

HUMAN SEX TRAFFICKING: A PRIMER & OVERVIEW

Basics

1. What is sex trafficking?

Sex trafficking is defined in the Trafficking Victims Protection Act (TVPA)¹ as recruiting, harboring, transporting, providing, or obtaining a person for the purpose of a commercial sex act. A commercial sex act involves exchanging sex for something of value, which could be money or it could be shelter, food, or drugs.

The U.S. criminal code² operationalized TVPA for law enforcement and focused on definitions of *severe forms* of human trafficking, namely:

- Anytime force, fraud or coercion—including psychological coercion—is used to compel a commercial sex act; and
- Every time a person under age 18 engages in sex (or a sex act) for something of value, whether or not force, fraud, or coercion is involved.

The United Nations (UN) definition³ adds that someone who abuses a position of power to sexually exploit another person engages in sex trafficking. The UN expands the idea of vulnerability: a person is a victim of sex trafficking if economic, social, or psychological vulnerability compels her, or him, into

¹ <http://www.state.gov/j/tip/laws/61124.htm>

² <http://www.law.cornell.edu/uscode/text/18/1591>

³ <http://www.unodc.org/unodc/en/treaties/CTOC/index.html> Definition is at Article 3, paragraph (a)

prostitution. Under the UN protocol, in this context consent is irrelevant.

2. Why does it happen?

The commercial sex industry is vastly profitable, everywhere in the world.

A 2014 Urban Institute study⁴ funded by the Department of Justice found that a pimp selling a woman can make \$33,000 a week⁵ in Atlanta, where the industry is worth \$290 million a year. In Seattle, in just four years, the sex industry's value jumped from \$50 million in 2003 to \$112 million to 2007. In Germany, where it is legal to buy and sell sex, the industry generated \$19.5 billion in 2013⁶ according to official statistics.

But how many women are eager to sell their body to strangers? Very few women, with other economic options, want to prostitute themselves. To satisfy the massive demand for commercial sex, traffickers use a variety of techniques⁷—sometimes physical force, other times psychological coercion or the promise of housing, or love—to lure women and children into prostitution, especially vulnerable people such as Native women in Canada⁸ and the U.S.,⁹ people of color,¹⁰ or people with mental illness.

⁴ http://www.nytimes.com/2014/03/12/us/in-depth-report-details-economics-of-sex-trade.html?_r=0

⁵ <http://datatools.urban.org/features/theHustle/index.html>

⁶ <http://www.dw.de/german-gdp-swells-on-sex-drugs-and-weapons/a-17853092>

⁷ <http://www.state.gov/documents/organization/113612.pdf>

⁸ <http://www.nwac.ca/understanding-nwacs-position-prostitution-november-2012>

⁹ <http://www.sextraffickingsurvivorsunited.org/ShatteredHeartsbyAlexandraPierceSummary.pdf>

¹⁰ http://www.seattle.gov/humanservices/domesticviolence/report_youthinprostitution.pdf

It's the demand for prostituted sex that causes sex trafficking, because if no one paid for sex, there'd be no market for selling it—and no need to get people into it.

3. How many people are victimized?

It's notoriously hard to estimate the prevalence of crimes occurring underground and in the shadows. It's also hard to determine victimization rates when trafficking cases are rarely prosecuted. The FBI's national Uniform Crime Report (UCR) only started collecting data on human trafficking arrests and investigations from state jurisdictions in January 2013. Hopefully, prevalence data will emerge in the immediate future.

Based on an often-cited 2001 study¹¹ of exploited youth, as many as 300,000 minors are at risk each year for commercial sexual exploitation—meaning, sex trafficking—especially runaways, a particularly vulnerable population. The average age this population enters prostitution is 12-14 years for girls and 11-13 years for boys and transgender youth.

4. What is the most commonly identified form of human trafficking?

Sex trafficking is the most common form of human trafficking reported domestically and internationally. According to the federally funded National Human Trafficking Resource Center

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<http://www.hawaii.edu/hivandaids/Commercial%20Sexual%20Exploitation%20of%20Children%20in%20the%20US,%20Canada%20and%20Mexico.pdf>

(which runs a national trafficking hotline), in 2013,¹² 69% of the cases they handled involved sex trafficking while 18% involved forced labor trafficking.

The Human Trafficking Reporting System found¹³ that between January 2008 and June 2010, 82% of U.S. human trafficking incidents were cases of sex trafficking while 11% were labor trafficking cases. The data was based on 2,515 cases reported by federally funded task forces—not even covering the whole country.

The UN's Office of Drugs and Crime's 2012 Global Report¹⁴ on Trafficking in Persons, sexual exploitation was identified in 58% of the cases while forced labor trafficking occurred in 36% of the cases.

5. How has the Internet impacted sex trafficking?

The Internet has had an enormous impact on the commercial sex industry. A 2014 federally funded study¹⁵ of the illegal sector found most transactions are arranged online. Buying and selling has shifted from the streets, where prostitution is decreasing, to online venues, where business is booming.

Pimps recruit women through websites such as Backpage.com, and use the Internet both to entice clients and research other

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https://na4.salesforce.com/sfc/p/#300000006E4S/a/600000004U8X/g.ugT8Evt_r2.CrkWYkLzDMHDzjQBR1Qw9_1_yE1Kyg=

¹³ <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>

¹⁴ http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf

¹⁵ <http://www.urban.org/UploadedPDF/413047-Underground-Commercial-Sex-Economy.pdf>

markets; sex buyers use the same sites to cruise and buy. A major Urban Institute study released in 2014 concludes the Internet has led to higher pricing¹⁶ per transaction—an incentive for pimps and traffickers who can also exert more control over prostituting people by functioning covertly.

Pimps use a variety of techniques to advertise prostituted sex on the Internet—which facilitates online trafficking¹⁷—including social networking sites, discussion forums, message boards, and online chats. Although use of the Internet can help traffickers evade prosecution, law enforcement is routinely using the Internet to monitor and bust trafficking operations, especially to arrange stings¹⁸ designed to arrest sex buyers and prevent exploitation.

Researchers who monitored Internet discussion boards used by sex buyers in Illinois over three months concluded the practice of arresting buyers successfully deters them by increasing risk. The innovative two-year study¹⁹ found many buyers were aware of the violence inherent in the sex economy.

Focusing on Demand to Prevent Sex Trafficking

6. What is “demand” when you’re talking about sex trafficking?

¹⁶ <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/03/12/we-now-know-more-about-the-economics-of-prostitution-than-ever/>

¹⁷ <http://prostitutionresearch.com/wp-content/uploads/2014/09/FarleyFranzblauKennedyOnlineTrafficking-2014.pdf>

¹⁸ http://mobile.nytimes.com/2014/02/27/opinion/kristof-targeting-the-johns-in-sex-trade.html?_r=0

¹⁹ http://media.virbcdn.com/files/8b/dba0efa619423c1e-Version2_Web_OurGreatHobby.pdf

Demand refers to the purchase of sex. Sex buyers are the demand factor in a market analysis of commercial sex transactions.

If we reduce the demand for paid sex, we will shrink the market for prostituted sex, and decrease the incidence of human trafficking. When fewer men pay, fewer women and children will be sold—it's common sense and economics #101, supported by recent data.²⁰

Purchasing sex is not inevitable.²¹ In the same way that we have come to reject the truism that “boys will be boys” when it comes to domestic violence, we can require men not to exploit women and girls based on sexual impulses. For buyers, purchasing sex is self-medicating; when they are depressed, they turn to the apparent affection, stimulation, or distraction of purchased sex. For others, the appeal is having control over someone else. For others it seems to be more of an adolescent “acting out.” In these and other situations, multiple interventions are possible. An astounding 88% of buyers²² in Boston say they would be deterred if they knew a letter would be sent to a family member if they were arrested.

7. What is the relationship between sex trafficking and prostitution?

All victims of sex trafficking are trafficked into prostitution or some facet of the commercial sex industry. The two are

²⁰ <http://www.reuters.com/article/2014/08/11/us-norway-prostitution-idUSKBN0GB1BL20140811>

²¹ <http://www.demandabolition.org/deconstructing-demand/>

²² <http://www.demandabolition.org/research-and-publications/comparing-sex-buyers-with-men-who-dont-buy-sex/>

intrinsically linked. It's impossible to prevent sex trafficking without addressing the commercial sex market, which is both highly criminal and lucrative.²³

The people who understand this best are often those who see it: law enforcement. "Prostitution is not a victimless crime," said Polk County, FL Sheriff Grady Judd announcing results of "When Will You Learn," a sex buyer sting. "We have found a direct nexus between prostitution and human trafficking."²⁴

This link was highlighted in a 2002 national policy directive, NSPD 22,²⁵ explaining: "The United State Government opposes prostitution and any related activities including pimping, pandering, or maintaining brothels as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing [and] should not be regulated as a legitimate form of work for any human person."

8. What's wrong with buying sex?

Buying sex fuels a criminal market that destroys people. It's the action of buyers who drive this market, more than the pimps, traffickers, and facilitators who all serve demand.

The commercial sex market harms not only the individuals involved—both those exploited and their buyers—but it's a threat to public safety, health, and the economic growth of our nation's cities. It's a myth that most commercial sex is a transaction between freely consenting adults, with no third party

²³ <http://www.urban.org/UploadedPDF/413047-Underground-Commercial-Sex-Economy.pdf>

²⁴ <http://tbo.com/news/crime/polk-undercover-prostitution-sting-nets-98-arrests-20140528/>

²⁵ <http://www.combat-trafficking.army.mil/documents/policy/NSPD-22.pdf>

“controllers” behind the scene—buyers just don’t see the limits on her freedom, the nature of coercion, the drugs or traffickers that function to make choice meaningless. Sex buyers *choose* not to see misery in the eyes of prostituted people.

Most women in prostitution want to leave. A peer-reviewed study in the “Journal of Trauma Practice” found that 89% of prostituting women want to escape it.²⁶ These women are there because one way or another, they have no choice. Having no other options nullifies the idea that selling your body is an activity freely chosen.

9. Why do men buy sex?

“The bottom line on why men purchase sex is basically, because they can,” says Vednita Carter,²⁷ a survivor who founded Breaking Free, a leading anti-trafficking NGO that helps women exit prostitution in Minnesota. Author and survivor Rachel Moran²⁸ explains the widespread “male perception that it’s ok to buy women for the purposes of sexual exploitation” fueling prostitution.

A number of studies examine male motivation for buying sex. The reasons can be categorized,²⁹ generally, into: a) Seeking sex without responsibility for a partner; b) Seeking the illusion of intimacy, without responsibility; c) Seeking “novelty” in terms of ethnicity, size, age, fantasy, role playing, etc., d) Seeking a thrill related to the illicit nature of the experience; and e) Acting on

²⁶ <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

²⁷ http://www.youtube.com/watch?v=Rt1_4_bjh-g

²⁸ <https://www.youtube.com/watch?v=uahWt5NErIg#t=11>

²⁹ http://www.demandabolition.org/wp-content/uploads/2011/07/2000_abtnatactplan.pdf

pathologies including addiction, compulsion, or misogyny, including the desire to harm women.

In *The Johns*³⁰: *Sex for Sale and the Men Who Buy It*, Canadian journalist Victor Malarek concludes buying sex is rarely about sex, “It’s power and control,” Malark explains³¹ succinctly. He also finds that buyers seek sex acts their partners aren’t comfortable with or won’t do; Research shows, most men who buy sex have partners.

Men might buy sex in the U.S. today “because they can,” but what happens when they are educated about the harmful nature of the commercial sex industry? According to an evaluation³² funded by the Department of Justice, most men arrested for buying sex in San Francisco, who participated in a one-day, “First Offenders Prostitution Program,”³³ were never arrested again. In social science language, the program reduced the recidivism rate (re-arrest rate) by 30-50%, making education an empirically proven way to deter men from buying sex.

10. Who are the men buying sex?

Sex buyers come from all walks of life,³⁴ from every profession, and typically have “significant others” in their lives. However, the common myth that “any man” might buy sex is not supported by recent research. Sex buyers share certain attitudes, life experiences, and behavioral tendencies that distinguish them

³⁰ <http://www.theglobeandmail.com/arts/books-and-media/the-johns-sex-for-sale-and-the-men-who-buy-it-by-victor-malarek/article4277607/?page=all> |

³¹ <http://www.youtube.com/watch?v=A6Mj2haletE&list=PLC33AEDF3DD4F4DFE>

³² <https://www.ncjrs.gov/pdffiles1/nij/grants/222451.pdf>

³³ <http://sagesf.org/first-offender-prostitution-program-fopp>

³⁴ http://www.huffingtonpost.com/2013/06/03/nassau-da-lawyers-docs_n_3380219.html

from non-buying peers in socially (and statistically) significant ways.

The organization Demand Abolition supported an in-depth study³⁵ in Boston, “Comparing Sex Buyers with Men Who Don’t Buy Sex,” that found: Men who buy sex differ from non-sex buyers in their self-reported likelihood to rape; they acknowledge having committed significantly more sexually coercive acts against women. Buyers are also far more likely than non-buyers to commit substance abuse violations, assaults, weapons offenses, and crimes against authority.

With regard to their attitudes toward woman, the Boston study found buyers justified their behavior by claiming prostituted women are essentially different from non-prostituted women. Interestingly, significantly fewer buyers (46% versus 70%) report that they were taught about respect for women in sex education classes, compared to non-buyers.

A peer-reviewed study³⁶ of sex buyers in Scotland, led by Dr. Melissa Farley, found the most frequent sex buyers were most likely to have committed sexually aggressive acts against non-prostituting women. It also found significant rates of ambivalence and guilt among men who bought sex—evidence of self-recognition that commercial sex is not a “value neutral” practice.

³⁵ <http://www.demandabolition.org/research-and-publications/comparing-sex-buyers-with-men-who-dont-buy-sex/>

³⁶

<http://www.prostitutionresearch.com/pdfs/Farley,Macleod%20et%20al%202011%20Men%20Who%20Buy%20Sex%20In%20Scotland.pdf>

11. What percentage of men buy sex?

Global Estimates range widely regarding the percentage of men who have bought sex at least once in their life, from a high of 80% in Cambodia to a low of 7% in the United Kingdom.³⁷

Recent studies of American men found rates between 15-20%.³⁸ In 2004, ABC News surveyed 1,500 adults and concluded 15% of men have paid for sex.

A 2013 study³⁹ of online sex buying patterns in 15 U.S. cities found, on average, 5% of men over age 18 are soliciting sex through online ads. The frequency range was wide comparing different cities, though, with the highest percent of male buyers in Houston (21.4%) and the least in San Francisco (.6%).

Most male clients walk away from the harm they cause—although sometimes they are cited or ticketed, pay fees or fines *then* walk away—despite the fact that they hold (in their cell phones or personal experience) extensive information about pimps, coercion, trafficking, and the harms of prostitution to the women in it. This useful information is not yet fully used by law enforcement—because it is not typically collected.

Focusing on Demand to Prevent Harm

12. How is the commercial sex industry harmful to the women and children in it?

³⁷ <http://prostitution.procon.org/view.resource.php?resourceID=004119#Cambodia>

³⁸ <https://www.ncjrs.gov/pdffiles1/nij/grants/222451.pdf>

³⁹ <https://copp.asu.edu/college-news/research-docs/invisible-offenders-a-study-estimating-online-sex-customers>

The experience of prostitution is inherently dangerous and damaging. Few activities are as brutal: Field research⁴⁰ in nine countries, including the U.S. found 60-75% of prostituted women were raped, 70-95% experienced physically assault, and 68% suffered Post Traumatic Stress Disorder at levels similar to combat veterans or victims of state torture.

A range of negative health consequences—from neurological issues and sexually transmitted infections to risk for higher rates of cervical cancer—plague people in prostitution, who also suffered broken bones, forced abortions, and extremely high rates of clinical depression and anxiety according to the London School of Hygiene & Tropical Medicine.⁴¹ Severe depression was the most persistent symptom even after three months of care. Addiction characterized 64% of prostituting women in a British peer-reviewed study⁴² that followed life histories for 15 year.

The average age of death is 34 years old⁴³ for a woman in prostitution; her chance of being murdered is 51 times higher than a woman working in a liquor store—the most dangerous occupation for a woman when the mortality research was conducted. Prostitution leaves those who enter “the life” suffering physically, mentally, emotionally, and spiritually. Recovery takes years, even decades.

⁴⁰ <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

⁴¹ <http://genderviolence.lshtm.ac.uk/files/Stolen-Smiles-Trafficking-and-Health-2006.pdf>

⁴² <http://sti.bmj.com/content/82/5/413.abstract>

⁴³ <http://aje.oxfordjournals.org/content/159/8/778.full>

As Mia De Faoite, an Irish survivor explains in a gripping account⁴⁴ of prostitution's impact, "At first you believe you can be strong enough to cope, but what I didn't know on the street that first night, is that it would not only own me...it would take from me everything I once thought I was."

13. What is the average age of entry into prostitution?

A frequently reported estimate that the average age of entry into commercial sex is between 12 and 14 years old is based on a ground breaking 2001 study⁴⁵ *Commercial Sexual Exploitation of Children in the U.S, Canada and Mexico* by University of Pennsylvania School of Social Work professors Richard Estes and Neil Allen Weiner. Estes and Wiener focused exclusively on children, as required by the scope of the study. So, this estimate does not capture the many people who enter prostitution at older ages.

Although there is no definitive data on the average age of entry, there is extensive evidence childhood sexual and physical abuse makes people particularly vulnerable to sex trafficking and commercial sexual exploitation. A 2010 study by Wilson and Widom⁴⁶ found victims of maltreatment were more than twice as likely to be involved in the commercial sex industry in adolescence or adulthood. A history of childhood sexual abuse, physical abuse, or mistreatment is a predictor⁴⁷ regarding who will be victimized in the sex economy.

⁴⁴ https://www.youtube.com/watch?v=pXm65c2BM_E&feature=youtu.be

⁴⁵ <http://www.icpsr.umich.edu/icpsrweb/NACJD/studies/3366>

⁴⁶ <http://www.ncbi.nlm.nih.gov/pubmed/20186260>

⁴⁷ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1380697/>

Many of the life experiences that put a person at risk for sexual exploitation and sex trafficking hit children the hardest, including: poverty, drug/alcohol abuse, being a run away, having a family member involved in prostitution⁴⁸ and being in foster care.⁴⁹

We also know the biggest demand is for younger women; sex buyers pay more for girls listed on backpage.com as “fresh” or “innocent” – code words for young. A 2009 study in Atlanta⁵⁰ found that 47% of men warned three times that the prostituted woman he wanted was under age 18, persisted in trying to buy her.

14. Are boys victims of sex trafficking?

Boys are trafficked⁵¹ into prostitution. In fact boys might be overlooked⁵² more often than girls are. An in-depth 2008 study of commercial sexual exploitation of children in New York City found that boys comprised almost half the victims, often underage runaways as this victim from Chicago describes.⁵³

“And Boys Too,”⁵⁴ a 2013 study sponsored by ECPAT-USA, concludes that although boys and young men are less likely to be trafficked by a pimp, the harm inherent in what they experience means: ““buyers/exploiters of sexually exploited

⁴⁸ <http://www.ncbi.nlm.nih.gov/pubmed/24070694>

⁴⁹ <http://ojjdp.gov/pubs/243838.pdf>

⁵⁰ <https://multco.us/file/24357/download>

⁵¹ <http://strategiesforyouth.org/for-police/how-to/how-to-exploitation/>

⁵² <http://jjie.org/trafficked-boys-overlooked-underrepresented/>

⁵³ http://www.huffingtonpost.com/nikolaos-alkhadra/notes-from-a-chicago-escort_b_4426222.html

⁵⁴ <https://d1qkyo3pi1c9bx.cloudfront.net/00028B1B-B0DB-4FCD-A991-219527535DAB/1b1293ef-1524-4f2c-b148-91db11379d11.pdf>

children should be prosecuted under anti-trafficking statutes” regardless of third party involvement.

Adverse Social Impacts of Prostitution and Efforts to Legalize It

16. What are the social costs of commercial sexual exploitation?

The adverse social impact of commercial sexual exploitation include public health costs associated with the many injuries and illnesses prostituted people suffer,⁵⁵ including a range of severe physical and psychological problems that stem from sexual violence. Addiction-related medical issues are costly, with reactive care often delivered at the most expensive sites: emergency rooms.

Incarceration has been a standard response and it’s expensive—it’s also ineffective. A study of prostitution in Pawtucket, RI⁵⁶ found prostituted women were convicted, on average, six times for prostitution, but there was no evidence that arrests diverted or deterred them from prostitution. So the costs associated with jailing them was ineffective in preventing the crime. As a result of a four-day undercover operation earlier this year in Polk County, FL,⁵⁷ 28 prostituted woman were arrested: 20 had criminal records including 233 arrests comprising 112 felonies and 165 misdemeanors. (At the same time, 52 sex buyers were arrested, many with prior arrests too.)

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<http://www.challiance.org/resource.ashx?sn=vovhiddeninplainsightclinicalobservationsonprostit>

⁵⁶ <http://www.ceffect.com/wp-content/uploads/2009/08/Rethinking-Arrest-Street-Prostitution-and-Public-Policy1.pdf>

⁵⁷ <http://tbo.com/news/crime/polk-undercover-prostitution-sting-nets-98-arrests-20140528/>

Women and youth in the sex economy are high frequency users of the foster care system and child welfare services—another cost supported by the public.

Increased crime related to the overall activities of criminal enterprises, especially gangs,⁵⁸ engaged in prostitution for income—a phenomenon that's on the rise—has multiple social costs.

The adverse impact of prostitution on economic development and neighborhood quality of life is a common local problem,⁵⁹ although it may become less pronounced as street-based prostitution decreases and the commercial sex market moves to the Internet.

17. What percentage of people in prostitution have pimps?

Studies completed in the last 15 years find up to 80% of people in prostitution have been coerced or compelled by pimps or traffickers as summarized in an excellent landscape analysis⁶⁰ of sex trafficking. Pimp-controlled survivors typically have financial quotas to meet and experience extensive manipulation and abuse. They have lower levels of education and experience chronic unemployment compared to women who prostitute themselves.

⁵⁸ <http://sharedhope.org/2014/03/28/gang-sex-trafficking-rise/>

⁵⁹ [http://www.popcenter.org/library/awards/goldstein/2008/08-01\(F\).pdf](http://www.popcenter.org/library/awards/goldstein/2008/08-01(F).pdf)

⁶⁰ <http://www.demandabolition.org/research-and-publications/developing-a-national-action-plan-for-eliminating-sex-trafficking/>

A comprehensive review of European research compiled in *Sexual Exploitation: Prostitution and Organized Crime*, has similar findings⁶¹: 80% of prostituting women in Italy have third-party controllers; 90% of women prostituting outdoors in Poland are controlled; in Spain, more than 90% of prostituting women are controlled; and 95% of women in prostitution in Bulgaria are controlled by criminals.

Even in the Netherlands, where prostitution is legal, a research report for the Dutch police⁶² (KLPD) estimated that 50-90% of prostituting women are victims of trafficking networks.

18. Why not legalize prostitution to protect prostituted women, like in the Netherlands and Germany?

Legalizing prostitution proves to be a harmful solution, based on macro data and the experience of countries that legalized it. A 2012 study of 150 countries,⁶³ published in the journal *World Development*, concluded that legal prostitution increases human trafficking inflows, as a result of the expanded market.

Legalization was a social experiment initiated in The Netherlands (2000) and Germany (2002) that has failed in terms of its three primary goals: eliminate the criminal, underground

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http://www.fondationscelles.org/pdf/rapport_mondial/sexual_exploitation_prostitution_Fondation_Scelles.pdf

⁶² KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (juli 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (juli 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen.

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http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-_prostitution_-anonymous-REVISED.pdf

sector from the sex industry; make selling sex safe; and redefine prostitution as a job like any other, so prostituting people can register negotiate employment contracts, participate in health and pension insurance programs, and pay taxes. None of these results were achieved. As a headline in “Der Spiegel,” a well-respected news magazine declared last year, “Unprotected: How Legalizing Prostitution has Failed.”⁶⁴

First, the industry’s growth exploded, both the illegal and legal sides. For example, German demand was estimated to be 1.2 million men per day in 2004, two years after buying sex was legalized. To meet that demand—because there weren’t enough German women willing to prostitute—women from abroad were brought to Germany. Between 70% (a pro-prostitution estimate) and 98% (a police estimate) of the 400,000 people in prostitution are foreign nationals.⁶⁵ Many of the women don’t speak German, making them more vulnerable; Human trafficking and exploitation are prevalent.⁶⁶ Less than 100 women registered for benefits.

Similarly, the city of Amsterdam, with one of the world’s best known legal sex districts, began closing brothels, sex clubs, and individual “windows” in 2007 as a result of rampant criminality, the involvement of international gangs in procuring people for prostitution, and exploitation especially of foreign-born women. Mayor Job Cohen explained legalization “didn’t bring us what

⁶⁴ <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533.html>

⁶⁵ <http://www.sabinabecker.com/2014/09/the-german-sex-trades-leading-lobbyists-unmasked.html>

⁶⁶ <http://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

we hoped and expected.”⁶⁷ By 2013, one third of Amsterdam’s brothels were closed to combat criminality. Meanwhile, only 5% of prostituting women in the Netherlands ever registered for the supposed benefits.⁶⁸

New Zealand legalized the sex industry in 2003. One astonishing result was a documented increase in child sex trafficking.⁶⁹

Focusing on Demand as a State/Local Law Enforcement Strategy

19. Since prostitution is illegal in most of the United States, why do we need a special focus on demand?

In the United States, prostitution is illegal everywhere except in ten counties in Nevada, where there were a total of 24 legal brothels⁷⁰ as of September 2014.

In many jurisdictions, although illegal, prostitution is treated as an unimportant crime, a misdemeanor, and especially, a crime without victims. But the more we learn about the exploitation inherent in commercial sex, the more we realize, it is *not* a victimless crime.

And the more we realize how horribly damaging trafficking into prostitution is—remember, all victims of sex trafficking are trafficked into prostitution—we’re compelled to find effective strategies to prevent this crime.

⁶⁷ http://usatoday30.usatoday.com/news/world/2007-12-17-amsterdam-prostitution-plan_N.htm

⁶⁸ <http://www.spectator.co.uk/features/8835071/flesh-for-sale/>

⁶⁹ http://www.iwraw-ap.org/resources/pdf/39_shadow_reports/New_Zealand_SR_CATWA.pdf

⁷⁰ <http://www.nevadabrothelfinder.com/delivery>

Most local police departments classify prostitution as a “vice” crime and arrest people in prostitution far more often than the buyers. Boston police, for example, arrested 11 women for every male buyer in the mid 2000s, according to a congressional finding, while in Chicago the ratio was 9 females for every 1 male and in New York City it was 6 females for every male. In 2010, nationwide,⁷¹ almost 70% of all prostitution arrests were female and 30% were male; the peak age of female offenders was 20 years old.

It is an ineffective solution though, because the prostituted people typically end up back on the street, to satisfy a demand that seems to keep growing. Seeing this revolving door—and well aware that many of those being arrested are abused, addicted, or both—local law enforcement officers are among the leading *agents of change*, refocusing enforcement attention⁷² on sex buyers to order to deter them.

20. What deters sex buyers?

Studies of men who buy sex, both direct interviews⁷³ and research based on online discussion boards⁷⁴ demonstrate they are highly attuned to the potential risk of illicit behavior.

In the Boston study, sex buyers said they would stop buying if they thought it would: land them on a sex-offender registry (88% of men interviewed); lead to a letter being sent home

⁷¹ <http://www.bjs.gov/content/pub/pdf/aus9010.pdf>

⁷² <http://www.thedailybeast.com/witw/articles/2013/05/22/the-hookers-aren-t-the-problem-end-prostitution-by-targetting-the-johns.html>

⁷³ <http://www.demandabolition.org/understanding-sex-buyers/>

⁷⁴ <http://caase.org/demandreport>

(88%); cause their photo to appear on a poster or the Internet (84%); lead to prison time (80%), suspension of their driver's license (73%), or car impoundment (71%); or result in a greater criminal penalty (70%), a greater fine (66%), or community service (46%).

The prospect of being required to attend an education program was considered a deterrent by 54% of men interviewed. This tactic, commonly called a “john school,” is one of the few approaches already evaluated by a Department of Justice-funded team of researchers, who concluded it is one of the most highly effective⁷⁵ criminal justice responses.

Once educated through a one-day school taught by police and survivors of prostitution, most offenders don't repeat the offense.

Shaming techniques, such as sending so-called “Dear John” letters home⁷⁶ or publishing names and photos of offenders on the Internet,⁷⁷ ranked as most discouraging in the Boston study, have not been seriously evaluated for effectiveness to date. Yet, frustrated local jurisdictions, convinced that arresting the prostituted is not working, are trying other tactics⁷⁸ as summarized in an important nationwide report, *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts* produced for DOJ by Dr. Michael Shively of Abt Associates in 2012.

⁷⁵ <https://www.ncjrs.gov/pdffiles1/nij/grants/222451.pdf>

⁷⁶ <https://www.baycitizen.org/news/crime/dear-john-letters-new-tool-fight/>

⁷⁷ <http://www.buffalonews.com/city-region/buffalo-police-website-set-to-post-mug-shots-of-johns-arrested-in-stings-20131002>

⁷⁸ <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

One of the most interesting findings in sex buyer studies is their awareness of exploitation within the sex economy. In the Boston study,⁷⁹ two thirds of buyers *and* non-buyers recognize that a majority of prostituted women are lured, tricked, or trafficked into “the life.” So buyers recognize the harm and recognize specific law enforcement tactics that would deter them—which suggests: we can change the behavior of those who buy sex.

21. What specific tactics can be used to eliminate demand for illegal commercial sex?

An initial typology⁸⁰ of tactics for combatting demand completed in 2010 found the most common tactic used by local law enforcement is the police decoy operation or “reverse sting” using female officers posing as prostituted women to arrest buyers or female identities for online operations. Nearly 60% of the cities and counties using reverse stings went on to publish the identities of arrestees.

Two years ago, DOJ invested in a comprehensive summary⁸¹ of tactics directly addressing sex buyers being employed: *A National Overview of Prostitution and Sex Trafficking Demand Reduction Effort* (2012) is a valuable tool, continually updated in real time at www.demandforum.org⁸² highlighting innovative programs. Professional resources such as Police Chief

⁷⁹ <http://www.demandabolition.org/understanding-sex-buyers/>

⁸⁰ <http://www.demandabolition.org/research-and-publications/developing-a-national-action-plan-for-eliminating-sex-trafficking/>

⁸¹ <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

⁸² <http://www.demandforum.org/>

magazine⁸³ continue to urge local law enforcement to use the resource.

The National Overview found at least 12 types of interventions currently being used by over 1,080 U.S. jurisdictions to deter men from buying sex, including auto seizure, cameras, community service, john school, letter, license suspension, neighborhood action, public education, reverse stings, shaming, “Stay Out of Areas with Prostitution (SOAP) orders, and Web stings. Details on each tactic—including specific jurisdictions that have employed, or are employing it—are included on www.demandforum.org.⁸⁴

The most common intervention is the street-level reverse sting, conducted in over 1,050 cities and counties. It involves either a female police officer or a non-law enforcement decoy, posing as a prostituting person to make a buyer arrest. Web-based stings are increasingly used, currently by about 40% of the jurisdictions using reverse stings.

Shaming buyers by posting their names and photos on police websites or billboards is also common. Seizing cars, because they have been used to commit a crime, is a high-profile tactic. To release an impounded car, offenders typically pay fees ranging from \$250-\$2,000.

Currently, “john schools” are located in 55 American cities and serve over 100 jurisdictions. These schools feature an education

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http://www.policchiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=3404&issue_id=72014

⁸⁴ <http://www.demandforum.org/>

program in which offenders are taught about the negative health consequences of buying sex, its adverse impact on the community, devastating impact on survivors, and legal consequences of buying. “John schools” can also be found in Canada, England, and South Korea.

Although the federal government has not provided training or technical assistance on these tactics, the FBI is, for example, offering tips to police officers⁸⁵ regarding what to look out for in order to identify sex trafficking.

Compiling “Best Practice”⁸⁶ information is an important way to assure the most effective strategies continue to spread.

22. What U.S. jurisdictions are employing demand reduction strategies?

Grassroots efforts to confront demand for paid sex undoubtedly have momentum when over 1,000 U.S. cities are doing something.⁸⁷

It’s a trend that represents progress, but these tactics are still under-utilized and the fact is: the majority of cities and counties are not taking up the challenge to actively prevent sex trafficking and commercial sexual exploitation: There are 3,000 counties and over 20,000 cities and towns in the US, therefore, less than 5% have done any anti-demand work, of any

⁸⁵ http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/march-2011-leb.pdf

⁸⁶ http://www.demandabolition.org/wp-content/uploads/2011/07/best_practices_guide.pdf

⁸⁷ <http://www.demandforum.org/>

kind.

It's still true that the majority of all prostitution arrests recorded in the Uniform Crime Reports (UCR) are for selling sex not buying it. The UCR presents official crime statistics in the United States, and is compiled published by the FBI.

So it is useful to look at the experience of a few progressive American cities, leading the effort to change the way we perceive—and prosecute—the crimes of sex trafficking and commercial sexual exploitation: Boston, Seattle, and Cook County, IL which includes the city of Chicago.

In June 2014 in Boston, Mayor Martin Walsh launched an anti-demand initiative⁸⁸ to reduce the demand for prostitution by 20%⁸⁹ in two years by focusing on those who buy sex rather than those who sell their bodies in the sex trade—the traditional targets of police and prosecutors.

Seattle has been at the forefront⁹⁰ of efforts to target demand. In January 2012, at a City Hall Human Trafficking Awareness Day press conference,⁹¹ City Attorney Pete Holmes announced his office would work with the Police Department to increase arrests of male sex buyers while offering services to prostituted

⁸⁸ <http://radioboston.wbur.org/2014/06/09/boston-prostitution-customers>

⁸⁹ <http://www.demandabolition.org/press-release/boston-launches-program-targeting-men-who-buy-sex/>

⁹⁰ <http://www.seattlepi.com/local/sound/article/Human-trafficking-Washington-works-to-stop-demand-2201667.php>

⁹¹ <http://seattletimes.com/text/2017216461.html>

people to help them get out. The city of Denver, CO⁹² is also a leader in this movement.

Seattle⁹³ and Denver both participated in the National Day of Johns Arrests⁹⁴ coordinated by the Cook County, IL sheriff's office since 2011. The most recent operation, executed in summer 2014, led to arrests⁹⁵ of nearly 500 sex buyers and linked law enforcement efforts in 15 states. One especially notable result came in Las Vegas, where eight juvenile sex trafficking victims were recovered.

The human trafficking prevention strategy implemented by the Cook County sheriff's office⁹⁶ has made it a national leader, both for focusing on male demand and in terms of changing attitudes toward the victimization of people in prostitution. The office supports a Human Trafficking Response Team, offering services and exit plans to people in prostitution. The leadership team of Sheriff Tom Dart⁹⁷ (who filed a lawsuit⁹⁸ against Craigslist in 2009 for facilitating human trafficking) and Program Coordinator Marian Hatcher⁹⁹ exemplifies how often the movement to end human trafficking is advanced by well-placed champions, going beyond the call of duty.

⁹² <http://www.thedailybeast.com/witw/articles/2013/05/22/the-hookers-aren-t-the-problem-end-prostitution-by-targetting-the-johns.html>

⁹³ <http://www.seattle.gov/law/newsdetail.asp?ID=13035&dept=9>

⁹⁴ <http://www.demandabolition.org/national-day-of-johns-arrests/>

⁹⁵ http://www.demandabolition.org/wp-content/uploads/2012/12/Press-Release_NationalSexTraffickingStingrev_Aug6_2014.pdf

⁹⁶ http://www.cookcountysheriff.com/womens_justice_services/wjs_HumanTrafficking.html

⁹⁷ <http://www.enddemandillinois.org/videos/why-arrest-men-who-buy-sex>

⁹⁸ <https://www.youtube.com/watch?v=hRLq8PdpAHk>

⁹⁹

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=3412&issue_id=72014

23. What is the best evidence that deterrence is effective? What evidence demonstrates targeting buyers can stop sex trafficking?

There is no single comprehensive study of what impacts or reduces sex trafficking or commercial sex. The evidence emerges by adopting a “best evidence” or “weight of the evidence” approach, based on expert studies. Overall:

- There *is* evidence that arresting, shaming, and educating sex buyers deters and reduces the level of commercial sex activity in a community, the number of community complaints, and the number of known trafficking victims and victims of commercial sexual exploitation. The potential displacement of crime to other areas has been studied and does not explain positive findings about the impact of anti-demand tactics on commercial sex activity.
- There is *no comparable evidence* that focusing on supply or distribution (meaning, pimps and traffickers) produces anything more than temporary or displacement effects.

There are several rigorous evaluations of the impact of anti-demand tactics, and “case studies” that provide compelling evidence. Studies that find demand-reduction tactics successfully reduce commercial sexual exploitation include:

- ***San Francisco john school reduced recidivism by over 40%.*** In an NIJ-sponsored evaluation of the FOPP, it was found that the annual one-year recidivism rate for arrested

johns fell from 8.8 percent to 4.5 percent after the program began operating. The shift was immediate and was sustained for the subsequent decade. The impact could not be attributed to the effect of arrest, or to displacement to other cities (Shively et al., 2008).

- ***A comprehensive approach including reverse stings reduced prostitution by 75% in controlled experiment in Jersey City, New Jersey:*** In a rigorous field study, Weisburd and colleagues (2006) found a 75% reduction in observed and reported prostitution from a comprehensive approach that included combating demand through reverse stings. The evaluation design tested for displacement effects, and the researchers concluded that the reductions were not attributable to simply pushing the problem to other areas of the city. However, the comprehensive nature of the intervention prevents attributing the positive effects to the demand piece or any other single component of the program.
- ***Comprehensive effort including “kerb crawler” arrests and a john school reduced prostitution in Ipswich, England by 40% to 80%.*** A study by Poland and colleagues (2008) concluded that a large reduction in street prostitution in Ipswich, England resulted from an intensive and multifaceted intervention. The program featured enforcement and education aimed at demand (arresting “kerb crawlers” and having them attend the “Change Course,” or john school), and a social service/therapeutic (rather than punitive) approach for providers of commercial sex. The study found 40% to 80% reductions in calls for police service and the number of persons involved in prostitution (Kendall, 2008;

Poland et al., 2008).

- ***Enactment of Swedish law that focused on demand has reportedly reduced street prostitution by 50% to 75%.*** In 1999 Sweden passed national legislation decriminalizing the sale of sex while simultaneously criminalizing the purchase of sex. The innovation of the “Swedish Model” law was in placing the entire legal burden for prostitution on the buyer rather than the provider. An evaluation of the impact of the law found a 50% to 70% reduction in street prostitution through focusing on demand (Swedish Government Report SOU 2010:49, 2010).
- ***In Raleigh, North Carolina, a comprehensive approach emphasizing arresting and shaming johns was associated with a 38% reduction in calls for police service.*** In response to persistent prostitution-related problems in the city, a study of prostitution was conducted, which concluded that police and other agencies city should prioritize arresting customers and addressing the service needs of providers (Weisel, 2004). An initiative - Operation Dragnet - featuring those elements was launched. Among other outcomes, over 85% of the citizens surveyed were aware of the anti-prostitution effort, and citizen-initiated calls for service initially increased due to increased awareness, and then declined steadily by 38% compared to the pre-intervention baseline.
- ***Reverse stings and shaming reportedly removed Wilkes-Barre, Pennsylvania from a domestic trafficking circuit, and reduced the number of women engaged in street prostitution locally by 75%.*** In interviews conducted for the

National Assessment, police department staff said that Wilkes-Barre had been a stop on a domestic sex trafficking circuit operating in upstate New York and central Pennsylvania. Through the mid-1980s, traditional interventions had been tried and found ineffective: arresting prostituted women accomplished little (trafficked women soon left for the next stop on the circuit, and local women simply returned to the streets), and prosecution of pimps had been attempted, but never successfully. In 1986, Wilkes-Barre police tried a new approach, conducting large-scale reverse stings coupled with publicizing the identities of arrestees. In each of the first several operations, they arrested from 50 to 100 men who were issued citations and ordered to pay fines. Arrestee identities were included in press releases, which ran in the local Sunday newspaper. After two years of these efforts, police concluded that Wilkes-Barre had been taken off the “pimp circuit.” The number of women known to engage in street prostitution fell from 20 to five, with the rotating circuit survivors gone and the remaining five being local women suffering from severe substance addictions. The existence of the domestic trafficking circuit and the level of police reverse sting activity in the 1980s and 1990s were corroborated by news archives and interviews with police from other cities on the circuit.

- ***In Buffalo, New York, a 60% drop in 911 calls was associated with a comprehensive approach emphasizing arresting johns and sending them to a john school.*** From 1996 to 1997, the city increased john arrests 85 percent. Arrested men were sent to a john school program modeled after the one in San Francisco. Arrested women

involved in prostitution were referred to an organization for support and treatment. To assess the impact of the initiative, 911 calls and arrest data were analyzed, and interviews were conducted with community members. They found that 911 calls fell 60% from 1996 to 1997, police observed fewer women engaging in street prostitution, and community members interviewed reported less prostitution activity.

- ***Reduced street prostitution in Salt Lake City in 1971 and 1976 attributed by police to reverse stings.*** A three-month effort in 1971 to combat prostitution through concentrating on male buyers led police to conclude that nearly all of the 75 known prostituting women appeared to have left town. In the crackdown on demand, 139 men were arrested during reverse stings. Subsequent reports stated that through 1976 the reverse sting program had arrested 1,129 johns, and that prostitution in the city had declined by approximately 50% soon afterward.

24. What are some major organizations endorsing a demand reduction approach to preventing sex trafficking?

When the U.S. National Association of Attorneys General (NAAG) announced in 2012 a special program, “Pillars of Hope,” to tackle human trafficking, it described four interlocking goals as key: one of four goals is reducing demand. The plan compares sex trafficking to drunk driving and domestic violence: issues considered unacceptable today that were normalized in the past. So the fourth pillar¹⁰⁰ aims to heighten

¹⁰⁰ <http://www.naag.org/2011-2012-presidential-initiative.php>

public awareness and advocacy efforts to reduce the demand for human trafficking by changing public attitudes toward the commercial sex industry, its victims and those who buy and sell them.

The U.S. Conference of Mayors endorsed a groundbreaking resolution¹⁰¹ to combat sex trafficking by stopping and deterring men from buying the bodies of prostituted people. The resolution, proposed by Boston Mayor Martin Walsh and cosponsored by Denver Mayor Michael Hancock, was adopted unanimously in June 2014 at the organization's annual meeting.

When the federal government sought public comments for its draft strategic plan¹⁰² against human trafficking, the top two responses were the omission of demand reduction and survivor voices. One small entity did include demand in its recommendations, though, the President's Advisory Council on Faith-based and Neighborhood Partnerships issued "Building Partnerships to Eradicate Modern Day Slavery,"¹⁰³ a set of recommendations including the importance of faith-based and community groups working together to curb demand for commercial sex in their communities and congregations.

The Institute of Medicine and National Research Council was asked by the Department of Justice to create a committee of doctors, social workers, and other professionals to investigate sex trafficking of minors in the United States and to make

¹⁰¹ <http://usmayors.org/82ndAnnualMeeting/media/resolutions-final.pdf#page=37>

¹⁰² <http://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>

¹⁰³

http://www.whitehouse.gov/sites/default/files/docs/advisory_council_humantrafficking_report.pdf

recommendations to DOJ. Issuing its findings¹⁰⁴ in 2013, the committee said, “Efforts to prevent the commercial sexual exploitation and sex trafficking of minors in the U.S. are essential but largely absent;” and made “the need to confront demand” one of its six major recommendations.

Federal Law

25. What federal law pertains to sex buyers and demand?

The Trafficking Victims Protection Act (TVPA) of 2000 makes sex buyers part of the trafficking crime through inclusion of the word “obtain” in the definition of sex trafficking as “recruiting, harboring, transporting, providing, **or obtaining** a person for the purpose of a commercial sex act.”

No doubt should exist that sex buyers are traffickers under federal law. In a landmark January 2013 decision,¹⁰⁵ the Eighth Circuit Court of Appeals upheld the convictions of two attempted sex buyers as traffickers under section 1591 of the criminal code, which operationalizes TVPA. The court concludes section 1591’s definition of sex trafficking “readily includes the actions of a purchaser.” This decision will strengthen legal efforts to combat sex trafficking under both federal and state law.

¹⁰⁴ <http://www.iom.edu/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx>

¹⁰⁵ U.S. v Daron Lee Jungers and U.S. v Ronald Bonestroo
<http://www.ca8.uscourts.gov/opndir/13/01/121006P.pdf>

The TVPA defines sex trafficking as the “recruitment, harboring, transportation, provision, **or obtaining of** a person for the purpose of a commercial sex act.” Interpretation of “obtaining” was at issue.

26. Not a lot of federal sex trafficking cases have been prosecuted. Why not?

One reason sex trafficking crimes have been difficult to prosecute is a lack of knowledge¹⁰⁶ and training for local law enforcement, typically on the front line.

Also, sex trafficking crimes are sometimes prosecuted under other statutes: A 2012 study¹⁰⁷ found: “Despite the existence of evidence of human trafficking in the majority of cases we reviewed, few of the suspects in these cases were actually charged with either state or federal human trafficking offenses. Seven percent (7%) of the reviewed cases resulted in a sex trafficking charge, 9% in a sex trafficking of a minor charge...suggesting that *despite new state laws on human trafficking, state and federal prosecutors continue to charge human trafficking offenders with other types of crimes.*”

Third, Sex trafficking cases are considered expensive and complicated. Fourth, they are too often dependent on traumatized victims afraid to testify, who aren't always considered “reliable” witnesses. As a Tulsa, Oklahoma District Attorney explains,¹⁰⁸ “The system is not...victim friendly.” These last two reasons are both major reasons to focus on buyers in order to prevent the crime before it occurs.

27. With regard to deterring demand, what is the relationship between federal law on sex trafficking and

¹⁰⁶ http://iris.lib.neu.edu/cgi/viewcontent.cgi?article=1000&context=human_traff_res_tech_rep

¹⁰⁷ <http://www.in.gov/icw/files/412592-State-and-Local-Human-Trafficking-Cases.pdf>

¹⁰⁸ <http://journalrecord.com/2013/12/20/victims-reluctance-to-testify-can-mean-lesser-charges-for-traffickers-general-news/>

federal law prohibiting interstate commerce for prostitution, known as the Mann Act?

In a valuable legal article¹⁰⁹ “Prosecuting Demand as a Crime of Human Trafficking,” attorney and advocate Samantha Vardaman explains that among the range of federal child sex trafficking prosecutions, offenses by buyers are most often prosecuted under the Mann Act, a 1910 statute passed during the Progressive era, making it a felony to transport a woman or girl for the purpose of prostitution or “any other immoral purpose.” Congress made the law gender neutral in 1986, and limited it to acts criminal under state law.

Prosecution of sex buyers has been rare under 18 U.S.C. section 1591, criminal provisions of the Trafficking Victim’s Protection Act (TVPA). Yet the penalties are more severe, and the crime is clearly exploitation, not dependent on transportation, as the Mann Act is.

When applied to sex buyers, the Mann Act is more limited in scope than the sex trafficking law, which carries a mandatory minimum sentence of 10 years in federal prison without parole, up to a sentence of life in federal prison without parole, plus a fine up to \$250,000. Depending on the Mann Act to confront demand could allow some buyers to avoid serious criminal liability. State laws often do not have either serious penalties or the scope of federal law.

¹⁰⁹ <http://sharedhope.org/wp-content/uploads/2013/08/PROSECUTING-DEMAND-AS-A-CRIME-OF-HUMAN-TRAFFICKING-THE-EIGHTH-CIRCUIT-DECISION-I.pdf>

The U.S. Attorney’s Office in the Western District of Missouri was the first federal jurisdiction to bring demand cases using the TVPA. The groundbreaking prosecutions were based on Operation Guardian Angel,¹¹⁰ an undercover investigation targeting demand in the Kansas City metropolitan area, implemented by two local police departments together with the FBI and ICE.

As a result, the U.S. Attorney’s Office convicted seven men as sex traffickers using the criminal provisions of the TVPA, by interpreting the words “obtain” and “entice” in section 1591(a) and 2422(b) as applying to sex buyers. The case sparked interest across the country in this tactic, which highlights the TVPA as a stronger tool against demand than the Mann Act.

Confronting Harm Reduction Arguments

28. Around the world, people are sometimes forced—typically by poverty, homelessness, addiction, and lack of choice—to sell sex, sometimes called “survival sex.” By criminalizing demand, aren’t you hurting the very people you say you want to help?

This argument ignores two key aspects of the abolitionist position: we support decriminalizing selling sex, so people in desperate conditions will never be jailed for this lack of choice. As well, lack of choice is not the same thing as choosing to sell your body: the money becomes a form of coercion.¹¹¹

¹¹⁰ <http://www.justice.gov/usao/mow/news2009/mikoloyck.ple.htm>

¹¹¹ <http://harvardcrcl.org/wp-content/uploads/2011/08/MacKinnon.pdf>

We also, always advocate for exit services that provide housing, job training, and addiction treatment as paths to authentic options for prostituted women. To provide sustainable funding for survivor services, we support fining sex buyers and earmarking those “abuser dollars” for services.

29. By trying to criminalize the demand for prostitution, you just force it underground, where people in prostitution are even less safe. Wouldn't legalization make prostitution safer?

In addition to the discussion of legalization in question #14, empirical evidence from countries and localities where prostitution is legal demonstrates that contrary to this theory, legalizing prostitution created a façade of normality—and a barrier to law enforcement—that makes it virtually impossible for law enforcement to identify victimized people within the commercial sex trade, and makes it more difficult for prostituting woman to exit since legalization normalizes it.

A fascinating, in-depth study by the Dutch police found that between 50-90%¹¹² of prostituting women in Amsterdam including *in the legal sector* are there against their will, yet had few paths to escape.

Legalization led to the explosive growth in the illegal sector of the sex trade, where human trafficking and exploitation are rampant. New Zealand legalized the commercial sex industry

¹¹² KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (juli 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen KLPD (Korps Landelijke Politiediensten) – Dienst Nationale Recherche (juli 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen.

and the illegal sector expanded more than the legal one did, including an increase in sex trafficked children.¹¹³

Legalization ignores the long-term psychological and physical harm of having abusive, unwanted sex many times a day while pretending to like it. To cope with the experience, most prostituted people find ways to “split off” or disassociate, including abusing alcohol and drugs—leading to long-term negative health consequences.

Legalization legitimizes commercial sexual exploitation. Instead, we should offer exit strategies and support for women to leave prostitution. But the most effective policy against sex trafficking and prostitution markets is primary prevention, preventing the harm from occurring, which requires reducing the demand for prostituted sex.

30. Prostitution is a significant transmission point for HIV. To prevent HIV, condoms should be universally distributed and marketed. Criminalizing demand disrupts HIV prevention campaigns. How do you respond?

Criminalizing demand should not disrupt HIV prevention campaigns. Countries such as Sweden, Iceland, and Norway that have criminalized demand, maintain comprehensive HIV prevention campaigns, including widespread condom distribution.

¹¹³ <http://www.turnofftheredlight.ie/wp-content/uploads/2012/07/New-Zealand-Summary.pdf>;
http://www.iwraw-ap.org/resources/pdf/39_shadow_reports/New_Zealand_SR_CATWA.pdf

The public health goals of HIV/AIDs prevention must not eclipse other public health needs. Preventing brutality in brothels around the world requires acknowledging the violence inherent in prostitution, not ignoring it.

Survivor Perspectives

31. What do survivors of the sex industry say about male demand for prostituted sex?

Survivors are among the most compelling voices,¹¹⁴ explaining that if men had not bought their bodies, they would not have suffered.

Tina Frundt describes still feeling that buyers have damaged “the soul of who you are,” despite achievements like being named a CNN Hero.¹¹⁵

Two of the best books on “the Life” (as the experience of prostituting is often called by survivors) are Rachel Moran’s “Paid For”¹¹⁶ (2013) and Rachel Lloyd’s “Girls Like Us: Fighting for a World Where Girls Are Not for Sale: A Memoir”¹¹⁷ (2012). Both women lead organizations dedicated to policy change and helping others escape prostitution. They want men who buy sex to be arrested and held accountable.

Says Lloyd, “We actually need to arrest these guys and we need to educate them about what they’re doing and we need to have

¹¹⁴

http://www.youtube.com/watch?v=Wun59fdmjPY&list=PLiOhapMbL19UjcBfjM_rALEOow3XbwVIIf

¹¹⁵ <http://thecnnfreedomproject.blogs.cnn.com/2011/03/08/survivor-works-to-help-other-victims/>

¹¹⁶ <http://www.amazon.com/Paid-My-Journey-Through-Prostitution/dp/0717156028>

¹¹⁷ <http://www.amazon.com/Girls-Like-Us-Fighting-Memoir/dp/0061582069>

survivors in the room telling them: We didn't like it, right? This wasn't something that was fun for us. Your fantasies about us enjoying it? Not true.”

On the notion that most people in prostitution “chose it,” Rachel Moran writes,¹¹⁸ “[T]he reality, which most johns studiously deny and ignore (though they know it as well as anyone) is that women and girls do not choose to have the penises of men shoved into the orifices of our bodies eight, ten, twelve times a day because we ‘want’ to, or because we ‘choose’ it; we reluctantly submit to commercial sexual violation for two reasons: because men...exist to create the demand for the commodification of our bodies in the first place, and because the circumstances of our lives have left us with no other viable choice.”

32. How are survivors engaged in the anti-trafficking movement?

Survivors are engaged as leaders in every aspect of the movement to end sex trafficking and prostitution. Survivors run important organizations such as Breaking Free,¹¹⁹ Courtney's House,¹²⁰ GEMS,¹²¹ My Life, My Choice,¹²² Survivors for Solutions,¹²³ Veronica's Voice¹²⁴ and others.¹²⁵ They bravely

¹¹⁸ <http://theprostitutionexperience.com/?p=215>

¹¹⁹ <http://www.breakingfree.net/>

¹²⁰ <http://www.courtneyshouse.org/>

¹²¹ <http://www.gems-girls.org/>

¹²² <http://www.jri.org/services/behavioral-health-and-trauma-services/community-based-behavioral-health-services/my-life-my-choice>

¹²³ <http://www.survivors4solutions.com/>

¹²⁴ <http://www.veronicasvoice.org/>

¹²⁵ <http://www.sextraffickingsurvivorsunited.org/survivor-led-programs/>

testify before legislative hearings on trafficking and tell their stories¹²⁶ on the Internet.

Marian Hatcher,¹²⁷ Project Manager at Cook County Sheriff's Office, and a survivor, coordinates the “National Day of John Arrests.” Since 2011, a national coalition of local law enforcement activities has resulted in the arrests of 2,328 sex buyers. The most recent sting¹²⁸ coordinated by Hatcher, resulted in the arrest of nearly 500 buyers and the recovery of 111 prostituted people, including 8 juvenile trafficking victims in Las Vegas alone.

33. What insight do survivors offer about “sex work” advocates who support regulation or legalization?

Strong organizations of survivors, such as SexTrade101¹²⁹ in Toronto, Canada and Sex Trafficking Survivors United¹³⁰ in the U.S. have emerged in the last few years, drawing on their experience to become excellent advocates. Survivors remind us that women too often function as pimps. “Bottoms,” for example, are enforcers for pimps (thus, fellow traffickers) although they often were prostituted in the past. On occasion, these pimps will speak out as “sex workers” in order to argue

¹²⁶ <http://www.equalitynow.org/survivorstories>

¹²⁷ <http://www.socialworkersspeak.org/hollywood-connection/marian-hatcher-from-prostitution-leaving-the-life-talks-about-journey-from-prostitution-to-peer-counselor.html>

¹²⁸

http://www.cookcountysheriff.org/press_page/press_NationalSexTraffickngSting2014_08_06_2014.html

¹²⁹ <http://www.sextrade101.com/>

¹³⁰ <http://www.sextraffickingsurvivorsunited.org/>

against legal reforms opposed by the sex industry, as was demonstrated at an Irish legislative hearing.¹³¹

Survivors warn, when you are in “the life,” your economic incentive is to oppose any change, or legal reform, or stepped-up enforcement that would curtail demand—even while you are aware “the life” is killing you. Not surprising, pimps will pressure women under their control to claim they are freely choosing to prostitute themselves, without coercion.

Survivors also point out that some women who are prostituting themselves (for example those who specialize in domination, who testify¹³² against criminalization of demand) might indeed be functioning as entrepreneurs, but public policy is never designed to accommodate a minority elite, and these women risk suffering the same sort of exploitation and abuse that characterizes the sex trade—even if they have convinced themselves it is a free choice.

Nordic Model

34. What is the Nordic Model?

The “Nordic Model” refers to a law enforcement approach that criminalizes the purchase, but not the sale, of sex. Pimping and running a brothel are also illegal. The law shifts criminal liability from people who are exploited, to those doing the exploiting. The approach¹³³ originated in Sweden, which passed

¹³¹ [http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2013-2014/140109_HumanTraffickingetcBill\(InternationalUnionofSexWorkers\).pdf](http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2013-2014/140109_HumanTraffickingetcBill(InternationalUnionofSexWorkers).pdf)

¹³² <http://news.nationalpost.com/2014/09/10/leader-of-suit-against-canadas-prostitution-laws-kicked-out-of-committee-studying-tories-new-bill/>

¹³³ http://www.equalitynow.org/sites/default/files/Nordic_Model_EN.pdf

a ban against purchasing sex in 1999 as part of a Violence Against Women Act.

What Sweden concluded is that prostitution is a system of gender-based violence perpetrated by sex buyers. To achieve equality, the country couldn't tolerate sexual exploitation enshrined in the commercial sex industry. The law includes services to help prostituting people exit.

Neighboring countries such as Iceland (2009) and Norway (2009) adopted similar laws. Korea, Finland, and Israel have approved the strategy in part.¹³⁴ Canada and France¹³⁵ are considering a version of the “Nordic model” as of September 2014.

In April 2014, the European Parliament voted¹³⁶ to recommend the Swedish approach—criminalizing the purchase of sex—throughout Europe—a solution that offers more genuine choice¹³⁷ to women, in the words of MP Mary Honeyball, sponsor of the resolution.

35. Is there evidence the “Nordic Model” works?

Since 1999, both sex trafficking and prostitution decreased¹³⁸ in Sweden. There's been one murder of a prostituting person in

¹³⁴ <http://www.nytimes.com/roomfordebate/2012/04/19/is-legalized-prostitution-safer/criminalize-buying-not-selling-sex>

¹³⁵ http://www.huffingtonpost.com/2013/12/04/prostitution-law-france-bill-national-assembly_n_4384687.html

¹³⁶ <http://www.theguardian.com/global-development/2014/feb/26/meps-vote-criminalise-buying-sex-european-parliament>

¹³⁷ http://www.huffingtonpost.co.uk/mary-honeyball/european-parliament-prostitution-law_b_4864025.html

¹³⁸ http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1910657

Sweden since 1998, while 127 women in prostitution have been murdered in The Netherlands in the same period.¹³⁹

In 2010, Sweden's Ministry of Justice (controlled by a political party that had originally voted *against* the 1999 law) published an evaluation¹⁴⁰ of the sex purchase law. It concluded that the law had succeeded in achieving its goals, including: discouraging criminal trafficking networks from operating in Sweden; reducing the number of victims; and gaining widespread public support. Three surveys showed over 70% support¹⁴¹ for the law among the public, with support highest among the youth.

Contrary to what the international “sex worker” lobby often claims will happen when buying sex is criminalized, no hidden, illegal market, developed as a result of the law.

A 2014 study¹⁴² of the Norwegian version of the law concluded it has reduced sex trafficking: street prostitution in Oslo, the country's capital where 30% of the population lives, decreased by 35-60%. Indoor prostitution decreased by 10-20%. The study found that violence against women did not increase following the law's enactment—an argument sometimes made by those who oppose demand reduction efforts.

¹³⁹ [http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2013-2014/140109_HumanTraffickingetcBill\(InternationalUnionofSexWorkers\).pdf](http://www.niassembly.gov.uk/Documents/Official-Reports/Justice/2013-2014/140109_HumanTraffickingetcBill(InternationalUnionofSexWorkers).pdf)

¹⁴⁰ <http://www.government.se/content/1/c6/15/14/88/0e51eb7f.pdf>

¹⁴¹ http://www.womenlobby.org/news/ewl-news/article/18-myths-on-prostitution-read-and?lang=fr&var_lang=en

¹⁴² <http://www.reuters.com/article/2014/08/11/us-norway-prostitution-idUSKBN0GB1BL20140811>

Based on this evidence, combined with evidence on the failure of legalization to protect women in countries such as The Netherlands and Germany [See Question #18], 49 members of the European Parliament and 200 NGOs dedicated to women's rights signed the "Brussels Call"¹⁴³ for the Nordic Model to be implemented across the European Union.

36. Could the Nordic Model work in the United States?

Some people argue that the Nordic Model can't apply in the United States because the U.S. is a federal system, and prostitution is a crime largely handled by local jurisdictions. We have a vision of the Nordic Model gaining ground in the U.S. from the ground up: Cities, counties, and local jurisdictions are increasingly implementing law enforcement strategies putting the onus on sex buyers for the brutality and harm of commercial sexual exploitation; state laws are also increasingly attuned to what drives the crime.

We expect and encourage the Department of Justice to increasingly support these local initiatives through training and technical assistance (TA), and greater enforcement of federal laws against human trafficking and inter-state commerce for prostitution.

There appears to be close analogy between social change around domestic violence¹⁴⁴ in the 1970s-80s, and the social change we anticipate around buying other human beings. About 40 years

¹⁴³

http://www.millennia2015.org/files/files/Publications/Press_release_MEPs_action_for_a_Europe_free_from_prostitution_1_October_2013.pdf

¹⁴⁴ <http://www.demandabolition.org/deconstructing-demand/>

ago, domestic violence was considered a private issue, beyond a police force's ability to sort out or get drawn into. Today, every locality has similar procedures for handling DV cases.

Perpetrators are held accountable. Programs exist to get victims the support they need. Federal dollars finance research, education, training, and TA. Most important, there's social consensus that it is an unacceptable situation. This revolution in attitudes could happen regarding the commercial sex market.

When Americans no longer tolerate the buying and selling of women and children for sex, and instead, consider it a human rights abuse of autonomy and human dignity, when our laws and policies codify an attitude that rejects this practice—then the Nordic Model will effectively be implemented in the United States.

Language

37. Why do individuals and groups advocating demand prevention refer to themselves as abolitionists?

Those who want to end sex trafficking, not just reduce its harm, sometimes call themselves abolitionists. To abolish a system of oppression, you have to confront the users, or participants, or buyers who perpetuate that system—in this case, sex buyers.

Abolishing sex trafficking, like abolishing slavery in the nineteenth century, requires ending it entirely, not just making it less painful.

38. What is wrong with the terms “john” and “sex worker”?

John is a common name, signifying that a sex buyer could be any, anonymous male. It's also a neutral term, suggesting that buying sex is a normal, acceptable activity.

The more we learn about who buys sex, and the harm perpetrated by buyers, the less appropriate this term is. Sex buyers are not “any man” or “every man,” but people who identify buying sex with having power over women. They are more likely to have committed violence against women in other contexts and more likely to have arrest records¹⁴⁵ for other crimes.

As long as sex buyers are known as “johns,” a friendly popular name, law enforcement might be less likely to arrest and prosecute them for criminal offenses. Calling them what they are, sex buyers or exploiters, is more accurate.

The term “sex worker” legitimizes exploitation. It sanitizes the violence inherent in prostitution and suggests better regulation is the way to fix it.

39. What's wrong with the term “prostitute”?

The word “prostitute” is synonymous with criminal behavior in most of the U.S., so it ignores the reality that many people in prostitution are victims. It's also a word often used as an insult.

The term conceals the fact that people in prostitution are often manipulated by third parties—pimps, traffickers, buyers. To highlight the fact that most people in prostitution are being used,

¹⁴⁵ <http://www.demandabolition.org/research-and-publications/comparing-sex-buyers-with-men-who-dont-buy-sex/>

survivor organizations such as Breaking Free¹⁴⁶ request we use phrases such as “prostituted women,” “she was prostituted,” or “a woman in prostitution.”

¹⁴⁶ <http://www.breakingfree.net>