

# TALKING POINTS ON NON-CRIMINALIZATION

## **A** WHERE MINORS ARE CONCERNED:

1. Shared Hope's position is that a minor should never be prosecuted for prostitution. They should not be punished for their own victimization.
2. Even if they are arrested and charges are dropped, being arrested and detained can further traumatize victims.
3. Instead of treating victims as criminals, victims should have access to safe placements and specialized services away from the criminal justice systems and processes.
4. We use the term "NON-criminalization" instead of "DE-criminalization." DE- implies undoing a crime that has been committed. NON- implies there never was a crime committed.

## **B** WHERE ADULTS ARE CONCERNED:

1. The majority of adult women in prostitution were first exploited as minors and would leave if they could.
2. The buyers and traffickers are the criminals.
3. The Nordic model (Sweden and neighboring countries as well as Northern Ireland and Canada) places criminality on buyers and third parties (pimps or traffickers) since prostituted individuals can legally sell.
4. States are beginning to recognize the need for increased protection and services for young adults involved in commercial sex beyond the bright line of 18 years old. For example, Minnesota amended its Safe Harbor law to extend protections and services to young adults up to age 24. Alaska and Louisiana removed the requirement that force, fraud or coercion were used to cause the trafficking of under the age of 20 and 21, respectively.

Non-criminalization of prostituted women and criminalization of buyers and traffickers (Nordic model) has led to societal changes in attitude where it has been implemented. Shared Hope International DOES NOT HAVE an official position on the Nordic Model. But the research indicates that it is having positive impacts in shifting the cultural perspective to one of no tolerance for buying sex.

*This section of our Demanding Justice Benchmark Assessment provides more detail on our positions.*

*You can find the full report online at:*

<http://sharedhope.org/wp-content/uploads/2013/11/Demanding-Justice-Project-Benchmark-Assessment-Report-2013.pdf>

“Most prostituted adults were first exploited in prostitution as a minor. It is very difficult to exit this victimization.<sup>24</sup> According to the research of Dr. Melissa Farley, 89% of women in prostitution stated they would leave it if they could.<sup>25</sup> For this reason, a multi-pronged approach is essential, i.e., develop the services and shelter needed for prostitution victims to exit while maintaining focus on the child victims in order to prevent migration from prostituted child to adult prostitute. In any case, a simultaneous effort to penalize the buyers of prostitution with meaningful sentences and financial penalties ranging from vehicle impoundment to high fines is essential.

One model gaining increasing recognition for its effectiveness is the Swedish Model, also called the Nordic Model since its enactment in neighboring Scandinavian countries, including Norway and Iceland.<sup>26</sup> The Swedish legislation passed in 1999 criminalizes sex buyers and protects women victimized by prostitution, causing a significant decrease in trafficking activity in the country, cutting prostitution by more than 45% and reducing the percentage of adult males who buy sex from 13.6% to less than 8%.<sup>27</sup> Sweden now has the lowest number of trafficking victims in the European Union.<sup>28</sup>

A guiding principle of the model is that prostituted women and children are victims; they require assistance and social services rather than criminalization. Instead, the criminality is on the part of the buyer and seller of the person in prostitution who face imprisonment up to six months and four years respectively under procurement of prostitution laws; if convicted under the trafficking law that sentence is two to ten years.<sup>29</sup> This approach has led a change in societal attitudes toward the purchase of sex. Law enforcement has arrested more than 3,700 men since 1999, although in most cases, the men were only assessed fines. Ten years after the law was enacted, more than 70 percent of Swedes said they supported punishing the men who pay for sex instead of the prostitutes they pay.”<sup>30</sup>

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