. 2018). The majority of those who had sold sex were male (60.8%) and the main motives for selling sex identified were emotional reasons such as a desire for “closeness”, “to feel appreciated”, and low mental health/to reduce anxiety (Fredlund et al. 2018). The most common form of compensation among those who engaged in prostitution for emotional reasons was money (47.4%) and the most common means of contact was the internet (57.9%) (Fredlund et al. 2018). However, given the small sample size (of those involved in prostitution) and the fact that the findings are based on a self-selection sample questionnaire, the generalisability and robustness of these findings are limited.

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<sup>95</sup> See page 6 of the report: <https://www.cncdh.fr/sites/default/files/a - 2021 - 5 - english - prevention and fight against sexual exploitation of minors april 2021.pdf>

## 7. Learning from New Zealand and the Netherlands

The focus of this chapter is to provide an overview of the evidence assessed on the cases of New Zealand and the Netherlands. Both jurisdictions have adopted very different legislative approaches to prostitution than challenging demand models, favouring instead the decriminalisation of the selling of sex and the legalisation of regulated forms of purchase. Evidence on both cases was assessed with the aim of maximising opportunities for learning through the identification of examples of best practice with regards to welfare and safety provisions which may support women and men involved in prostitution. An examination of the merits of the legislative approaches adopted in both jurisdictions lies beyond the scope of the present review.

Similar issues with regards to the availability and quality of the evidence identified in research on challenging demand approaches were encountered in the literature on New Zealand and the Netherlands. The identification of examples of best practice was limited by sparse research directly addressing “what works” with regards to support and welfare provisions in both countries. Relevant research primarily draws from small scale qualitative and quantitative studies with limited representativeness and generalisability. In the case of the Netherlands, the evidence points to the existence of an extensive unlicensed sector that has been difficult to monitor (Verhoeven & van Gestel 2017). The reliance on literature published in English, however, may mean some key evidence is not included. In New Zealand, the literature points to gaps in knowledge with regards to indoor prostitution, the issuing of brothel certification, human trafficking and coerced cases of prostitution (Abel 2014a; Abel & Ludeke 2021; Thorburn 2017).

The assessment of examples of best practice was also limited by the incompatibility of some of the provisions introduced in both countries which run contrary to challenging demand’s core principles outlined in [Chapter 4](#). Research on the effects of the legalisation of brothels and purchase was, therefore, not considered. The evidence examined does nevertheless provide some potentially useful insights with regards to approaches to improved representation of women and men involved in prostitution in policy making as well as stakeholder engagement and collaboration. In the case of New Zealand, the evidence suggests that specialist organisations and collectives can act as key facilitators of policy, providing valuable operational insight, information and leadership needed to secure support among those involved. In the Netherlands, parallels can be drawn with some of the barriers encountered by challenging demand models in relation to gaps in support provisions for migrant women and men involved. The evidence highlights the importance of targeted outreach to improve access to health check-ups particularly among those harder to reach as well as coordinated responses to enforcement and information sharing. These can be summarised as follows:

**Table 6. Summary of lessons learned from New Zealand and the Netherlands:**

| Cooperation and trust-building  | Outreach and Services   | Information sharing and Implementation   |
|---|---|--|
| <ul style="list-style-type: none"> <li>• Inclusion and representation of women and men involved in prostitution in the production of guidance on best-practice can facilitate cooperation and trust-building between relevant agencies as well as provide valuable insights into harm minimisation strategies and the experiences of those who sell.</li> <li>• Police training focused on the well-being of those involved in prostitution combined with police information sharing with women and men involved can improve cooperation and trust in enforcement.</li> <li>• Trust-building among those involved in enforcement agencies requires long-term intervention.</li> </ul> | <ul style="list-style-type: none"> <li>• Regular outreach targeting those involved in prostitution including harder to reach victims such as migrant workers is key to improving health conditions for those who sell.</li> <li>• Support provision benefits from services aimed at both harm minimisation and supporting those who want to exit.</li> <li>• Non-stigmatising and accessible healthcare provision fosters uptake among women and men involved.</li> </ul> | <ul style="list-style-type: none"> <li>• Advocacy groups can serve as important mediators between women and men involved and other stakeholders and act as useful coordinators of guidance and information sharing.</li> <li>• Flexible and durable national coordination between local authorities, enforcement agencies, and service providers can strengthen information sharing and the development and implementation of cohesive policy.</li> <li>• Complementarity of approach across regions and among stakeholders is key to consistent policy delivery.</li> </ul> |

### **The New Zealand Prostitutes' Collective**

New Zealand introduced a decriminalised model in 2003 which sought to recognise prostitution as a legitimate occupation subject to the same rights and conditions as other forms of employment (Abel 2014a). The central purpose of the Prostitution Reform Act 2003 (PRA) as cited in New Zealand's Ministry of Justice's *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*, was to create a framework that:

- “safeguards the human rights of sex workers and protects them from exploitation”;
- “promotes the welfare, occupational health, and safety of sex workers”, “is conducive to public health”;
- and “prohibits the use of prostitution of persons under 18” (2008: 22).

Under current provisions both the selling and purchasing of sex are legal, however, they are subject to regulations such as mandatory certification of brothels, the prohibition of coerced forms of prostitution, and the use of adequate protection to minimise risk of STI infection (Abel 2014a; Armstrong 2017a). Purchase must be consensual between adults over the age of 18 and cannot be done with holders of temporary visas, an issue which has led to criticisms that current provisions exclude migrant women and men involved (Armstrong 2017a).

Much of the evidence examined with regards to safety and support provision for women and men involved in prostitution centres on the role of the New Zealand Prostitute’s Collective (NZPC). The NZPC is frequently referenced as an example of good practice by “sex worker” advocates but also in peer-reviewed academic literature on account of its **ability to broker between agencies, government and women and men involved and its role in information sharing with regards to issues such as safe practice, legislative and support provisions and risky clients** (Abel & Healy 2021; Healy et al. 2017; Laverack & Whipple 2010; Pérez-y-Pérez 2016; Radačić 2017).

The evidence is in the main, however, limited to small qualitative research much of which has been conducted either by the NZPC or in collaboration with the NZPC, raising questions about the objectivity and generalisability of the findings. Larger scale quantitative data is primarily drawn from survey research, which although useful, is unable to draw causal inferences about the effectiveness of the approaches adopted by the NZPC. The evidence does, nevertheless, suggest the organisation has played a leading role in the development of guidance on best practice and has succeeded in positioning itself as a central point of reference for stakeholders engaging with women and men involved such as law enforcement and health workers. It also points to possible operational advantages of the establishment of national and regional bodies that:

- coordinate responses through guidance and liaison between stakeholders and women and men involved in prostitution;
- and which prioritise the experiences and views of women and men involved in service design.

Originally established in 1987 in response to the AIDS crisis with funding from the Ministry of Health (MOH), the NZPC became a key health provider for women and men involved in prostitution (Abel 2014a; Pérez-y-Pérez 2016: 31) and has played a central role in the promotion, design and introduction of a decriminalised model in New Zealand (Healy et al. 2017). It is largely run by individuals with experience of working in different “sectors of sex work” (Healy et al. 2017: 50) and has branches

in Wellington, Auckland, Tuaranga, Christchurch, and Dunedin<sup>96</sup>. It adopts a **“harm minimisation”** approach hosting clinics, service referral and outreach targeting on-street workers and brothels as well as providing information on drug and sexual health treatment and supplies such as condoms, “safe sex paraphernalia” and needle exchange (Pérez-y-Pérez 2016: 32).

Some of the literature suggests that the NZPC has played an important role in **providing guidance aimed at supporting enforcement and encouraging women and men involved to report sexual violence** through initiatives such as the joint publication of the “Guide for Sex Workers who have experienced Sexual Assault” entitled *What to Do* available on their website<sup>97</sup>, and workshops on sexual assault conducted for officers and detectives from specialised units to encourage empathy and understanding as well as collaboration between agencies (Healy & Abel 2021: 178-179).

According to the NZPC national coordinator and founding member, Catherine Healy, the NZPC has acted as a central conduit between brothel operators and the Ministry of Health, helping to **review and supply non-stigmatising guidance and information** (Healy & Abel 2021: 181-182). The booklet, *Stepping Forward*, aimed at new “sex workers”, provides tips on staying safe and sexual health (Healy & Abel 2021: 183). Accounts of the work conducted by the NZPC members suggest that the collective has been heavily involved in assisting “sex workers” in Dispute Tribunals in addition to training Medical Officers of Health responsible for inspecting brothels, providing them with insights into how to work with women and men involved in prostitution as well as brothel operators (Healy et al. 2017: 54-58).

Little evaluation of the effectiveness of these initiatives was identified in the literature, however, the evidence does indicate reports of increased self-esteem, empowerment and sense of community among members of the collective (Radačić 2017: 7). Interviewed “sex workers” found NZPC resources useful in making them feel they “had rights”, in deciding to pursue “sexual services”, and in finding a “tangible community” (Healy & Abel 2021: 183). Radačić’s qualitative study which involved 16 interviews with NZPC members, an interview with a former MP and now former detective superintendent, and three interviews with academics, suggested that part of the “success” of the NZPC has been its focus on human rights-framed policy work, diversity and solidarity among its members, wide networks, motivated and determined leadership, financial stability and a supportive socio-political leadership (Radačić 2017: 11).

Pérez-y-Pérez’s qualitative study undertaken with representatives from 13 Christchurch human service agencies, Christchurch City Council and government public health department in 2010 and 2011, suggests that **the collective has acted as a key facilitator of “information sharing”, “collaboration” through education and training of “mainstream/government staff”, and in “instigating initiatives with sex workers”** (Pérez-y-Pérez 2016: 38). Interview responses suggested that the NZPC’s “unique positioning as a peer-based group and (state

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<sup>96</sup> NZPC Website: <https://www.nzpc.org.nz/Contact>

<sup>97</sup> For criticisms of these kinds of resources see Raymond (2018).

sanctioned) health service provider” meant it was frequently consulted by agencies who felt insufficiently resourced and trained (Pérez-y-Pérez 2016: 37). The collective was found to have played a particularly prominent role in police strategies aimed at changing enforcement approaches from being focused on “prosecution” to “protection” (Pérez-y-Pérez 2016: 34). Intelligence-sharing initiatives such as “Phone Text” and “Ugly Mugs Book” saw the **NZPC mediate between police, telecommunications company and “sex workers”** by alerting service users of potentially violent clients verified by police through mobile texts and resources provided to both indoor and outdoor workers (Pérez-y-Pérez 2016: 37). These were identified as being effective means for improved reporting and cooperation between police and “sex workers” (Pérez-y-Pérez 2016: 37).

Another study examining the relationship between police and on-street “sex workers” following decriminalisation found some indications that the initiatives adopted in Christchurch have resulted in an **improved relationship between enforcement and women involved in prostitution** (Armstrong 2017b). While interviewed “sex workers” continued to express a lack of trust in some police officers, Christchurch-based interviewees highlighted a change in attitudes towards police (Armstrong 2017b: 578). **Police were reported as being more concerned with women’s well-being** and interviews suggested that the changing relationship between police and “sex workers” were not the direct result of decriminalisation but the specific efforts made in Christchurch to have more positive engagements with “sex workers” (Armstrong 2017b: 577-578). **Information sharing was highlighted as occurring between women and police officers, with the latter often warning them of incidents and risky clients and coming across as more approachable** (Armstrong 2017b: 578). The research did, however, note instances of inadequate police intervention particularly with regards to managing disputes between women and “clients” which continued to highlight power imbalances between “sex workers” and police officers (Armstrong 2017b: 581). **It also suggested that building greater trust in police takes time.**

Survey results build on some of these findings, suggesting that the NZPC has become **an important source of information and advice for women and men involved**. Abel and Healy note that in 1997, a survey of 303 “sex workers” in Christchurch found that only 6% reported getting information and advice from NZPC when they started engaging in prostitution (Healy & Abel 2021: 182). Survey results for research commissioned by the Prostitution Law Review Committee conducted nine years later with women and men involved (n=772) found that 44.1% of respondents stated they had received information from the NZPC when they first entered into prostitution (Abel et al. 2007: 85), and 86.8% stated that they would get information about employment rights from the NZPC (Abel et al. 2007: 143). The NZPC also emerged as the second most common confidant for bad experiences with clients (72.9%) after fellow workers (84.5%) (Abel et al. 2007: 122). 65.7% of participants accessed the NZPC in Auckland, 67.2% in Christchurch and 82.3% in Wellington (Abel et al. 2007: 58). These findings are, however, now quite out of date and more **recent research is needed to determine whether the NZPC’s role as a central mediator has been sustained.**

Indeed, some of the literature highlights significant **shortcomings** in New Zealand's approach such as **a failure to provide adequate exiting resources for those wanting to leave** (Pitt & Johnson 2021; New Zealand Government 2008) and **migrant women and men involved** (Armstrong 2017a) as well as **regional inconsistencies** (Abel 2014a; Armstrong 2017b) and **issues with continued stigma experienced by women and men involved in prostitution** (Armstrong 2016 & 2018; Schmidt 2017; Wahab & Abel 2016). Little evidence addressed indoor prostitution and while some argue there has consistently been no signs of human trafficking in New Zealand (Healy et al. 2017) others have raised questions about the **lack of monitoring** by the NZPC and New Zealand government as well as a low number of brothel inspections (Pitt & Johnson 2021)<sup>98</sup>. The dominant role played by the NZPC has been criticised on the basis of a lack of **accountability and public scrutiny** and **a lack of interest in the provision of exiting support for women and men involved in prostitution** (Raymond 2018).

## **The Netherlands: Accessible health and cross agency collaboration**

In the Netherlands, the ban on brothels was lifted in 2000. Like New Zealand, selling and purchasing are legal provided they occur between consenting adults who have the necessary legal residence permit required for employment (Verhoeven 2017). Operators of a sex business need to obtain licenses and demonstrate they meet the requisite health and safety measures, and indoor and on-street prostitution outside of designated areas is prohibited (Altink et al. 2018).

Identifying examples of best practice in the Netherlands is hindered by a mixed picture of the impacts and effectiveness of the regulationist model currently in place. The existence of a substantial unlicensed sector that has not been sufficiently monitored by enforcement agencies and local authorities has meant that the full extent of the scale of prostitution has been difficult to determine (Daalder 2007; Outshoorn 2012; Huisman & Kleemans 2014). Moreover, overlaps with human trafficking, organised crime networks and pimping (Huisman & Kleemans 2014; Staring 2012) in addition to the exclusion of non-EU migrant women and men involved in prostitution from licensing provisions (Tokar et al. 2020), limits the extent to which the effects of support and safety measures can be ascertained.

Recent public discourse has seen increased criticism of existing regulations among policy makers and "sex worker" advocates alike<sup>99</sup> around the suitability of legislative provisions. The evidence suggests that contrary to initial aims, the licensing scheme has **struggled to adequately improve working conditions for women and men involved in prostitution** (Daalder 2007; Outshoorn 2012), in some

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<sup>98</sup> Figures cited in response to an Official Information Act request on the number of brothel inspections indicate that only 11 inspections had been made in the decade running up to 2015 (Pitt & Johnson 2021). See also Farley (2009).

<sup>99</sup> For an overview of some of these debates see Nugent (2019); Guardian reports such as <https://www.theguardian.com/world/2021/feb/01/amsterdam-to-move-sex-workers-out-of-city-centre-in-tourism-reset>; BBC reports such as <https://www.bbc.co.uk/news/world-europe-47865363> and the Dutch sex worker union's report (PROUD & Aidsfonds - Soa Aids Nederland 2018).

cases contributing to increasingly repressive approaches to tackling the unlicensed sector (Daalder 2007; Post et al. 2019; Wagenaar 2017). Research published in 2013 and conducted in Rotterdam, The Hague and Utrecht showed that brothel owners still largely **occupied positions of authority, enforcing “dress codes” and taking high percentages of earnings contrary to regulations set out by schemes such as “Opting-in”**<sup>100</sup> (Wagenaar et al. 2013).

Similarly, an analysis of police files of Dutch criminal investigations into human trafficking in Amsterdam’s Red Light District between 2006 and 2010, as well as interviews with police investigators and public prosecutors points to **the existence of extensive informal networks of pimps, drivers, errand boys, accountants and bodyguards** (Verhoeven & van Gestel 2017). The study showed “sex workers” often relied on these networks to gain access to housing and income but were often monitored and subject to controlling behaviour. The authors however, flagged limits in the generalisability of the findings due to a reliance on police data.

Licensing’s regulation and enforcement at municipal level has also raised concerns about the **uneven issuing of licenses** across the Netherlands which in some cases has resulted in a decrease in the overall numbers of licensed premises despite national regulations prohibiting the rejection of brothels on the basis of ethical or moral grounds (Leek & van Montfort 2004; Seals 2015)<sup>101</sup>. Moreover, there are reports of a **lack of complementarity between local authority and police enforcement approaches** with municipalities adopting varied measures and police forces lacking sufficient capacity to target sex trafficking and the unlicensed sector (Daalder 2007; Huismans & Kleemans 2014). Such diverging implementation practices make it difficult to develop a cohesive understanding of the effectiveness of the Dutch model.

The evidence does nevertheless provide some insights into health provision which has been a focal point in attempts to improve safety and support conditions for women and men involved. **“Sex workers” are encouraged to regularly access free and anonymous health check-ups** (Swanson 2016). Some STI clinics such as the Prostitution and Health Center, P&G292, in Amsterdam **provide specialist healthcare near the Red-Light District** (Drückler et al. 2020) and **conduct outreach by targeting brothels, sex clubs and windows with the aim of providing counselling, testing, and Hepatitis B vaccinations** (Verscheijden et al. 2015). All licensed workplaces are required to provide access to staff of STI clinics and public health services at least four times a year during which health workers provide voluntary testing (Verscheijden et al. 2015). Licensed facilities are encouraged to promote safe-sex practices through guidance and STI testing (Verscheijden et al. 2015) and “sex workers” are invited to attend municipal health services once a year (Wagenaar et al. 2013: 71).

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<sup>100</sup> A hybrid self-employment package allowing sex workers in licensed premises to set their own hours, choose their attire, refuse clients and certain acts, ask for a receipt at any time and not hand over a percentage of their earnings for extra services to proprietors (Wagenaar et al. 2013).

<sup>101</sup> Some research questions this, see: Wouter, Denters, Need, & van Gerven (2017).

The effectiveness of these interventions is, however, difficult to determine given the varied experiences of support provision among those involved such as migrant women involved. Research examining STI positivity rates since implementation shows that **the number of positive STI diagnoses stabilised among female “sex workers” between 2006-2013** (Verscheijden et al. 2015). Risk factors for increased positivity identified in the study was being younger and from a country outside Western Europe (Verscheijden et al. 2015). **Possible contributing factors identified by the authors included reduced surveillance and targeted health services available to migrant workers** (Verscheijden et al. 2015: 6). The latter may be a reflection of a lack of access to regular testing among migrant “sex workers” more generally.

Qualitative research studying access to HIV testing among female Eastern European non-EU migrant “sex workers” in Amsterdam found that **non-EU residents who were unable to acquire the necessary residence and work permits to engage in “sex work” often used tourist visas and actively sought to avoid detection by health agencies and enforcement agencies** (Tokar et al. 2020: 9). The study’s analysis of online adverts showed the majority engaged in high risk behaviours such as oral sex without condoms and were reported as being the hardest to reach by interviewed stakeholders with experience of working in services with “sex workers” and/or migrants. The study identified a number of key barriers to HIV testing such as fear of being caught, stigma and self-stigmatisation, lack of trust in healthcare providers, low language fluency, previous negative experience when accessing healthcare in home countries, time and transport costs, and low perceptions of HIV risk and understanding. The authors concluded that there was a need for approaches that addressed the **diversity of women’s experiences and the scaling up of outreach interventions** which were reported as being one of the few means through which migrant women accessed testing. Stakeholders also emphasised the importance of **building trust and access to multi-lingual services as a key potential facilitator of increased testing**.

The evidence suggests that the licensing sector has **seen improvements with regards to health and hygiene conditions in brothels more widely** (Wagenaar et al.’s 2013; Vanwesenbeeck 2011). Interviewed health workers in Rotterdam reported that proprietors were in the main cooperative and that it had been months since they had encountered a positive STI diagnosis (Wagenaar et al. 2013: 71-72). However, similar to the studies described above, **the research also found gaps in support provisions for migrant women and men which may be making them more vulnerable to exploitation**<sup>102</sup>. Some quantitative research has also drawn attention to **the heterogeneity of experiences among male and trans “sex workers”**, many of whom have been found to engage in higher-risk sexual behaviour such as substance use while working more frequently compared to their female counterparts (Drückler et al. 2020).

With regards to mental health and exposure to violence, the evidence is similarly mixed. The 2007 evaluation indicated that emotional well-being among those who

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<sup>102</sup> See also Vanwesenbeeck (2011).

sell sex had declined since the introduction of regulation (Daalder 2007). More recently, **a small quantitative study** examining the relationship between prostitution and quality-of-life factors and post-traumatic stress experienced by women involved in prostitution showed that **23.9% reported having experienced violence while engaging in prostitution** (n=88), a rate which was lower than those reported in previous studies and substantially lower than those reported in Germany which also adopts a regulationist model (61%) (Krumrei-Mancuso 2017: 1851-1852). The study also found that fun or excitement were reported as being the primary reason for engaging in prostitution and that **being motivated to engage for financial reasons, having less confidence in finding alternative work, and desiring to exit were associated with elevated negative mental health symptoms** (Krumrei-Mancuso 2017). The author concluded there was a need for increased services **available to those wanting to exit**, and argued that the findings suggested that **a focus on achievement, having a sense of fair treatment from others and life, and self-acceptance were associated with better mental health** (Krumrei-Mancuso 2017).

A study conducted by the “sex worker’s” union PROUD, however, found indications of a much higher rate of experiences of physical violence among women and men involved (PROUD & Aidsfonds-Soa AIDS 2018). The study funded by the Ministry of Justice and Security and which involved 308 participants showed that 60% had experienced physical violence in the 12 months prior, while 78% had experienced sexual violence, 58% financial emotional violence and 93% socio-emotional violence (PROUD & Aidsfonds-Soa AIDS 2018: 18). The results are not, however, based on a representative sample of women and men involved in prostitution.

In terms of enforcement, the evidence indicates that **sustained collaborative networks focused on information sharing may have improved enforcement**. Wagenaar et al.’s research suggests that where the Dutch model has worked best has been in the development of close collaboration between relevant actors such as city officials from the Department of Public Safety, police, Immigration and naturalisation services, district attorneys, the Chamber of Commerce, Labour Inspection, Public Health, social work and outreach, youth services and the tax office (Wagenaar et al. 2013: 73). These networks have been “formalised” in most cities into Regional Information Centres and so-called “chain management” where complementary services have been linked in a sequential chain and led by a chain manager to effectively coordinate resourcing and delivery (Wagenaar et al. 2013: 74-75).

**According to the authors, these have resulted in genuine collective learning, information sharing and the development of trust among across agencies** (Wagenaar et al. 2013: 74-75). The main facilitators of information and networking identified in the study were **“careful design” focused on “concrete cases”, “sufficient power to make decisions”, the presence of a “chain manager”, and higher administrative and political leadership** (Wagenaar et al. 2013: 90). Exactly how this translated into improvements in day-to-day implementation is unclear and further research is needed to evidence this empirically and ascertain whether this has been sustained.

Finally, some evidence examining the **effects of tippelzones** (“designated legal street prostitution [zones] where soliciting and purchasing sex is tolerated between strict opening and closing hours” (Bisschop et al. 2017: 28)) **on crime rates suggest there may be a relationship between the opening of tippelzones and decreased sexual assault**. Bisschop et al.’s difference-in-differences analysis of crime statistics in 25 Dutch cities between 1994-2011, found indications of a 30-40% decrease of registered sexual abuse and rape in cities within the first two years of when the tippelzones had been opened (Bisschop et al. 2017). The study examined total annual number of reports for different crime categories across the 25 cities, 9 of which had introduced a tippelzone<sup>103</sup>. However, it is worth noting that the majority of tippelzones have since been closed due to conflicts between those involved in prostitution, and the study was unable to account for contributing factors behind the trends observed.

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<sup>103</sup> The Hague, Utrecht, Rotterdam, Amsterdam, Arnhem, Groningen, Heerlen, Nijmegen and Eindhoven.

## 8. Conclusions

Challenging demand approaches to prostitution share a number of common features. They aim to reduce demand for prostitution, improve the lives of those with experience of prostitution through support that reduces harm and/or helps those involved to exit, and change social attitudes about the commodification of (primarily female) bodies. Achievement of these objectives has manifested in the adoption of three central strands: a criminal justice component that criminalises the purchaser and decriminalises the seller, a support for victims strand aimed at helping and preventing those involved in prostitution from continued involvement, and a changing social attitudes component focused on informing the public of the law, prevent further demand and reduce violence against women and men involved.

Differences in legislative design and implementation practices, however, point to a highly complex picture with regards to the impacts and effectiveness of the approaches adopted. A lack of large scale comparable and reliable research directly addressing “what works” makes the identification of reliable cross-country observations difficult. These gaps notwithstanding, the evidence does indicate some learnings that merit further consideration when it comes to policy development and which may inform the design of a model for Scotland:

- Overall, the evidence suggests that challenging demand implementation benefits from clear and enforceable objectives that prioritise the safety and well-being of women and men involved in prostitution as well as sustained and targeted enforcement strategies aimed at detecting purchasers.
- Effective implementation requires adequate resourcing of wide-ranging, trauma-focused, sustained and de-stigmatising support provision for all women and men involved in prostitution (mainstream and specialist). It will also require training and trauma-informed enforcement approaches aimed at building trust in order to foster increased cooperation of women and men involved and improved intelligence gathering.
- National and regional bodies tasked with coordinating relevant stakeholders (specialist/mainstream support providers, enforcement agencies, NGOs, women and men involved in prostitution) and with developing clear and evidence-informed guidance can strengthen operational consistency and improve information-sharing.
- The evidence points to the need for strategies aimed at fostering widespread “culture change” in order to challenge the ongoing stigmatisation of women and men involved and combat continued violence, harassment and social exclusion.
- The literature also indicates the importance of co-production of policy with women and men with lived experience of selling sex. The incorporation of lived experience insights of those involved in prostitution (particularly migrants) in the development, design, and delivery of challenging demand is key to successful implementation and operationalisation.

## Recommendations for further research

The absence of a large body of robust research on prostitution highlights the need for regular and transparent monitoring and evaluation practices in order to develop a more complete picture of prostitution's prevalence and nature and the issues facing those involved. The lack of accessible evaluations hinders the ability for learning and improvement, limiting the identification of interventions that work and areas that need strengthening. Areas which would benefit from further research to strengthen the evidence base are suggested below:

- **Understanding who those involved are and the prevalence and nature of prostitution.** Further research into the prevalence, demographics, characteristics, views and experiences of women and men involved is needed to increase understanding around support gaps, areas for improvement and to capture the views and needs of seldom heard from groups, in particular those engaged in prostitution online and migrants, who make up the majority of those involved in the countries assessed in this review. The evidence indicates the importance of trust-building and co-production of policy with women and men with lived experience of selling sex, however, the reliance on small qualitative samples of those involved means there was often an over-representation of particular sub-groups of support service users. Increased and rigorous research into lived experience could provide broader insights into who engages in selling, how to better monitor prostitution (particularly online), motivating factors contributing to entry and continued involvement, and any limitations of current legislative, safety and support provisions.
- **How different countries have operationalised their models on the ground.** Little evidence exists which sets out and rigorously assesses what challenging demand looks like in practice, making it difficult to determine contributing factors behind some of the impacts, enablers and challenges observed. Process maps detailing the policy cycle and operational practice of enforcement agencies, service providers, and local and national authorities would provide crucial insights into the kinds of interventions introduced, differences in the approaches adopted across countries and strengthen our understanding of “what works” to effectively challenge demand.
- **Evaluation and monitoring of new approaches.** There was a notable scarcity of evaluation and analysis of monitoring data and practice in the literature reviewed. Process evaluations on the day-to-day implementation on the ground (e.g. by police officers and service providers), particularly across cases that have more recently introduced challenging demand approaches (e.g. Republic of Ireland) are needed to improve our understanding of how interventions work and why. Greater examination and evaluation of the monitoring mechanisms used by countries would provide insights into the impact of policy making and implementation on the nature and scale of prostitution in addition to the operational effectiveness and efficiency of challenging demand interventions.
- **Impact on social attitudes.** Further research is needed to assess attitudinal changes and the effectiveness of national awareness campaigns and

educational initiatives in changing social attitudes and behaviours relating to prostitution. Whilst the evidence indicates an increase in public support for challenging demand legislation in some of the jurisdictions included in this review, what is contributing to the attitudinal changes observed remains unclear. Greater examination of interventions aimed at changing social attitudes would help reach a more holistic picture of the impact of challenging demand that takes into account the role of beliefs, norms and traditions in the design and effectiveness of challenging demand.

- **Deterrents and deterrence effects of the legislation as well as the motivations and characteristics of purchasers.** The limited data on the estimated prevalence and drivers of purchase makes it difficult to determine the full effects of the approaches adopted on challenging demand and the impact of the penalties issued on preventing initial purchase and recidivism. Further research into the attitudes and behaviours of those with experience of purchasing sex could shed important light on the effectiveness of the approaches adopted on targeting demand.

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# Annex A: Search engines and databases used

Academic Search Ultimate  
AGRIS  
Archive of European Integration  
Australian Research Data Commons  
Biodiversity Heritage Library  
BioOne Complete  
Bloomsbury Collections  
Books at JSTOR  
British Library Document Supply Centre Inside Serials and Conference Proceedings  
British Library EThOS  
British Standards Online  
Business Source Index  
Canadian Electronic Library  
Cochrane Database of Systematic Reviews  
Credo Reference  
Credo Reference: Academic Core  
Criminal Justice Abstracts with Full Text  
DigitalNZ  
Directory of Open Access Journals  
eBook Collection  
electronic Irish Statute Book (eISB)  
E-LIS  
Emerald Insight  
ERIC  
European e-Justice Portal  
FT.com  
Google  
Google Scholar  
GreenFILE  
HAL Open Science  
HeinOnline  
JSTOR Journals  
Légifrance  
Legislation.gov.uk  
Lexis Library  
Library, Information Science & Technology Abstracts  
Lovdata  
Military & Government Collection  
New Palgrave Dictionary of Economics Online  
Oxfam Policy & Practice  
Oxford Bibliographies  
Oxford Dictionary of National Biography  
Oxford Reference  
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## Annex B: Quality assessment table

| Author and Year<br><br>Category of evidence strength               | Title   | Country     | Research Design  | Themes   | Limitations and gaps of research   |
|--|---|-------------|--|--|--|
| Abel G. (2014)<br><br><b>NA*</b>                                   | Sex workers' utilisation of health services in a decriminalised environment                 | New Zealand | Mixed methods study conducted in 2007 (Abel, Fitzgerald & Brunton below): Cross-sectional survey with sex workers (n=772) and in-depth interviews with 58 sex workers. Conducted in Auckland, Wellington, Christchurch, Nelson and Napier between June 2006 and April 2007.            | Focus on access to sexual health check-ups and clinics used by adults involved in prostitution.  | *Details of the study provided under Abel, Fitzgerald & Brunton (2007) below.  |
| Abel, G., Fitzgerald, L. & Brunton, C. (2007)<br><br><b>Medium</b> | The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers | New Zealand | Funded by Health Research Council of New Zealand and Ministry of Justice. Statutory evaluation of the Prostitution Reform Act (2003).<br><br>Mixed methods: Community based participatory research in partnership with the New Zealand Prostitutes' Collective, including: exploratory | Estimation of numbers involved, socio-economic profiles of adults involved, entry into prostitution, health and safety, information held by adults involved, duration of involvement in prostitution | Conducted in partnership with third-party organisation with vested interests which may mean an over-representation of service users.<br><br>Purposive sampling which excluded non-English speaking adults involved, limiting the representativeness of the sample, an issue which the authors acknowledge. |

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|  |  |                    | <p>focus groups, mapping exercise to identify numbers involved in prostitution, survey of 772 sex workers in Christchurch Auckland, Wellington, Napier and Nelson, in-depth interviews with adults involved (n=58), 2 sexual health promoters and an occupational health nurse, and content analysis of 11 submissions by Medical Officers of Health on proposed territorial local authority bylaws.</p> |  | <p>Sampling conducted in 5 cities and therefore did not capture adults outside of these cities. Highly varied response rates across cities.</p> <p>High levels of data-entry errors which were subsequently corrected.</p> <p>Little specification of interview questions asked.</p> <p>Data is dated.</p> |
| <p>Abel, G. &amp; Healy, C. (2021)</p> <p><b>NA</b></p>  | <p>Sex Worker-Led Provision of Services in New Zealand: Optimising Health and Safety in a Decriminalised Context</p> | <p>New Zealand</p> | <p>Summary of research and community evidence on health and safety provisions in New Zealand.</p>  | <p>Access to police to report assaults; interagency collaboration; access to information on safe practices</p> | <p>Summary of studies with limited information on research specifics.</p>  |
| <p>Amnesty International (2016)</p> <p><b>Medium</b></p> | <p>The Human Cost of 'Crushing' the Market: Criminalization of Sex Work in Norway.</p>                               | <p>Norway</p>      | <p>Qualitative study: 54 interviews: 30 with women with experience of selling sex, representatives of agencies providing social support services, government agencies, lawyers, academics, and</p>   | <p>Sex worker experiences of policing, continued criminalisation and migrant worker experiences.</p>           | <p>Questions asked not specified.</p> <p>Range of views not clearly specified.</p> <p>No evaluation of the suitability of the methods.</p>   |

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|   |  |                     | civil society organisations.   |  |   |
| Amnesty International (2022)<br><br><b>Medium</b> | We Live within a Violent System: Structural Violence against Sex Workers in Ireland  | Republic of Ireland | Qualitative study: 30 interviews with individuals with experience of selling sex.<br><br>Also conducted interviews with 17 representatives of 13 civil society organisations, 3 lawyers, 9 academics and 2 medical doctors (video/phone interviews).   | Sex worker experiences of policing and legislation, criminalisation, fears of exposure and stigma          | Snowball sampling facilitated through third-party organisations critical of legislation.<br><br>Questions asked not specified.<br><br>No evaluation of the suitability of methods.<br><br>Interviews conducted remotely due to COVID-19 which may have hindered representativeness. |
| Armstrong L. (2017b)<br><br><b>Medium</b>         | From Law Enforcement to Protection? Interactions between Sex Workers and Police in a Decriminalized Street-Based Sex Industry. | New Zealand         | Qualitative study drawing from interviews with women and men involved in prostitution. Based on findings from a 3 year study with cisgender, female sex workers in Wellington and Christchurch. Included 34 in-depth interviews with 28 women, 17 semi-structured interviews with key informants with interest in sex worker safety (outreach workers, activists, social workers, police | Effects of decriminalisation on the relationship between street workers and police.<br><br>Trust building. | Snowball sampling facilitated by third-party organisation limiting representativeness.<br><br>Only accounts for street based workers.<br><br>Interview questions not clearly specified.<br><br>Range of views not clearly specified.  |

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|   |  |                            | officers, church minister and local councillor)  |   |  |
| <p>Armstrong L. (2018)</p> <p><b>Medium</b></p>           | <p>Stigma, Decriminalisation, and Violence against Street-Based Sex Workers: Changing the Narrative.</p> | <p>New Zealand</p>         | <p>Same study as Armstrong (2017b), focusing, however, on findings related to stigma. Qualitative study drawing from interviews with women and men involved in prostitution. Based on findings from a 3 year study with cisgender, female sex workers in Wellington and Christchurch. Included 34 in-depth interviews with 28 women, 17 semi-structured interviews with key informants with interest in sex worker safety (outreach workers, activists, social workers, police officers, church minister and local councillor)</p> | <p>Continued experiences of stigma and impacts on addressing violence.</p>  | <p>Snowball sampling facilitated by third-party organisation, limiting representativeness.</p> <p>Only accounts for street based workers. Author also notes a failure to account for the role of ethnicity.</p> <p>Interview questions not clearly specified.</p> <p>Range of views not clearly specified.</p> |
| <p>Berry A, and Frazer P. (2021)</p> <p><b>Medium</b></p> | <p>How Sex Workers Understand their Experiences of Working in the Republic of Ireland</p>                | <p>Republic of Ireland</p> | <p>6 semi-structured interviews with sex workers from different backgrounds and working since 2017. Examines evidence through an interpretative phenomenological analytical lens.</p>  | <p>Sex worker attitudes to working under ROI legislation, psychological wellbeing, policing, relationships and stigma, client boundaries, precarious accommodation and discrimination</p> | <p>Small number of interviews arranged through convenience sampling, limiting the generalisability of the findings.</p> <p>Range of views not clearly specified.</p>   |

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|  |   |                     |  | experienced by participants.  |  |
| <p>Bisschop, P., Kastoryano, S. &amp; van der Klaauw, B. (2017)</p> <p><b>High</b></p> | Street Prostitution and Crime   | Netherlands         | <p>Difference-in-differences analysis of 25 Dutch cities between 1994-2011. Examines effects of tippelzones on recorded and perceived crime. Uses recorded crime statistics supplied by the Ministry of Justice and perceived crime data from Population Police Monitor.</p> | <p>Legalised street-prostitution zones, "tippelzones".</p> <p>Impact on registered sexual abuse and rape, drug-related crime.</p> | <p>Relies on third party data.</p> <p>Unable to differentiate between victim types, limiting the extent to which the effects observed can be said to be due to tippelzones or a wider set of adults involved.</p>  |
| <p>Breslin, R. (2020)</p> <p><b>Medium</b></p>   | Exploitation 'as usual': Emerging Evidence on the Impact of Covid-19 on Ireland's Sex Trade | Republic of Ireland | <p>Mixed methods study examining advertising data on Escort Ireland within a 14 week period in 2020, policy statements, sex buyer reviews (n=1,300), qualitative semi-structured interviews with representatives of services.</p>  | <p>Impact of the Covid-19 pandemic on Irish sex trade.</p>  | <p>Over-representation of purchasers who leave reviews on escorting sites.</p> <p>Analysis of advertising data may count single individual more than once, an issue the author acknowledges.</p> <p>Author also acknowledges limits in the accuracy of user profile data.</p> <p>Number of interviews not clearly specified.</p> <p>Interviews with women involved not included, limiting the scope of the</p> |

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|  |  |                     |  |   | findings.<br><br>Interview questions not clearly specified.   |
| Breslin, R., Latham, L. & O'Connor, M. (2021)<br><br><b>Medium</b> | Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Health Service Executive Women's Health Service. | Republic of Ireland | Mixed methods study:<br>Analysis of sample of unique WHS user records between 2015 and 2019 (n=144).<br>Descriptive statistics.<br>Analysis of medical records of WHS service users (n=50).<br>Semi-structured interviews with WHS staff (n=5).<br>Interviews with service users (n=8) | Experiences and health impact of prostitution among WHS service users. Healthcare provisions of the WHS service.                                | Small number of interviews arranged through convenience sampling.<br><br>Lack of generalisability of findings due to data reflecting WHS service users only.<br><br>Reliance on third party data which may have gaps and errors, something the authors acknowledge.<br><br>Interview questions not clearly specified. |
| Brunovskis A, & Skilbrei, M. (2018)<br><br><b>Medium*</b>          | Individual or Structural Inequality? Access and Barriers in Welfare Services for Women Who Sell Sex  | Norway              | Qualitative study examining service provision in Norway. Focuses on semi-structured and unstructured interviews with social workers (n=35) based in Oslo, Bergen, Stavanger, and Trondheim   | Challenges facing welfare states in meeting needs of sex workers. Examines how vulnerability is understood and how it shapes service provision. | Little information on the diversity of opinions and their prevalence.<br><br>Interview questions not clearly specified<br><br>*Little information on the data collection methods in this specific publication limited an assessment of the research.  |

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| <p>Campbell, R., Smith, L., Leacy, B., Ryan, M. and Stoica, B. (2020)</p> <p><b>Medium</b></p> | <p>Not Collateral Damage: Trends in Violence and Hate Crimes Experienced by Sex Workers in the Republic of Ireland</p> | <p>Republic of Ireland</p> | <p>Mixed-methods study:<br/> - Trend analysis of incident reports made by sex workers to UglyMugs.ie between 2015 and 2019 (n= 14,370 reports). Examines frequencies and increases/decreases in reports over time. Supplemented with analysis of narrative responses boxes from reports.</p>   | <p>Types of incidents reported by sex workers pre-and post-legislation, hate crime, confidence in reporting to police, continued stigmatisation of sex workers.</p> | <p>Authors acknowledge potential over-representation of workers who report via UglyMugs.ie as well as work-related victimisation.</p> <p>Reliance on third-party data which had gaps e.g. no recording of nationality, something the authors acknowledge.</p> <p>Lack of specification around qualitative coding framework used in the analysis.</p> |
| <p>Daalder, A. L. (2007)</p> <p><b>N/A</b></p>   | <p>Prostitution in the Netherlands Since the Lifting of the Brothel Ban</p>  | <p>Netherlands</p>         | <p>Summary of 3 studies conducted by the Research and Documentation Centre for second national evaluation. Commissioned by the Ministry of Justice. Included:</p> <p>Study on municipal prostitution policy, its regulation and enforcement (survey distributed to all municipalities. 84% completion rate (n=385).</p> <p>- Qualitative study comprising 67 interviews with</p> | <p>Evaluates legislation and its implementation.</p>  | <p>Summary of national evaluations.</p> <p>Data is dated.</p>  |

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|   |  |                         | <p>municipal officials, service providers, women and men involved, business owners, police. Fact-to-face interviews with 354 women and men involved and structured questionnaires.</p> <p>-Desk based research, 29 interviews with informants, and human trafficking data to study non-legal prostitution.</p>       |   |  |
| <p>Drückler, S., van Rooijen, M. S., de Vries, H. J. C. (2020)</p> <p><b>Medium</b></p> | <p>Substance Use and Sexual Risk Behavior among Male and Transgender Women Sex Workers at the Prostitution Outreach Center in Amsterdam, the Netherlands</p> | <p>Netherlands</p>      | <p>Quantitative study examining results of survey on substance abuse and sexual risk behaviour among male and transgender sex workers and conducted during routine STI screening at Prostitution and Health Centre in Amsterdam. Conducted between 2014 and 2015. 60.4% of eligible visitors participated (n=69)</p> | <p>Risk behaviours, illicit drug taking and STI positivity, health outreach</p>           | <p>Examines experiences of those who have accessed the Prostitution and Health Centre in Amsterdam.</p> <p>Could not account for frequency or quantity of substance abuse.</p> <p>Conflates transgender women and cis-gender men which may limit a nuanced appreciation of the different experiences of both groups.</p> |
| <p>Ellison, G., Ni Dhónnaill, C. and Early, E. (2019)</p>                               | <p>A Review of the Criminalisation of Paying for Sexual Services in</p>  | <p>Northern Ireland</p> | <p>Mixed methods evaluation of prost. legislation. Draws from 9 separate sources:</p>  | <p>Evaluates legislation and its implementation. Includes information on: Arrests and</p> | <p>Samples not representative due to difficulties in access, an issue the authors</p>  |

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| <p><b>Medium</b></p>     | <p>Northern Ireland</p>       |               | <p>Quantitative survey with sex workers in NI who advertise on Adult Services Websites (n=199).<br/>Quantitative trend analysis of 173,460 advertising profiles for commercial sex on Adult Services Websites.<br/>Web scrape of data from 1,450 internet advertising platforms over 6-day period in 2019.<br/>Quantitative client survey with respondents in ROI (n=1083) and NI (n=193).<br/>Analysis of 2556 reports of violence and abuse on UglyMugs.ie from between 2012-2018.<br/>13 narrative interviews with sex workers in NI.<br/>3 interviews with sex worker support organisations.<br/>3 interviews with officers in Police Service NI.<br/>1 interview with senior prosecutors from Public Prosecution Service for NI.</p> | <p>convictions; numbers and profiles of people involved in prostitution; purchase of sex and client profiles; safety and wellbeing of those involved; policing and prosecuting under new legislation.</p> | <p>recognise.</p> <p>Surveys distributed via third-party sites which may over-represent populations which access the sites in question or those with positive experiences. Authors acknowledge issues with representativeness</p> <p>Small number of qualitative interviews.</p> <p>No clear specification of questions asked in both the surveys and interviews.</p> <p>Data scraping done with help from third party with vested interests.</p> |
| <p>Erikson J. (2019)</p> | <p>Institutions, Gendered</p> | <p>Sweden</p> | <p>Qualitative study examining</p>  | <p>Role of gendered</p>   | <p>Small number of interviews.</p>  |

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| <p><b>Medium</b></p>   | <p>Perceptions and Frames of Meaning: Explaining Strategic Choices of Women MPs in Swedish Prostitution Policy</p>                          |  | <p>policy makers perceptions through a framing analysis of 14 interviews conducted in 2008.</p>  | <p>perceptions on strategy adopted by policy makers in favour of criminalising demand. Draw attention to need to appeal to general public, as well as key political stakeholders</p> | <p>Variation in views was not clearly explained.</p> <p>No evaluation of the suitability of the methods.</p>  |
| <p>Erikson J. &amp; Larsson, O. L. (2019)</p> <p><b>Medium</b></p> | <p>Beyond Client Criminalization: Analyzing Collaborative Governance Arrangements for Combatting Prostitution and Trafficking in Sweden</p> | <p>Sweden</p>                              | <p>Analysis of policy documents, texts presented on official websites, reports, written/graphic sources and interviews (10 informant interviews with governors from Ministry of Justice, CABS, the NMT and the Platform). Interviews conducted in 2017. Focuses on period from 2009 until 2018</p> | <p>Collaborative approaches between public bodies and civil society organisations in Sweden.</p> <p>Provides overview of collaborative bodies in Sweden.</p>                         | <p>Small number of interviews.</p> <p>Questions asked were not specified.</p> <p>Lack of information on data specifics of study.</p> <p>Little evaluation of the suitability of the methods.</p> <p>Little information on the diversity of opinions and their prevalence.</p> |
| <p>European Commission (2016)</p> <p><b>Medium</b></p>             | <p>Study on Gender Dimension of Trafficking in Human Beings</p>   | <p>Germany, the Netherlands and Sweden</p> | <p>Primarily consisted of a review of literature and policy, in-depth case studies and high-level analysis of gender dimension of human trafficking,</p> <p>In depth case analysis involved the use of relevant documentary and internal material along</p>  | <p>Gendered nature of human trafficking, demand reduction approaches to prostitution and their impacts on human trafficking.</p>   | <p>Authors acknowledge that the absence of the views of adults involved is a major gap in the study.</p> <p>Number of those interviewed is small.</p> <p>The report primarily constitutes a literature review.</p>  |

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|   |   |        | with interviews with key actors (e.g. law enforcement officials, civil society representatives, service providers, labour inspectors, border officials and academics). In the case of Sweden a total of 10 individuals were interviewed. In the Netherlands 4 individuals were interviewed. |  | Lack of information on interview questions and sampling strategy.<br><br>Range of views not clearly specified.                                  |
| Fredlund C, Dahlström Ö, Svedin C.G., Wadsby M., Jonsson L.S. & Priebe G. (2018)<br><br><b>Medium</b> | Adolescents ' motives for selling sex in a welfare state - A Swedish national study | Sweden | Exploratory factor analysis and hierarchical cluster analysis to identify groups of adolescents according to underlying motives for selling sex. Based on national questionnaire distributed in 2014. Number of participants = 5,839, response rate 59.7%.                                  | Profiles of adolescents who have sold/selling sexual services in Sweden. Identifies a number of patterns behind reasons for selling. Shows that they are heterogeneous in regards to reasons and profiles. | 40% of eligible respondents not accounted for in the study.<br><br>Excludes adolescents not in secondary schools and those below the age of 18. |
| Gaudy, T. and Le Bail, H. (2020)<br><br><b>N/A</b>  | Comparative Summary of Evaluation Reports on France's 2016 Prostitution Act         | France | Summary of 3 reports:<br><br>National Gov. evaluation (2019) which assesses measures introduced by the Act and focuses on the views of police, administrative and judicial  | Key findings from evaluation reports on prostitution Act (national gov. evaluation and two civil society pieces). Groups these under a number of themes: criminalisation and prosecution of clients;       | Reliance on secondary data.<br><br>Lack of information on data collection specifics of each study.<br><br>Working paper                         |

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|  |   |               | <p>authorities, and Civil Society Organisations (CSO). CSO Evaluation (2018). See details of study below under Le Bail, Giametta and Rassouw (2018). CSO Evaluation Report (2020) - Responds to National Evaluation (2019). Conducted by same groups as 2018 Le Bail et al. study outlined below and focuses on the experiences of sex workers following legislative change and in particular its impact on living and working conditions.</p> | <p>impact of legislation on living conditions; exit programme; education and minors.</p>                         |  |
| <p>Grönvall Y, Holmström C, Plantin L. (2021)</p> <p><b>Medium</b></p> | <p>Doing trust work: The Purchase of Sex in a Swedish Context</p> | <p>Sweden</p> | <p>Semi-structured interviews with 29 Swedish men purchasing sex in 2018. - Recruited through advertising on 2 different websites that promote escort services, a post on forum on one of these escort services, via Facebook, Twitter and ads in two local newspapers</p>   | <p>Relationship between intimacy and purchase of sex. Note the significance attached to trust by purchasers.</p> | <p>Interviews facilitated through third-party adult services websites, limiting representativeness.</p> <p>Variation in views was not clearly explained.</p> <p>Authors acknowledge issues with bias/vested interests of respondents.</p> <p>Questions asked were not specified.</p> |

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|  |   |                     |  |   | Little evaluation of the suitability of the methods.   |
| Hedlin, S. (2017)<br><b>Medium</b>                 | Can Prostitution Law Reform Curb Sex Trafficking? Theory and Evidence on Scale, Substitution, and Replacement Effects | EU; Norway          | Draws from EU level data on sex trafficking across EU countries (2008-2010).<br>- Develops an ordinal measure (index) of prost, laws. Examines correlation between index score and sex trafficking numbers.<br>- Difference-in-Differences analysis (Norway = treatment country; Sweden, Finland and Denmark = control group)  | Examines the relationship between prostitution legislation in sex trafficking demand and supply across EU countries. Finds that a challenging demand approach is more closely aligned with reduced sex trafficking. | Reliance on limited third party data.<br><br>Author acknowledges limits in representativeness due to the data being based on reported sex trafficking.<br><br>Acknowledgement also of reliance on assumptions due to limited available data.   |
| Huschke, S. & Schubotz, D. (2016)<br><b>Medium</b> | Commercial sex, clients, and Christian morals: Paying for sex in Ireland  | Republic of Ireland | Mixed methods approach which examined: online self-completion surveys (n=446) and face-to-face semi-structured interviews with clients (n=10). Data scraping to assess online profiles of sex workers. Interviews with service providers and local councils. Triangulated with other data (19 interviews with sex workers and sex worker survey responses). Data collected | Study on men who purchase sex.<br><br>Argue that experiences of those who purchase are shaped by local context.<br><br>Purchasers are heterogeneous.  | Based on research conducted for DOJ report and published in 2014<br><br>Survey distributed via third-party adult services websites, limiting representativeness. Authors acknowledge that they cannot claim representativeness and note possible over-representation of in-door clients.<br><br>Questions asked were not |

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|  |  |                  | between May and August 2014.  |  | specified.<br><br>No evaluation of the suitability of the methods  |
| Huschke, S. and Ward, E. (2017)<br><br><b>N/A</b>        | Stopping the Traffick? The Problem of Evidence and Legislating for the 'Swedish model' in Northern Ireland | Northern Ireland | Draws from mixed methods approach developed for Huschke et al. 2014 study conducted for DOJ:<br>- online surveys with sex workers (n=171) and clients (n=446)<br>- semi-structured interviews with sex workers (n=19), clients (n=10), officially identified victims of trafficking (n=2), and law enforcement and service providers in field (n=18). See also Huschke & Schubotz above (2016). | Critique of NI legislation. Argue it was aimed at sending moral message rather than effectively reducing human trafficking. Criticise handling of DOJ 2014 study findings. | Based on research conducted for DOJ report conducted and published in 2014 and provides limited data collection specifics.   |
| Jahnsen, S. & Skilbrei, M. (2018a)<br><br><b>Medium*</b> | Leaving no Stone Unturned: the Borders and Orders of Transnational Prostitution.                           | Norway           | Analytical piece based on qualitative evidence which comprises: observation, media discourse analysis and interviews with a wide range of stakeholders.   | Norwegian regulatory migration practices which affect women in prostitution, particularly migrant sex workers and which continue to criminalise selling.                   | Little information on the diversity of opinions and their prevalence.<br><br>Interview questions not clearly specified and timeframe unclear.<br><br>No evaluation of the suitability of the methods.<br><br>* Does not provide much |

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|   |   |  |   |  | information on the data collection and analysis specifics. Information on the data collection specifics available in other publications cited in the article.   |
| Jonsson S, Jakobsson N. (2017)<br><br><b>High</b>       | Is buying sex morally wrong? Comparing attitudes toward prostitution using individual-level data across eight Western European countries. | UK, Netherlands, Germany, France, Spain, Denmark, Norway, and Sweden | Comparative study of attitudes across 8 countries. Based on survey distributed across countries in 2014. Total n=16,948, response rate = 37%. OLS Regression.                             | Considers the relationship between prostitution regime and attitudes towards the acceptability of the purchase of sex. | Online survey based on self-selection, limiting representativeness of the sample for each country, an issue authors acknowledge.<br><br>Unable to account for causality of the relationship between regime and attitudes to purchase. |
| Krumrei-Mancuso E. (2017).<br><br><b>Medium</b>         | Sex Work and Mental Health: A Study of Women in the Netherlands   | Netherlands  | Quantitative study examining survey data (n=88) with women engaged in prostitution. Bivariate correlation analyses, multivariate analyses of covariance (MANCOVA) and regression analysis | Characteristics of prostitution and quality-of-life factors related to depression and post-traumatic stress.           | Small survey sample<br><br>Online survey limiting representativeness.<br><br>Cross-sectional study meaning causality could not be accounted for.<br><br>Vested interests not declared.  |
| Kuosmanen, J. & de Cabo, A. (2018)<br><br><b>Medium</b> | Men Selling Sex to Men in Sweden: Balancing Safety and Risk   | Sweden   | Analysis of small internet survey (n= 156). Primarily analyse cross-tabs and frequencies.   | Perceptions among men who sell sex to men of perceived risks of activity and experiences of                            | Survey distributed via third-party site which may over-represent populations which access   |

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|  |   |        | Conducted between 2011 and 2015.  | actual denigration, threats, and violence in their relations with customers. Also discuss self-defense strategies used for protection  | the site.<br>Authors acknowledge sample is not representative.<br><br>Online survey based on self-selection and reporting on past experiences.  |
| Le Bail, Giametta, and Rassouw (2018)<br><br><b>Medium</b> | What Do Sex Workers Think about the French Prostitution Act? A Study of the Impact of the Law from 13 April 2016 Against the Prostitution System in France. | France | Collaborative evaluation of impact of the act on sex workers' living and working conditions. Primarily a qualitative study (70 semi-structured interviews with sex workers and 24 interviews with grassroots organisations and focus groups and workshops with 38 sex workers between Jan 2016 and Feb 2018). Supplementary quantitative part of the study (583 responses via 9 organisations who distributed questionnaire between Jan and Feb 2018) | Assesses the impact of the 2016 act on working and living conditions from the point of view of sex workers and grassroots organisations. Main themes: increased precarity, intimidation and reporting, local implementation, stigma, violence, health and exit programme | Authors acknowledge difficulties in accessing a representative sample given the "hidden" nature of sex work as well as the over-representation of street based workers.<br><br>Lack of generalisability due to the distribution of the survey being facilitated by grassroots organisations (accounts therefore represent the views of sex workers who access/participate in the services in question)<br><br>Online survey based, limiting representativeness of the sample. |

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| <p>Leek, J. &amp; van Montfort, A. (2004)</p> <p><b>Medium</b></p>          | <p>'Convenient Local Policymaking for Inconvenient Issues? The Establishment of Brothels in the Netherlands'</p>            | <p>Netherlands</p>         | <p>Survey across 200 municipalities. 90% agreed to take part (n=180) out of 489 Dutch municipalities.</p>  | <p>Dynamics between local and national government and success rate for local gov. to draw up policies pertaining to socially controversial issues that live up to central government expectations. Prostitution as a case study.</p> | <p>Accounts for under half of all municipalities, limiting generalizability of findings.</p> <p>Cross-sectional study meaning causality could not be accounted for.</p> <p>Little evaluation of the suitability of the methods.</p> <p>Data is dated.</p>      |
| <p>McGarry, K &amp; Ryan, P. (2020)</p> <p><b>Medium</b></p>                | <p>Sex Worker Lives under the law: A Community Engaged Study of Access to Health and Justice in Ireland</p>                 | <p>Republic of Ireland</p> | <p>Participatory action research. Focus groups with 26 sex workers based in 4 cities: Dublin, Cork, Galway and Limerick. Commissioned by HIV Ireland and conducted by Irish Sex Work Research Network (ISWRN) and Sex Workers' Alliance Ireland (SWAI) between June 2019 and May 2020.</p> | <p>Impact of legislation on health, well-being and safety of sex workers.</p>  | <p>Small sample.</p> <p>Snowball sampling facilitated through third-party organisations critical of legislation.</p> <p>Lack of generalisability due to subjective nature of data collection process.</p> <p>Variation in views was not clearly explained.</p> |
| <p>McMenzie, L., Cook, I. R., and Laing, M. (2019)</p> <p><b>Medium</b></p> | <p>Criminological Policy Mobilities and Sex Work: Understanding the Movement of the 'Swedish Model' to Northern Ireland</p> | <p>Northern Ireland</p>    | <p>Mainly theoretical piece but draws from semi-structured interviews with policy makers, advocates and mobilisation of Swedish model in NI (n=7) and in Sweden (n=5). Also employs narrative</p>  | <p>Policy transfer of Swedish model to NI. Examines through a policy mobilities lens.</p>  | <p>Small sample.</p> <p>Author acknowledges partiality of the data.</p> <p>Lack of information on data collection specifics.</p> <p>Little information on the diversity of</p>   |

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|  |  |                     | analysis of a variety of texts.  |   | opinions and their prevalence.  |
| O'Connor, M. (2017)<br><br><b>Medium</b>               | Choice, agency consent and coercion: Complex issues in the lives of prostituted and trafficked women             | Republic of Ireland | In depth interviews with prostituted and trafficked women in Ireland (n=7 including 3 suspected victims of trafficking). Adopts an Interpretative Phenomenological Analysis. Access was facilitated by specialist organisations.   | Questions clear distinction between coercion and trafficking. Examines trauma experienced by women: dehumanisation, entrapment, deception.  | Small number of interviews arranged through third party. Author acknowledges the lack of representativeness<br><br>Questions asked not specified.   |
| O'Connor, M. & Breslin, R. (2020)<br><br><b>Medium</b> | Shifting the Burden of Criminality: An analysis of the Irish sex trade in the context of prostitution law reform | Republic of Ireland | Mixed methods review of legislation. Includes: Analysis of service user data from Ireland's two largest providers for women in prost. (2015-2018) Qual. semi-structured interviews with key frontline workers. Case studies of women in prost. compiled in collaboration with frontline service Ruhama. Service user records of (n=144) women currently in prost. accessing HSE (Ireland's Health Service Executive) specialist Women's Health Service | Profiles of women involved in prost. and accessing support services; buyer demands, harm, impact; access and referrals to support services; organised sex trade, criminality and violence; impact of legislation on enforcement; women's experiences of police and law. | Authors acknowledge difficulties in accessing a representative sample.<br><br>Bulk of data collected during in 2020 during Covid-19 pandemic which limited access and collection methods and meant interviews with women involved were not possible.<br><br>Reliance on third party data collection and access from organisations with vested interests.<br><br>No clear specification of questions asked in interviews or numbers of interviews. |

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|   |  |        | <p>(WHS)<br/>Qual. semi-structured interviews with senior members of GNPSB – Garda National Protective Services Bureau.<br/>-Profiles of advertised women and reviews posted by sex buyers on Ireland’s largest online prost. advertiser (Escort Ireland).<br/>Official recorded crime stats for prostitution provided by the CSO (Central Stats Office).<br/>Press reporting of Garda actions against sex buyers and org. of prostitution<br/>Press reporting of violent assaults against women in prostitution.</p> |   | Possible overlaps in data in user records.   |
| <p>Olsson, N. (2021)<br/><br/><b>High</b></p> | The implementation of Sweden's prostitution law at the local level | Sweden | <p>Explorative analysis of court records and proceedings related to the purchase of sex (n=1430) from across 24 district courts and 32 local public prosecuting offices covering 95% of the jurisdiction between 2011 and 2015. Examined descriptive statistics (frequencies</p>  | <p>Everyday application of legislation. Considers arrests made and prosecutions, and local and national similarities and differences across Sweden.</p> | <p>Reliance on third party records which did not provide a full account of how police identify possible offences and conduct investigations.<br/><br/>Short time frame (4 years) when considering the amount of years the legislation has been in operation.</p> |

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|  |  |   | and cross-tabs)   |   |   |
| OSCE (2021)<br><b>Medium</b>                                   | Discouraging the Demand that Fosters Trafficking for the Purpose of Sexual Exploitation  | 19 OSCE participating states including: France, Ireland, Norway and Sweden, | Primarily consisted of a review of literature on international obligations, legal instruments, national legislation and statutes. Also analyses data and submissions provided by national governments, international organisations and civil society organisations. | International approaches to discouraging demand for human trafficking and prostitution. Legal obligations to discourage demand. | Does not include any insights into practitioner views.<br><br>Primarily reviews literature and country submissions.<br><br>Lack of information on the analysis framework used.                            |
| Pérez-y-Pérez M. (2016)<br><b>Medium</b>                       | Mapping the Health and Safety of Female Sex Workers after the Prostitution Reform Act (2003): Human Services Perspectives and Responses. | New Zealand   | Qualitative research using Christchurch as a case study. Conducted between 2010/2011 with representatives from 13 NGOs, Christchurch City Council and the government public health department. Analyses through a Foucauldian governmentality lens.                 | Governance practices of "sex markets" and role of NGOs as regulators. Harm minimisation approaches to governance.               | Questions asked not specified.<br><br>Variation in views not clearly explained.<br><br>Lack of evaluation of the suitability of the methods.<br><br>Unclear how many research participants were involved. |
| PROUD & Aidsfonds - Soa Aids Nederland (2018)<br><b>Medium</b> | Sex Work, Stigma and Violence in the Netherlands   | Netherlands   | Mixed method participatory research study including questionnaire (n=299), 4 focus groups and 19 in depth interviews between January and  | Experiences of violence women and men involved  | Snowball sampling, limiting representativeness.<br><br>Little evaluation of suitability of methods.<br><br>Lack of  |

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|  |   |                     | September 2017. Total of 308 participants  |  | specification of questions asked.<br><br>Range of views from qualitative interviews not sufficiently specified.  |
| Radačić, I. (2017)<br><br><b>Medium</b>            | New Zealand Prostitutes' Collective—An Example of a Successful Policy Actor.                                  | New Zealand         | Qualitative study conducted in Wellington, Auckland and Christchurch between February and early March 2016. Included 16 interviews with NZPC members, 1 interview with a former MP, 1 interview with a former detective superintendent and 3 academics.  | Role of the NZPC in the decriminalisation of prostitution.   | Over-representation of NZPC members.<br><br>Lack of specification of questions asked.<br><br>Little evaluation of suitability of methods.<br><br>Variation in views was not clearly explained.   |
| Ryan, P. & McGarry, K. (2021)<br><br><b>Medium</b> | 'I miss being honest': Sex Workers' Accounts of Silence and Disclosure with Health Care Providers in Ireland. | Republic of Ireland | Participatory Action Research. Focus groups with 21 female sex workers based in 4 cities: Dublin, Cork, Galway and Limerick. Commissioned by HIV Ireland and conducted by Irish Sex Work Research Network (ISWRN) and Sex Workers' Alliance Ireland (SWAI) between June 2019 and May 2020. See McGarry and Ryan for insights into broader project. | Sex worker interactions with health service providers. Particular focus on women's disclosure of sex work when accessing services. | Small number of participants.<br><br>Focus groups facilitated through third party critical of legislation.<br><br>Lack of generalisability due to subjective nature of data collection process.<br><br>Variation in views was not clearly explained. |

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| <p>St Denny, E. (2020)</p> <p><b>Medium</b></p>     | <p>The Gender Equality Potential of New Anti-Prostitution Policy: A Critical Juncture for Concrete Reform</p> | <p>France</p>              | <p>Systematic assessment of France's new prost. policy framework on a national scale. Main methods used: documentary and historical analysis (1000 media and policy documents from between 2010-2019; 2000 other texts 1946-2016) and 8 qualitative interviews with women's rights delegates responsible for implementing key aspects of prost. policy (between June and Dec. 2018).</p> | <p>Assesses the implementation of the 2016 act and the policy's current and potential impact on women's rights and gender equality. Primary focus on policy around support services for women exiting prostitution.</p> | <p>Small number of interviewees</p> <p>Questions asked not specified</p> <p>Variation in views was not clearly explained</p> <p>No evaluation of the suitability of the methods</p>   |
| <p>SWAI (2020)</p> <p><b>Medium</b></p>             | <p>I feel targeted and I can't feel safe: Peer research of sex workers' experiences under the law</p>         | <p>Republic of Ireland</p> | <p>Participatory actions research. Draws from quantitative and qualitative data from survey of sex workers (n=24) conducted in 2019.</p> <p>Thematic analysis.</p>   | <p>Sex worker experiences of working conditions under legislation.</p>  | <p>Small sample size.</p> <p>Snowball sampling facilitated through third-party organisations critical of the legislation and social media which limits the generalisability of the findings, something the authors acknowledge.</p> <p>Lack of specification of qualitative methods used.</p> |
| <p>Sweeney L., Taylor L. &amp; Molcho M. (2020)</p> | <p>Sex workers access to health and social care services: A</p>   | <p>Republic of Ireland</p> | <p>Interviews with 8 service providers in the field of women's health and</p>  | <p>Awareness of women's involvement in sex work by service</p>  | <p>Small number of interviews which only account for service</p>  |

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| <p><b>Medium</b></p>   | <p>social justice response</p>   |                    | <p>social care in the West of Ireland.</p> <p>Thematic analysis</p>   | <p>providers; identified barriers to health services according to providers; legislative and political barriers to access to support services</p>  | <p>providers based in West Ireland.</p> <p>Based on research conducted prior to 2016.</p> <p>No clear specification of questions asked in interviews.</p> <p>Variation in views were not clearly explained.</p>  |
| <p>Thorburn N. (2017)</p> <p><b>Medium</b></p>   | <p>Practitioner knowledge and responsiveness to victims of sex trafficking in Aotearoa/New Zealand.</p>  | <p>New Zealand</p> | <p>Analysis of 130 online qualitative surveys distributed to medical and social service practitioners, interviews with survivors and key informant practitioners.</p>   | <p>Frontline medical and social service practitioners' perspectives of and experiences with domestic sex trafficking.</p>  | <p>Convenience sampling limiting the representativeness of the study findings.</p> <p>Low response rate which may be due to a lack of direct knowledge of the subject among practitioner, an issue the author acknowledges..</p> <p>Small survey sample.</p> |
| <p>Tokar, A., Osborne, J., Hengeveld, R., Lazarus, J. V. &amp; Broerse, J. E. W. (2020)</p> <p><b>Medium</b></p> | <p>'I don't want anyone to know': Experiences of obtaining access to HIV testing by Eastern European, non-European Union Sex Workers in Amsterdam, the Netherlands</p> | <p>Netherlands</p> | <p>Qualitative study: Analysis of 19 semi-structured interviews with key stakeholders with experience of working with sex workers; 5 in depth interviews with Eastern European non EU migrant female sex workers, field observations of escorting</p> | <p>Vulnerabilities of female migrant sex workers from Belarus, Moldova, Russia and Ukraine in relation to access to HIV testing. Barriers to HIV testing, migration and sex work policy, stigma, trust, language, healthcare experiences, and risk</p> | <p>Range of views not clearly specified.</p> <p>Purposive and convenience sampling through online third party sites and NGOs, limiting representativeness.</p>   |

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|   |  |             | agency, and 12 in-depth narrative interviews with key stakeholders. Conducted between 2015-2017.  | behaviour.   |  |
| Verhoeven, M. & van Gestel, B. (2017)<br><br><b>Medium</b>  | Between Visibility and Invisibility: Sex Workers and Informal Services in Amsterdam                          | Netherlands | Qualitative study: analysis of police files of 12 criminal investigations into human trafficking (2006-2010); interviews with police investigators and public prosecutors.                | Informal services and networks within sex industry in the Red Light District in Amsterdam. Examines impact on autonomy of sex workers. | Reliance on third party records and second hand information.<br><br>Lack of specification of questions asked and number of interviews conducted<br><br>Little evaluation of the methods used.<br><br>Range of views not clearly specified. |
| Verscheijden, M. M. A., Woestenbergh, P. J., Götz, H. M., van Veen, M. G., Koedijk, F. D. H. & van Betham, B. H. B. (2015)<br><br><b>High</b> | Sexually Transmitted Infections Among Female Sex Workers Tested at STI Clinics in the Netherlands, 2006-2013 | Netherlands | Quantitative study: analysis of all consultations submitted by all STI clinics between 2006-2013 of female sex workers older than 18 years or older.<br><br>Logistic regression analyses. | STI positivity rate and determinants of an STI diagnosis among female sex workers tested by STI clinics in the Netherlands             | Limited to providing insights on service users and not the broader population of adults involved.<br><br>Reliant on third party data.  |

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| <p>Vuolajärvi N. (2019)</p> <p><b>Medium</b></p>                                | <p>Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex.</p> | <p>Sweden, Norway and Finland</p>                    | <p>Ethnographic study conducted between 2012 and 2018. Includes 195 semi-structured interviews with sellers, police, officials and social workers.</p>   | <p>Tensions between migration laws and Sexual Purchase Acts. Lack of support for migrants who constitute majority of people involved in prostitution in the countries.</p>   | <p>Lack of generalisability due to subjective nature of data collection process</p> <p>No evaluation of the suitability of the methods</p> <p>No clear specification of the questions asked in interviews.</p> <p>Little information on the range of views encountered.</p> |
| <p>Wagenaar H. (2016)</p> <p><b>N/A*</b></p>                                    | <p>Why Prostitution Policy (Usually) Fails and What to Do about It?</p>  | <p>21 countries; and Austria and the Netherlands</p> | <p>Discussion of results of 2 comparative studies of prostitution policy in Europe: one comparison of 21 countries using most-different systems design; the other an in-depth comparison of Austria and the Netherlands using most similar systems design.</p> | <p>Continuity in approach to regulation of prostitution.</p> <ul style="list-style-type: none"> <li>-Limited impact of control of sex workers on prevalence of prostitution.</li> <li>-Human and labour rights of sex workers.</li> <li>- Challenges in the study of prostitution.</li> <li>-Collaborative governance</li> </ul> | <p>*Lack of information on data collection specifics of each study. See study below for details of one of the studies.</p>  |
| <p>Wagenaar, H. Altink, S. &amp; Amesberger, H. (2013)</p> <p><b>Medium</b></p> | <p>Final Report of the International Comparative Study of Prostitution Policy: Austrian and the Netherlands</p>                  | <p>Netherlands, Austria, Sweden</p>                  | <p>Mixed methods study: commissioned by Platform 31 in collaboration with 3 Dutch partner cities Rotterdam, The Hague, Utrecht.- Participant observation; interviews with 44 sex workers,</p>  | <p>Impacts of policy on prostitution and working conditions. Provides overview of sex worker demographics, policies and legislative and service provision.</p>   | <p>Range of views not clearly specified.</p> <p>Authors acknowledge difficulties in establishing a reliable estimate of the number of women and men involved and a non-</p>   |

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|  |   |             | and 6-8 administrators, professionals and police officials for every city; advertisement analysis, and demographics             |  | biased sample.<br><br>Lack of information on interview questions.<br><br>Data is dated.   |
| Wahab S. & Abel G. (2016)<br><br><b>Medium</b>                           | The Prostitution Reform Act (2003) and Social Work in Aotearoa/New Zealand. Affilia: Journal of Women & Social Work             | New Zealand | Qualitative study examining social workers' (n=15) perceptions. Conducted in 2012-2013 in Dunedin, Christchurch and Auckland.   | Social workers' perceptions of sex work/ers, decriminalisation and its influence on individuals within the sex industry.   | Purposive sampling with participants who were "information-rich" limiting the generalisability of the findings.<br><br>Lack of information on interview questions.<br><br>Variation in views not clearly specified. |
| Wouter, J., Denters B, Need A, & van Gerven M. (2017)<br><br><b>High</b> | Lifting the Ban on Dutch Brothels: Do Local Social Needs and Local Political Demands Matter for Municipal Prostitution Policies | Netherlands | Examines by-laws introduced by all Dutch municipalities in 2000 (n=537).<br><br>Descriptive statistics and regression analysis. | Extent to which Dutch municipalities have adapted new local prostitution regulations to local needs following decentralisation in 2000.<br><br>Study suggests local needs and demands played no major role in explaining local policy adaptations. | Accounts for adaptations made in by-laws but provides limited insights into practice.   |

### **How to access background or source data**

The data collected for this <statistical bulletin / social research publication>:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route <specify or delete this text>
- may be made available on request, subject to consideration of legal and ethical factors. Please contact <Justice\_Analysts@scot.gov> for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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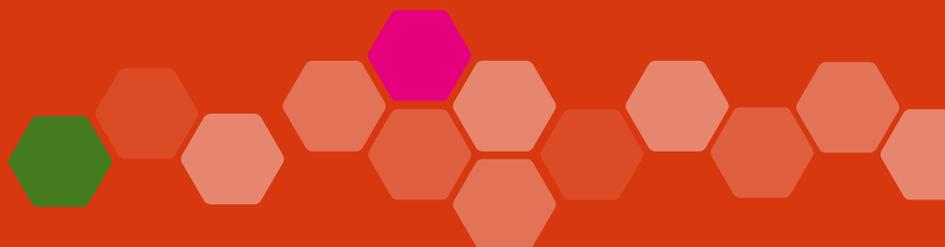
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