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# PROSTITUTION: THE EQUALITY LAW

## DID YOU KNOW?

After Sweden, Iceland, Norway, Canada, Northern Ireland and France, Ireland has adopted the legislation that removes the offence of soliciting and ends the impunity of the sex-buyers by criminalizing the purchase of sex act. *The Criminal Law (Sexual Offences) Act 2015* was passed on February 14, 2017 by a majority of parliamentarians.

### THE NORDIC MODEL OR SEX BUYER LAW (HEREAFTER THE EQUALITY LAW)

The Equality Law was first introduced in Sweden in 1999 and has been shown to be highly effective in reducing demand for prostitution and making the country in question a more hostile destination for traffickers.

#### In the Equality Law:

1. The buying of sex acts is criminalised
2. The selling of sex acts is decriminalised
3. Support and exiting services are provided for those exploited through prostitution

#### Underlying principle of the Law

The Equality Law recognises that the exploitation of people through prostitution and sex trafficking, most of whom are women and girls, ultimately only occurs because there is currently a demand from men wanting and willing to pay for sex. If there was no demand, there would be no 'supply'.

South Africa's Constitution is a transformative vehicle for change. It speaks to a vision of a South Africa where the inherent Dignity, Equality and Freedom of all her people will be realised. The Constitution recognises current systems of inequality, and makes provision for laws and policies specifically aimed at redress and transformation.

The Equality Law would operate within the ambit of these provisions. In its unequal operation (criminalising buyers and third parties; decriminalising sellers) the Equality law recognises the inequality and abuse of power inherent in the exchange between buyer and seller in the sex trade. Most importantly, it employs Constitutionally mandated and sanctioned strategies aimed at remedying these inequalities through legislative transformative justice.

#### Purpose of the Law

The Equality Law is designed to:

- Reduce demand for sexual exploitation – by making it a criminal offence to pay a person for sex.
- Support people exploited through the sex trade – by completely decriminalising the sale of sex acts and providing comprehensive support and exiting services.
- Transform attitudes – by challenging the belief that it is acceptable to treat women and girls as sexual objects by paying them for sex acts.

In Sweden, Finland, Iceland, Norway, and Northern Ireland, this approach has been effective in reducing the demand for paid sexual services<sup>1</sup>. And this in turn threatens the profits of those who traffic in human beings for personal gain.

<sup>1</sup> <http://prostitutionresearch.com/wp-content/uploads/2014/06/Swedens-prohibition-of-purchase-of-sex.pdf>