



## Working Group on Sex Work and Human Rights

### The Truth about Demand

Law enforcement and activists who denounce sex work have long focused on the “supply” side of the equation, prosecuting sex workers or their employers while ignoring the “johns,” or clients. In the 1990s, attention of these activists shifted to the “demand” side, arguing that arresting clients who patronize sex workers will eradicate the industry. At the behest of the Bush administration, Congress passed the “Trafficking Victims Protection Reauthorization Act of 2005” with the goal of ending “demand” for commercial sex.

The law is designed to provide federal funds to state and local jurisdictions to “investigate and prosecute persons who purchase commercial sex acts.” It also provides funding for “John Schools,” or mandatory lecture courses, to “educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts.”

This is a flawed approach.

### ***“Demand” for Sex Work is Not a Predominant Driving Factor for Trafficking, Which is Driven by Poverty, Race and Gender Inequities***

The term “demand” also refers to the legitimate concerns raised by migrants and labor rights advocates who address the issues relating to the need in the Western Hemisphere for exploitable labor and services.

However, this narrow focus of the term in the context of sex work represents a dangerous move towards policies which, under the guise of protecting sex workers, is another way of undermining sex workers’ independence and causing more harm to them.

### ***Focusing on “Demand” is Counter-productive:***

- It is not the number of customers but economic trends and social conditions such as unemployment and a shortage of living wage opportunities that determine the number of sex workers at any given time.
- Addressing basic human needs for education, equal opportunity and a realistic array of economic options would help to ensure that no one who enters sex work does so because of trickery or coercion.
- The “demand” for sex, transactional or otherwise, is universal. Criminalizing certain types of demand will not make it go away.
- Criminalizing and stigmatizing sexual transactions drives the practice into the shadows where violence, extortion and coercion are more likely to thrive. In situations like these, people do not feel safe in seeking legal protection, out of fear of arrest, abuse or humiliation.
- Criminalization discourages sex workers, their clients, and brothel managers from responding to groups offering information or services on preventing the spread of HIV/AIDS.
- Social conservatives have hailed Sweden’s 1998 Violence Against Women Act, criminalizing the patronage of sex workers, as model legislation. But several studies of the law’s effects, including one by Swedish police, found it led to poor results: it pushed sex workers

underground where they are invisible to the law, subjected them to more violent situations and made them more susceptible to being sold on the black market.<sup>1</sup>

- Sex workers point not only to their clients as a source of violence against them also to law enforcement officers,<sup>2</sup> who routinely harass, denigrate and assault them rather than protecting their human rights. Therefore, giving law enforcement more power makes sex workers even more vulnerable.

### ***“John Schools” Don’t Work***

So-called “John Schools” are defended first as a way to reduce demand for transactional sex by shaming clients of sex workers through exposure to the public eye; and second as a way to inform the clients about the risks of commercial sex, including sexually transmitted infections, for both themselves and sex workers.

- An estimated 20 cities in 10 countries have established “John Schools” since the first one was set up in San Francisco, CA in 1995.
- Little scientific research has been done on the effectiveness of “John Schools.” The research that has been done shows they are not effective in reaching their goals.
  - A 2001 study in Canada found that a significant number of clients said they would continue to frequent sex workers even after attending “John School.”<sup>3</sup>
  - Another Canadian study found “little evidence that John-shaming measures have resulted in the diminution of street prostitution, but rather moved sex work from one area to another.”<sup>4</sup>

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1 As documented in “Purchasing Sexual Services in Sweden and the Netherlands, Legal Regulation and Experience,” a report by a Working Group on the legal regulation of the purchase of sexual services, published by the Norwegian Ministry of Justice and Police Affairs, October 8, 2004; Don Kulick, “Four Hundred Thousand Swedish Perverts”, GLQ, 11:2, pp 205-235. Duke University Press, 2005; Elizabeth Bernstein in “The Meaning of the Purchase,” Ethnography, 2(3) 389-420.

2 Bridget Anderson and Julia O’Connell Davidson, “Is Trafficking in Human Beings Demand-Driven?” International Organization for Migration, December 2003.

3 Benedict Fischer and Scot Wortley, et al, “The Socio-Legal Dynamics and Implications of ‘Diversion’: The case study of the Toronto ‘John School’ diversion program for prostitution offenders.” Criminal Justice, 2(4), 385-410. Sage Publications, 2002.

4 Report and Recommendations in Respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities,” Canadian Department of Justice, December 1998.