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Addressing Demand for Sex Trafficking in Sweden and the United Kingdom: An Interpretive Policy Analysis of Demand Reduction Policies, in Consideration of the Principles of Deterrence Theory

Katee Stahl

A Thesis Submitted to the Graduate Faculty of

GRAND VALLEY STATE UNIVERSITY

In

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Abstract

In recent years, the problem of sex trafficking has migrated to the forefront of prostitution policy discussions, shifting the focus away from arguments surrounding the morality of prostitution, and instead, to consideration of the most effective prostitution policy approach to combat sex trafficking. One popular solution focuses on reducing the demand for sex trafficking by reducing the overall demand for prostitution. In order to reduce demand for prostitution, people must be deterred from purchasing sexual services, in any form, which may be accomplished by criminalizing the purchase of prostitution. The present inquiry will compare the demand reduction approaches of Sweden and the United Kingdom, evaluating each approach in relation to deterrence theory, which comprises the fundamental basis for demand reduction principles.

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Chapter 1: Introduction to the Research

Introduction

Often referred to as the world's oldest profession, prostitution is the practice of engaging in sexual relations in exchange for payment of money or goods, and is one of the branches of the sex industry. A person who engages in this practice is known as a prostitute, a type of sex worker (Kovari & Pruyt, 2012). As the demand for prostitution continues to flourish across much of the globe, so does the desire to keep costs low and profits high for stakeholders in the sexual services industry (Hughes, 2004; Shively, Wheeler, & Hunt., 2012; United States Department of State, 2011). Hence, the demand for a cheap, easily-subdued workforce sustains the market for sex trafficking, a form of human trafficking focused on the exploitation of people for work in the sex industry (Home Office, 2008; Kovari et al., 2012; UNODC, 2012).

In recent years, the problem of sex trafficking has migrated to the forefront of prostitution policy discussions, shifting the focus away from arguments surrounding the morality of prostitution, and instead, to consideration of the most effective prostitution policy approach to combat sex trafficking (Berger, 2012; Cho & Neumayer, 2013; Home Office, 2008; Liu, 2011; Miriam, 2005). One popular solution, known as demand reduction (often referred to as the "Nordic Model" or "Swedish Model"), asserts that in order to effectively reduce the demand for sex trafficking, the overall demand for prostitution must be reduced. In order to reduce demand for prostitution, people must be deterred from purchasing sexual services, in any form, which may be accomplished by criminalizing the purchase of prostitution (Bucken-Knapp, Karlsson Schaffer, & Persson Strömbäck, 2012; Berger, 2012; Cho, et.al., 2013). On February 28, 2014, in an effort to encourage member countries to adopt this model, the European Parliament passed a non-binding resolution in support of reducing the demand for prostitution by criminalizing the

purchase of prostitution, not its sale (European Parliament, 2014). The United Kingdom (UK) (specifically, England and Wales[1]) has a different approach to demand reduction policy, which focuses on deterring the purchase of sex from trafficked individuals specifically, rather than outlawing the purchase of sex altogether (Policing and Crime Act, 2009).

As sex trafficking is a global problem linked to the existence of prostitution, it is important to analyze varying approaches to prostitution and sex trafficking policy, in order to understand the relationship that exists (if any) between such policies and the subsequent demand for sex trafficking (Kovari et al., 2012; Liu, 2011). The European Parliament's recent recommendation asserts that the objective to end the demand for prostitution overall, as demonstrated by Sweden, is the most effective strategy. The present inquiry will compare the demand reduction approaches of Sweden and Great Britain, evaluating each approach in relation to deterrence theory, which comprises the fundamental basis for demand reduction principles.

Background of the Problem - Prostitution and Sex Trafficking

Across the globe, the legal status of prostitution varies from country to country, but generally falls into one of three categories: illegal, legal and regulated, or decriminalized (not regulated, but also not subject to criminal penalties) (Baker, Dalla, DeFrain, & Williamson, 2011). The 2011 Global Risk Report, issued by the World Economic Forum, estimated the global market size of prostitution to be $190 billion US Dollars (World Economic Forum, 2011). With regard to female prostitutes (which comprise an unspecified majority of prostitutes across the globe), most feminist scholars agree that prostitution is the result of patriarchal hierarchy within society, yet, opinions vary regarding the level of self-determination present driving an individual's choice to become a prostitute (Carpenter, 1994; Lalor & McElvaney, 2010;

[1] As England and Wales share a common legal system, for brevity, these two shall be referred to as "the UK" throughout this work, however, it is necessary to note that as Scotland and Northern Ireland operate as distinct legal jurisdictions, their policies are not associated with references to "the UK" throughout this work (Swift, 2015).

Manzano, 2005; Matthews, 2008; Miriam, 2005; Munro, 2011; Segrave Milivojevic, & Pickering, 2009; Sullivan 2007). For example, proponents of prostitution's legalization assert that it is a legitimate line of work that is chosen by rational actors, and is not inherently irrespective of individual dignity (Gauthier, 2010; Van der Bruggen, 2013). The counter-viewpoint to this perspective views prostitution as an inherently dehumanizing and violent practice that cannot be rationally chosen, due to the presence of systemic coercion that is caused by unequal gender roles, disordered perceptions of self-worth, and economic disadvantage (Carpenter, 1994; Lalor, et al., 2010; Manzano, 2005; Matthews, 2008; Miriam, 2005; Munro, 2011; Segrave et al., 2009; Sullivan 2007).

As previously indicated, as the global demand for prostitution continues to grow, so does the desire to maximize profits within sexual services industry (Hughes, 2004; Shively, Kliorys, Wheeler, & Hunt, 2012; U.S. Department of State, 2011 (a)). As employers of sex workers pursue an economic advantage over their competitors, the demand for a cheap, easily subdued workforce sustains the demand for controlling labor in the sex trade, and is accomplished by sex trafficking. In contrast to varying opinions of prostitution, due to its inherent denial of self-determination and exploitative nature, sex trafficking is generally recognized as a human rights violation and a crime of opportunity (Home Office, 2008; Kovari et al., 2012; UNODC, 2012). The United Nations has condemned the trade, and in Article 3, paragraph (a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons* offers the following definition:

> The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the

> exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (United Nations, 2000, p.1).

Due to varying law enforcement paradigms regarding prostitution, countries such as Amsterdam, which has legalized its sex trade, may have an entirely different experience dealing with sex trafficking than that of a country such as Saudi Arabia, where prostitution, or any form of public affection for that matter, is strictly forbidden (BBC News, 2007; BBC News Europe, 2011; Home Office, 2008; Liu, 2011). As this inquiry will discuss in further detail, traditional discourse surrounding the variance of prostitution policy has been historically polarized between proponents of legalizing prostitution (a system which considers prostitution to be a viable labor sector subject to regulation) and those who support outright abolition techniques (making all forms of prostitution illegal, and thus, subject to criminal penalties) (Day, 2009; Horowitz, 2005; Miriam, 2005; Post, 2011; Valor-Segura, Expósito, & Moya, 2011).

Policy Considerations

When considering the role of a nation's approach to prostitution policy in relation to sex trafficking, those in favor of legalizing prostitution argue that such a system will offer more transparency to the sex industry. This stance asserts that measures such as regulatory record-keeping, sex-worker registries, and mandatory health-checks, etc. will make the detection of sex trafficking operations easier. Further, proponents of legalization claim that victims of trafficking will be more likely to seek the help of the authorities in countries where fear of legal repercussion is not of concern (Berger, 2012; Datta & Post, 2013; Day, 2009; Horowitz, 2005; Jaros, 2012; Miriam, 2005; Post, 2011; Valor-Segura, Expósito, & Moya, 2011). To the contrary, those in favor of abolishing prostitution assert that in regions where prostitution is

legal, sex trafficking may be "lost in translation" among the widespread sex industry. As a result, such policy paradigms may entice traffickers, allowing them to mask their operations, thus making the apprehension of traffickers and discovery of trafficking operations more difficult for law enforcement (Farley, 2009; Hughes, 2004).

Sweden's 1999 introduction of the demand-reduction model offered a hybrid alternative to these traditional hard-lined prostitution policy approaches, by criminalizing the purchase of sexual services while decriminalizing their sale, in order to deter individuals from purchasing sexual services (Berger, 2012; Cho et.al., 2013; Datta, & Post, 2013; Day, 2009; HM Government, 2011; Home Office, 2008; Jaros, 2012; Kara, 2011; Liu, 2011; Miriam, 2005; Post, 2011; Valor-Segura, Expósito, & Moya, 2011). Since its implementation in 1999, the Swedish Act on Prohibiting the Purchase of Sexual Services (SFS 1998:408) introduced legal sanctions for the purchase of sexual services, while decriminalizing their sale, in hopes that subsequent deterrence would result in a dramatic decrease in the demand for prostitution (Bucken-Knapp, et al., 2012; Marinova & James, 2012; Waltman, 2011). According to the Swedish Penal Code (Chapter 6, Section 11), anyone caught engaging in the purchase of sexual services faces fines or imprisonment for a term of up to one year (Swedish Penal Code, 2013). The law's inception coincided with the introduction of a paradigm shift which considered that "gender inequality and sexual subordination could not be fought effectively by assuming a gender symmetry that empirically does not exist… a law against men purchasing women is called for… ending prostitution by ending the demand for it," (MacKinnon, 2006, p. 186).

In 2010, the Swedish Ministry of Justice submitted a report titled "Prohibition of the Purchase of Sexual Services, an Evaluation 1999-2008" to the Swedish government. The purpose of the evaluation was to measure the effects of Sweden's prohibition of the purchase of

sexual services on the incidence of prostitution and human trafficking for sexual purposes. According to the Swedish Ministry of Justice, the evaluation indicates that the prohibition of the purchase of sexual services has effectively reduced the demand for sexual services, and "is an important instrument in preventing and combating prostitution and human trafficking for sexual purposes," (Skarhed, 2010, p. 1). This overall reduction in the prevalence of street prostitution in Sweden, in conjunction with its low rates of prostitution overall, has garnered international interest and support for criminalizing the purchase of sexual services. In result, attention has been directed to consideration of the potential for achieving comparable reduction in the demand for trafficked sex workers (Ministry of Industry, 2005; Skarhed, 2010).

The UK has indicated alignment with Sweden's perspective insofar as recognizing that prostitution is an inherently degrading trade, which negatively affects the lives of individual prostitutes as well as greater society, and also agreeing that in order to combat sex trafficking, the demand for trafficked sex workers must be diminished (Broadbridge, 2009; COI, 2006; Home Office, 2008). Despite this shared perspective between the two countries, their policy approaches to this end differ significantly, which is primarily attributable to the dissimilar legal status of prostitution in the two countries. In the UK, both the sale and purchase of sex are legal, and income derived from prostitution is taxable (Broadbridge, 2009). Certain forms of prostitution, such as brothel-keeping,[2] street solicitation,[3] and controlling the prostitution of others for monetary gain (pimping) are illegal (Policing and Crime Act, 2009; Sexual Offences Act 1956, [as amended] 2003). To address demand reduction with relation to sex trafficking, the UK has outlawed paying for the sexual services of a prostitute who is “subjected to force"

[2] The Crown Prosecution Service defines a brothel as a premises within which more than one woman uses premises for the purposes of prostitution, either simultaneously or one at a time (Stevens v Christy [1987] Cr. App. R. 249, DC).
[3] The practice of loitering and soliciting by a common prostitute in a street or public place for the purpose of prostitution (Street Offences Act, 1959 (as amended by The Policing and Crime Act, 2009)

(Policing and Crime Act, 2009; Sexual Offences Act 1956, [as amended] 2003), classifying it as a strict liability offense (illegal regardless of the client's knowledge of the servicer's consent).

Purpose and Significance of the Study

As discussed, Sweden's statutory approach to demand-reduction establishes a primary objective of reducing the demand for all forms of prostitution by outlawing the purchase of any and all sexual services. Sweden presumes that if the demand for all types of prostitution is diminished, the demand for trafficked sex workers will also diminish. In contrast, the UK's statutory approach to demand reduction establishes a primary objective of reducing the demand for forced prostitution, specifically by outlawing the purchase of sexual services from people subject to exploitation (pimping and sex trafficking). By making the act of purchasing sex from an exploited sex worker a strict liability offense, it is possible that "would-be" sexual service clientele in the UK may be generally deterred, for fear of the risk of unknowingly engaging the services of a victim of sex trafficking, however, this potential secondary effect is not the primary focus of the UK policy. The Swedish statute "guarantees" that one is breaking the law when attempting to purchase sexual services from any person, whereas the UK law categorizes a much smaller proportion of potential purchasers as criminals (those that purchase sexual services from exploited/trafficked sex workers), and thus garners only the potential for breaking the law (Bucken-Knapp, 2012; Marinova, & James, 2012; Policing and Crime Act, 2009; Sexual Offences Act 1956, [as amended] 2003; Swedish Penal Code, 1999).

As Sweden and the UK have introduced policy approaches that seek to achieve demand reduction goals by deterring the purchase of respective sexual services, this inquiry seeks to determine how consistently the demand reduction policies of Sweden and the UK align with

the principles of deterrence theory. In order to make this determination, the researcher will conduct a qualitative, interpretive policy analysis of each nations' demand-focused prostitution laws, through the lens of deterrence theory, with a specific focus on celerity (swiftness) of punishment, certainty of punishment, and severity of punishment. This theoretical analysis of adherence to deterrence principles will contribute to a body of literature that seeks to inform policy approaches related to the demand for sex trafficking.

Theoretical Conceptual Support for the Study

Formed during the Enlightenment period of the 18th Century and rooted in classical criminology, the origin of deterrence theory is credited to such philosophers as Jeremy Bentham and Cesare Beccaria. Since its inception, theorists have contributed to the development of deterrence theory, resulting in a paradigm that has laid the foundation for many modern law enforcement objectives (Kennedy, 1984; Morgan, 2012; Samaha, 2010). Deterrence theory proposes that the human population is generally comprised of rational actors who make calculated choices based on a cost-benefit analysis, in order to maximize pleasure and minimize pain (Morgan, 2012; Samaha, 2010). When applied to criminal behavior, deterrence theory claims that rational actors weigh the threat of punishment against the benefits of illegal activities when considering the commission of a crime. If the anticipated costs of committing crime outweigh its perceived benefits, rational actors will be deterred from engaging in criminal activity. Deterrence theory further suggests that deterrence from criminal acts may correspond to the perceived level of certainty, severity, and swiftness of the subsequent punishment (Becker, 1976; Morgan, 2012). Thus, in order to deter people from committing crime, it must be made less attractive by implementing severe, certain and swift penalties that increase the cost of illegal actions while minimizing their benefit (Keel, 2005;

Levinson, 2002; Nagin, 2012; Winfree, & Abadinsky, 2003; Wright, 2010).

Over time, the notion that sanctions will deter criminal acts has influenced policies, sentencing practices, and policing tactics throughout many societies (Karn, 2013; Onwudiwe, Odo & Onyeozili 2005; Kleiman, 2009; Ministry of Justice, 2003). Today, deterrence theory remains the primary foundation for Western criminal law and justice systems, including those of Sweden and the UK (Farrington, Langan & Wikstrom 1994; Karn, 2013; Ministry of Justice, 2003).

The following literature review will discuss dynamics of sex trafficking and prostitution, and will introduce perspectives on the role of deterrence in modern law enforcement, with a focus on the discussion surrounding the roles of certainty, severity, and celerity in relation to criminal punishment. Once introduced, the components of certainty, severity, and celerity will be utilized as the basis for the comparative analysis of the Swedish and UK demand reduction policies, in order to identify themes representative of deterrence theory.

Chapter 2: Review of Literature

Human Trafficking - Overview

Human trafficking refers to the apprehension, transfer, and sale of people by improper means such as force, fraud or coercion, most commonly for the purposes sexual exploitation (58 percent), and forced, non-sexual labor (36 percent) (UNODC, 2012). Though the precise scope of human trafficking is unknown, estimates indicate that it enslaves people from 118 countries, and generates between $30 and $32 billion in revenue across the globe (UNODC, 2012; US Department of State, 2013). Social scientists estimate that between 27 and 29.2 million people are enslaved at any given time across the globe, however, the figures regarding the proportion of slavery that is attributable to human trafficking vary, due to conflicting interpretations of associated definitions and figures (Kara, 2009; Smith, Martin and Smith, 2014).

Human trafficking often accompanies violent crime, weapons, and drug trafficking, and occurs within national borders as well as across international borders (UNODC, 2009; US Department of State, 2008). Human trafficking spans many different cultures; however, its victims overwhelmingly originate from poor socioeconomic backgrounds (Broadbridge, 2009; Kara, 2011; Walk Free Foundation, 2013). Trafficking operations are often devised within the frameworks of organized crime and depend upon the existence of a supply of vulnerable victims and a subsequent demand for forced labor, prostitution or human organs (European Parliament, 2011; Hughes, 2004; Kara, 2011; Shively et al., 2012; UNODC, 2012; US Department of State, 2013). Victims seeking better opportunities abroad (in countries that are perceived to have more lucrative employment scenarios) are implicated by abduction, deception, sale by family, or recruitment through false pretenses (Koettl, 2009; Kara, 2011; United Nations, 2000; UNODC, 2012; US Department of State, 2013).

The *United Nations Convention Against Transnational Organized Crime*, adopted by General Assembly Resolution 55/25 on November 15, 2000, is a primary international instrument in the fight against transnational organized crime and is further supplemented by the *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, also ratified in 2000 (UNODC, 2011). In order to ascertain whether a particular circumstance constitutes trafficking in persons, it is necessary to consider the definition of trafficking in the *Protocol* in addition to the constituent elements of the offense, as defined by international law and by relevant domestic legislation (United Nations, 2000). These components are defined in the following manner:

The act: Considers the actions of the perpetrators and their roles as part of a trafficking operation, such as: recruitment, transportation, victim transfer, imprisonment of victims, and facilitation of exploitative venture (i.e. forced prostitution/labor).

The means: Considers the method through which the victim is apprehended: use of force/coercion, fraud/deception, abuse of power, or giving payments or benefits to a person in control of the victim.

The purpose: The reason for victim apprehension, including but is not limited to: sexual exploitation, forced labour or organ harvesting. These components, coupled with the aforementioned victim characteristics meet the requirements for the International Labor Organization's (ILO) definition of exploitation, which stipulates that an element of vulnerability must be present on behalf of the exploited individuals (ILO, 2005).

Fraudulent means of procuring victims involve false guarantees of legitimate employment, wages, working conditions, or other matters. Common examples of this practice include advertisements for modeling, nanny, or service industry job offers across borders. Once prospective employees accept a position, they are then eventually apprehended upon arrival in

foreign territory, often without their passports in possession, as they had been collected by the organizers under the guise of seemingly routine administrative procedures (paperwork, background checks, etc.) (TVPA, 2000; United Nations General Assembly, 2000; 2003; U.S. Department of Health & Human Services, 2012; The European Parliament and The Council of The European Union, 2011).

Force may be used as a method by traffickers to acquire victims, but throughout the literature, the exertion of force or violence is most often described as tactic intended to reinforce captivity and compliance once the victim has already been apprehended through fraudulent methods. Such tactics may involve the use of physical restraint or physical violence, including methods such as rape, beatings, and physical confinement, with the goal of exerting total control over victims. These efforts also seek to accomplish psychological manipulation of the victims, with the goal of encouraging complacency and cooperation by diminishing resistance and any hope of escape (Clawson et al., 2007; Deshpande & Nour, 2013; European Commission, 2012; European Commission, 2013; Hopper & Hidalgo, 2006; TVPA, 2000; United Nations General Assembly, 2000; 2003; U.S. Department of Health & Human Services, 2012; Zimmerman, Hossain, Yun, Roche, Morison, & Watts, 2006).

Coercion involves patterns of threatening behavior or language that lead a victim to believe that failure to comply with the wishes of the captor would result in physical violence, various forms of punishment, or legal ramifications (TVPA, 2000; United Nations General Assembly, 2000; 2003; U.S. Department of Health & Human Services, 2012; The European Parliament and The Council of The European Union, 2011).

In addition to the use of force and coercion to silence victims, trafficking operations evade detection by disguising their activities behind the guise of legitimate businesses, or, by

simply isolating their trafficking activities behind lock and key. These factors, in addition to its international reach across increasingly permeable borders (which is often enabled by unsatisfactory or corrupt border practices) make the successful detection of trafficking operations extremely challenging (Kara, 2010; Malarek, 2009; Malarek, 2011; Ōkubo & Shelley, 2011; Stoecker & Shelley, 2005; Tremblay & Karbassi, 2011; UNODC 2011, U.S. Department of State, 2013, Zhang, 2008). Of the estimated 27-29 million people that are enslaved due to trafficking at any given time around globe, only 44,000 were identified as victims during 2012 (US Department of State, 2013).

Sex Trafficking - Overview

Many international governments have begun to recognize the global crisis that has become the media frenzy often referred to as 'sexual slavery' (coerced or forced prostitution for the financial gain of a third party) (Hellie, 2006; Oosterveld, 2005). Human trafficking for the purpose of commercial sexual exploitation is a referred to as sex trafficking, and is the most prevalent and profitable form of human trafficking, with women and children accounting for 98 percent of victims (European Commission, 2013; Kanani, 2012; UNODC, 2009). Although legal definitions of commercial sexual exploitation vary from country to country, it may generally be defined as the provision of sexual services solely for the financial gain of a controlling third party (forced prostitution) (Boot, 2002, International Criminal Court, 2005; McDougall, 1998; TVPA, 2000). Sex traffickers often inform victims that they must work to repay the debts incurred from transporting the victims and to account for their living expenses (an illegal practice known as debt-bondage) (Hopper & Hidalgo, 2006; Kara, 2010; U.S. Department of Health and Human Services, 2012).

A variety of methods are incorporated as conditioning methods in order to exert

dominance and control over sex trafficking victims, which may include "starvation, confinement, beatings, physical abuse, rape, gang rape, threats of violence to the victims and the victims' families, forced drug use and the threat of shaming their victims by revealing their activities to their family and their families' friends," (Herman-Lewis, 1992; Hopper & Hidalgo, 2006; Kara, 2010; U.S. Department of Health and Human Services, 2012, p.1). The withholding of basic necessities, subjugation to various forms of torture and/or physical impairment, and overall isolation that victims are often confined to are all tactics employed by traffickers, as "in addition to inducing terror, the perpetrator seeks to destroy the victim's sense of autonomy. This is achieved by scrutiny and control of the victim's body and bodily functions," (Herman-Lewis, 1992, p. 77; Hopper & Hidalgo, 2006). Sex traffickers eliminate any semblance of boundaries or self-determination held by their victims, in order to instill a sense of helplessness and complete reliance on the traffickers (Korzinski, 2011). Psychological risks to victims may include depression, panic disorder, anxiety, hypervigilance, suicide/suicidal ideation and Posttraumatic Stress Disorder (PTSD) (Clawson, Dutch, Solomon, & Grace, 2007; Deshpande & Nour, 2013; Hopper & Hidalgo, 2006; Zimmerman et al., 2006). Victims may experience traumatic bonding – a defense mechanism which involves the victims' identification with the perpetrator (commonly referred to as "Stockholm syndrome," in which victims mistake a lack of abuse or torture from their captors as an act of kindness), (Fabrique, Romano, Vecchi, & Van Hasselt, 2007; Hopper & Hidalgo, 2006). Sex trafficking victims face numerous health risks, which include: drug and/or alcohol addiction, physical injuries resulting from traumatic beatings and aggressive sexual encounters, diseases (sexually transmitted or otherwise), miscarriages, gynecologic problems, and forced or coerced abortions (Clawson et al., 2007; Deshpande & Nour, 2013; Hopper & Hidalgo, 2006; Zimmerman et al., 2006).

Source and Destination Countries

Victims of trafficking generally originate from circumstances of economic, environmental, or personal hardship (known as "push factors"), while seeking to improve their standard of living and access to financial resources (known as "pull factors") (Europol, 2011, p. 4). As described by Hughes (2005):

> The transnational sex trafficking of women and children is based on a balance between the supply of victims from sending countries and the demand for victims in receiving countries…Where prostitution is flourishing, pimps cannot recruit enough local women to fill up the brothels, so they have to bring in victims from other places. (p. 5)

In 2013, the European Commission published "Trafficking in Human Beings," a statistical assessment of human trafficking characteristics among EU member states. The data provided for the study were sourced across a three-year period (2008-2010) from law enforcement agencies, NGOs, immigration data, border patrol data, social service agencies, and international organizations, and pertained to figures representing both confirmed and presumed victims (European Commission 2013). Sixty-six percent of reported trafficking instances in 2010 were for forms of sexual exploitation, followed by labor exploitation comprising 23 percent, and "other" exploitation comprising 11 percent (European Commission, 2013). According to the study, countries with the highest amount of human trafficking victims (destination countries, with corresponding victim totals) for the year 2010 are as follows: Italy (2,381), Spain (1,605), Romania (1,154), the Netherlands (993), and France (726). The United Kingdom reported a total of 427 trafficking victims in 2010, while Sweden reported a total of 74 (for the same) (European Commission, 2013). The study further indicated that in 2010, the most prevalent countries of citizenship (source countries) for victims of human trafficking holding EU

citizenship were reported as Romania, Bulgaria, Slovakia, Hungary, and Lithuania, and the most prevalent source countries for victims of human trafficking not holding EU citizenship were reported as Nigeria, China, Paraguay, Dominican Republic and Columbia (European Commission, 2013).

The Demand for Sex Trafficking

Variables such as cultural norms and corruption are difficult to quantify, and therefore skew attempts to model the shadow economies that drive large-scale international criminal organizations (Cho et al., 2013; Ōkubo & Shelley, 2011; Stoecker & Shelley, 2005). Yet, as economic models may not fully explain the economics of sex trafficking in their entirety, in order to understand demand reduction strategies, it is necessary to establish a baseline understanding of the economic principles attributed to demand reduction policies (Kara, 2009; Schlefer, J., 2012). As economic gain is the driving force behind the existence of prostitution and sex trafficking, demand-reduction asserts that in order to effectively reduce rates of prostitution and/or sex trafficking, demand for the associated services must be reduced (Berger, 2012; Bucken-Knapp, et al., 2012; Cho et.al., 2013; Home Office, 2008; Karlsson-Schaffer & Persson Strömbäck, 2012; Liu, 2011; Marinova & James, 2012; Miriam, 2005; Waltman, 2011).

In many industries, including sexual service, the price of labor constitutes a significant portion of the cost of doing business. All factors being equal, the cost of labor is in direct opposition to an employer's profitability. When considering legal/legitimate employment, wages, benefits, insurance, and assumed liabilities regarding the health and safety of workers all negatively affect profits. Employers may seek trafficked individuals as a cheaper labor source, maximizing the return on their "investments" (the purchase of trafficked sex workers) by providing a minimum level of wellbeing for trafficked workers (Hughes, 2005; Kovari et al.,

2012; Wheaton, Schauer, & Galli, 2010). Since victims of trafficking receive little compensation, if any, the savings on labor costs are thus reflected by competitive rates and higher profit margins, all the while providing seemingly comparable services to those of self-employed, consensual prostitutes. In 2007, Siddarth Kara conducted research to determine the profitability of sex trafficking by evaluating profits related to the sale of sex trafficking victims to proprietors of prostitution operations, utilizing data from the International Labour Organization (ILO). Utilizing conservative estimates of the ILO data for his calculations, Kara determined that the average annual profit per owned sex slave ranged from $11,349 in Africa to $78,196 in Western Europe, with a global weighted average of $29,210 (Kara, 2009).

Not only do owners of trafficked slaves get to keep all profits from the sexual services provided by their victims, they are able to offer lower rates than their competitors in order to increase patronage, without any regard for their workers' schedules, personal boundaries, preferences, or limitations (Hughes, 2005; Kovari et al., 2012; Wheaton et al., 2010). This form of economic competition is known as direct competition (also called category competition or brand competition), a term used to describe products which perform the same function in competition with one another (Eatwell, Milgate, Newman, & Palgrave, 1987). The Law of Demand states that when the price of a good falls, and everything else remains the same, demand for that good will increase (Carden, 2012; Mankiw &Taylor, 2011). When applying such economic concepts to the commercial sex industry, the fundamental demand component is demand for commercial sex acts; with sexual services considered as goods (all attributes of the services provided being equal), the Law of Demand would thus infer that prostitutes who charge lower rates would generate higher demand than for those charging more for the same services (Kara, 2009; Kovari et al., 2012; Wheaton et. al., 2010). The roles of supply, demand, and

competition manifest a market for a cheaper labor supply in order to adequately fulfill the demand for sexual services while offering a competitively priced service, in order to maximize profitability (Kara, 2009).

In addition to these microeconomic relationships, macroeconomic trends also play a role in demand for human trafficking. Regions such as Southeast Asia and certain areas of Central and South America boast multi-billion dollar sex-tourism industries, which are made possible due to low-cost and widespread provision of commercial sexual services (Roby & Tanner, 2009; Somswasdi, 2004; Willis & Levy, 2002). In 2009, the United Nations Office on Drugs and Crime (UNODC) reported that the demand for trafficking victims grew as a result of the recession, due to the increase in demand for cheaper goods and services (UNODC, 2009).

A study published in 2013, by Cho et al., investigates the impact of legalized prostitution on sex trafficking by examining the "effect of legalizing prostitution on the demand, supply, and thus, equilibrium quantity of prostitution," (p.3). The study proposes that, the legalization of prostitution presents two divergent outcomes in relation to demand for sex trafficking. The first outcome, referred to as a "substitution effect," anticipates that as more consensual prostitutes enter the market, due to decreased legal risks, the demand for sex workers will be more sufficiently met, thus reducing the demand for sex trafficking (Cho et al., 2013). The second outcome, referred to as the "scale effect," anticipates an overall increase in supply and demand for prostitution, following legalization, as new clients who were previously deterred from availing services from prostitutes, for legal reasons, will no longer be concerned as legal risks are mitigated (Cho et al., 2013). Cho seeks to investigate the effects of the proposed increased scale outcome, in order to measure the effects of the aforementioned substitution outcome, by assessing the likely composition of prostitutes (consensual vs. trafficked):

> If the scale of prostitution becomes larger once it is rendered legal, will the incidence of human trafficking also increase? The increased equilibrium quantity of prostitution will, for a constant share of trafficked prostitutes among all prostitutes, exert an increasing scale effect on the incidence of international trafficking for prostitution purposes...The full answer to the question depends on what happens to the composition of prostitutes and whether any substitution effect away from trafficked prostitutes (toward domestic prostitutes or foreign prostitutes legally residing and working in the country) is stronger than the scale effect the associated "scale" and "substitution' outcomes of the former. (p. 3)

Cho's study conducted an estimated regression analysis on various countries' estimated human trafficking inflows (dependent variable) in consideration of the legal status of prostitution in each country (independent variable). To supplement the empirical data, the study also examined rates of sex trafficking in three countries that had recently changed their prostitution laws: Denmark, Sweden, and Germany. Conclusions indicate that the aforementioned "scale effect" overpowers the "substitution" effect of legalizing prostitution, resulting in an increased rate of sex trafficking in countries with legalized prostitution (Cho et al., 2013).

Prostitution, Sex Trafficking, and Associated Policy Approaches

There are converging theories regarding how the legalization of prostitution and various dynamics of the sex trade affect human trafficking enforcement and human trafficking crime rates (Clemmitt, 2008). It is important for researchers and policymakers to evaluate which policy approaches are most effective for addressing the issue of human trafficking in legalization zones and countries. Further, it is important to distinguish between legalization of prostitution and decriminalization of prostitution, terms that are important to the focus of the current

research. Decriminalization of prostitution removes the sale of sex from the realm of law enforcement by repealing criminal laws pertaining to prostitution (Barnett, Casavant & Hindle 2008). Legalization of prostitution establishes rules under which sex work may proceed, such as size and location of brothels and requirements for disease testing. Under legalized systems, prostitutes operating outside the regulated industry face prosecution (Clemmitt, 2008). Prohibitionist approaches deem any form of prostitution to be illegal, holding all involved parties liable for criminal penalties, and do not recognize prostitution as a form of labor (Outshoorn, 2004; Outshoorn, 2005).

The literature is consistent in its construction and inclusion of prostitution, sex trafficking, brothel keeping and generally any form of commercially-driven sexual activity as components of the sex industry (Broadbridge, 2009; Ditmore, 2011; Home Office, 2007; Home Office, 2008; Hughes, 2005). Sociological and criminological professionals agree that sex trafficking involves forced sexual labor and bondage (Clemmitt, 2008; Feinberg, 2003; Hodge & Lietz, 2007). Prostitution, on the other hand, is widely considered to be a more consensual and profitable venture (Clemmitt, 2008, Feinberg 2003). Still, views reflective of radical feminism argue that any form of sexual labor is sexual exploitation, regardless of the legal status of prostitution, as the level of desperation necessary for one to make such a "calculation" to exploit their own sexuality undermines the level of rationale that a person is allotted (Doezema, 2002; Shrage, 2008; Tong, 1989). Such a position, often referred to as the abolitionist stance, asserts that such exploitation should be abolished, (Doezema, 2002; Shrage, 2008; Tong, 1989).

In contrast to the commercial and industrial similarities that exist among many developed countries, the subject of prostitution is a strong candidate for an exemplar of differences in social policy (U.S Department of State, 2010). For instance, prostitution is legal and regulated in The

Netherlands, Austria, and Germany, among other countries, with the intention that regulations and law enforcement will provide protections and creation of industry standards (Clemmitt, 2008). Prostitution is not regulated, with ranging levels of decriminalization in Spain, Slovenia, Portugal, Poland, and Malta. Prostitution is illegal in the US (save for certain localities within the state of Nevada) and certain European countries such as Moldova and Norway (U.S. Department of State, 2010). In Sweden and Norway it is illegal to purchase the services of a prostitute, while the act of selling sex is decriminalized (often referred to as "The Nordic Model"), (Bucken-Knapp, et al., 2012; Swedish Penal Code, 2013).

Article 9.5 of the United Nations' 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' (2000) requires States to "discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking" (United Nations, 2000, p.5). Further, The Council of Europe Convention on Action Against Trafficking in Human Beings requires States to identify and suppress contributing factors to sex trafficking, with a focus on ending the demand for sexual exploitation of women (Council of Europe, 2005). The expansion of the European Union (EU) and recognition of the resultant growth and spread of sex trafficking throughout its borders have spurred awareness among relevant law enforcement agencies (European Commission, 2012; European Commission, 2013; European Parliament, 2014). Concern regarding further expansion of the EU to include economically strained nations, (of primary concern, eastern European/Balkan nations) has been raised, suggesting that increasing border mobility for traffickers between source and destination countries would only further exacerbate the problem (Cherkeh, Stribu, Lazaroiu, & Radu, 2004; European Commission, 2012; European Commission, 2013).

As the world advances toward a globalized political network of common interests and the

European Union continues to expand in membership, international and national policies addressing prostitution have global implications, especially in relation to how such policies affect human rights abuses, particularly sex trafficking (European Commission, 2012; European Commission, 2013). The following section introduces examples of varying prostitution policies, with primary emphasis on those attributable to Sweden and the United Kingdom.

The United States - An Abolitionist Approach

Often presented through the lens of religious morality, the abolitionist approach to prostitution seeks to put an end to prostitution by outlawing it (Schulze et al., 2014; Hughes, 2004; Mossman, 2007). Contemporary abolitionist positions present prostitution as a degrading practice, with inherent gender and human rights implications, that is closely linked to sex trafficking (European Parliament, 2014; Hughes, 2004; Mossman, 2007). All forms of prostitution are illegal throughout the United States with the exception of some counties within the state of Nevada, which allow brothels. As determined by the Supreme Court of the United States in Hoke v. United States, under the Tenth Amendment to the United States Constitution, the regulation of prostitution in the United States is not among the enumerated powers of the federal government, thus granting its domain to individual states (Heiges, 2009; Hoke v. United States, 227 U.S. 308, 1913). One exception to state domain regarding prostitution regulation, as upheld by Hoke v. United States, is Congressional authority to regulate prostitution that involves interstate commerce, which was introduced through the Mann Act of 1910 (18 U.S.C.A. § 2421; Heiges, 2009). The Mann Act was the first federal law relating to prostitution in the U.S., and in its original form was introduced to outlaw the transport of women across state borders for prostitution, sex trafficking or “any other immoral purpose," (Conant, 1996; Ditmore, 2011, Mann Act, 1910, 18 U.S.C.A. § 2421). The ambiguity of the latter stipulation has been argued to

serve as a gateway for abuse of enforcement and criminalization of consensual sexual behavior (Conant, 1996; Ditmore, 2011; Weiner, 2008). To remedy this allegation, the act was amended in 1986 to replace the phrase "any other immoral purpose" with "any sexual activity for which any person can be charged with a criminal offense" (Weiner, 2008, p. 1), therefore excluding the possibility of misguided enforcement for legal, consensual sexual involvement (Conant, 1995; Ditmore, 2011).

In 2000, the United States Congress passed The Victims of Trafficking and Violence Protection Act (TVPA), a comprehensive federal law that specifically addresses the prosecution and punishment of traffickers, and provides certain protections for victims of trafficking (TVPA, 2000; Siskin & Wyler, 2013). As policies specific to sex trafficking have developed significantly since the introduction of the Mann Act, the U.S. Department of State maintains the position that prostitution is a contributing factor to the demand for sex trafficking: "Commercial sexual exploitation exists within the commercial sex trade, including prostitution. Prostitution is a contributing factor to trafficking in persons. People who buy sex acts, usually men, fuel the demand for sex trafficking," (Office to Monitor and Combat Trafficking in Persons, 2008, p.3).

The Netherlands - Legal and Regulated Prostitution

While the European Parliament and the United Nations assert that sex trafficking is a human rights violation that must be addressed (Home Office, 2008; United Nations, 2000), several member states of the EU, including The Netherlands, have legalized prostitution (U.S. Department of State, 2010). In the year 2000, The Netherlands lifted its general ban on brothels, to position prostitution as a recognized, regulated, and taxed line of work (Dutch Ministry of Foreign Affairs, 2012; Feinberg, 2003; Outshoorn, 2012; U.S. Department of State, 2010). The Netherlands' decision to legalize brothels was introduced with the expectation that it would

increase transparency levels within the sex trade, and subsequently allow for more effective enforcement, by empowering possible trafficking victims to contact authorities (Dutch Ministry of Foreign Affairs, 2012). This approach was founded in the belief that by criminalizing prostitution, the sex trade is driven underground, resulting in a loss of transparency and discouraging trafficking victims from approaching law enforcement, for fear of prosecution and subsequent punishment (Dutch Ministry of Foreign Affairs, 2012; Feinberg, 2003; U.S. Department of State, 2010). In 2012, the Dutch Ministry of Foreign Affairs affirmed this stance, stating:

> The lifting of the ban on brothels makes prostitution a legitimate occupation and gives sex workers the same rights and protection as other professionals. The labour laws offer the most effective protection against exploitation, violence and coercion. Similarly, Dutch policy on sexual violence is based on the conviction that strengthening the position of women is the best way to prevent sexual violence. Moreover, abuses are easier to detect when sex workers operate publicly and legally rather than in a clandestine subculture. (p.14)

Further, the Dutch Ministry of Foreign Affairs maintains that a "municipal licensing system enables the police and other law enforcement agencies to conduct inspections of brothels, subject to the mayor's consent," (Dutch Ministry of Foreign Affairs, 2012, p.14). However, in 2007, six years after lifting the general ban on brothels, city leaders decided to close one-third of its brothels in the famous red-light district of Amsterdam. As discussed by Cullen-Deupont, 2009, Mayor Job Cohen stated that the "trade involved exploitation and trafficking of women and other kinds of criminal activity" and due to expansive scale of the sex trade in Amsterdam, combined with insufficient means for necessary policy enforcement, the legalization of

prostitution "didn't bring us what we hoped and expected…we want in part to reverse it, especially with regard to the exploitation of women in the sex industry" (p. 197). Cohen further explained that the decision to spend twenty-five million Euro to convert the red light district into a commercial district was ordered in hopes that regulation of the sex trade within Amsterdam will be more effective as a result of a smaller geographic enforcement center (BBC New, 2007; Cullen-DuPont, 2009). The literature suggests that an outcome such as that which occurred in Amsterdam indicates that the juxtaposition of the voluntary and involuntary trades may cause enforcement difficulties for both legal and illegal forms of prostitution (Feinberg, 2003; Outshoorn, 2012; U.S. Department of State, 2011).

The UK - Selective Decriminalization of Prostitution

In the UK, policies addressing prostitution in relation to sex trafficking are primarily governed by the Sexual Offences Act, which was instituted in 1956 and has been amended multiple times, most recently in 2003, via the Policing and Crime Act, 2009 (Policing and Crime Act, 2009; Sexual Offences Act, 2003 (as amended)). In the UK, the act of selling sex is legal, however, if the method in which such an act gives rise to public nuisance (street prostitution), involves minors, pimping, or exploitation, the act is then rendered unlawful (Policing and Crime Act, 2009; Sexual Offences Act, 2003). The Sexual Offences Act, and its subsequent amendments regarding public order and sexual offenses, govern associated guidelines for permissible and non-permissible prostitution activities, expressly prohibits involvement in sex trafficking and related activity, public solicitation of prostitution, controlling prostitution of others for economic gain (pimping) and any form of prostitution involving populations not capable of rendering consent (the mentally ill and children) (Policing and Crime Act, 2009; Sexual Offences Act, 2003).

Despite the legal status of selling sex, the Crown Prosecution Service considers prostitution as a form of sexual exploitation and violence against women, due to its gendered nature (Crown Prosecution Service, 2014). Citing mandates issued by the United Nations and The Council of Europe requiring that member states take action to diminish the demand for sex trafficking, the Parliament of the United Kingdom introduced The Policing and Crime Act (2009), which was "developed in part, to enable the UK to meet its international legal obligations to discourage the demand for sexual services," (Crown Prosecution Service, 2014, p.13). Section 14 of the Policing and Crime Act (2009) amended the Sexual Offences Act, by creating a new offense for paying for the sexual services of a prostitute who is, or has been, subject to force. The new offense is a strict liability offense, which means that ignorance of such force does not offer a defense, and subsequent clients could face prosecutions for failure to make proper inquiry; the offense carries a maximum penalty of 1,000 GBP (British Pound Sterling) (Criminal Justice Act, 1982; Policing and Crime Act, 2009; Sexual Offences Act, 2003). The offense was established under 53(a) of the Sexual Offences Act 2003 (as amended by section 14 of the Policing and Crime Act 2009):

> The new section creates a strict liability offence which is committed if someone pays or promises payment for the sexual services of a prostitute who has been subject to exploitative conduct of a kind likely to induce or encourage the provision of sexual services for which the payer has made or promised payment. The person responsible for the exploitative conduct must have been acting for or in the expectation of gain for himself or herself or another person, other than the payer or the prostitute.
>
> Subsection (2) of the new section provides that it does not matter where in the world the sexual services are to be provided. An offence is committed regardless of whether

> the person paying or promising payment for sexual services knows or ought to know or be aware that the prostitute has been subject to exploitative conduct. In other words the offence is one of strict liability and no mental element is required in respect of the offender's knowledge that the prostitute was forced, threatened, coerced or deceived (Lipscombe & Beard, 2014, p. 7).

In 2014, the All-Party Parliamentary Group on Prostitution and the Global Sex Trade conducted an assessment titled "Shifting the Burden," which examined the current landscape of prostitution laws in the UK. The assessment concluded that "because our lawmakers send no clear signals about the nature of prostitution, the most visible – women who sell sex – are targeted, while men who create the demand often walk away, without taking responsibility for the damage they do" (All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2014, p. 4). Further, the report indicates that current UK legislation is "complicated and confusing," and that due to certain loopholes, johns often escape prosecution for offenses such engaging sexual services from girls as young as 13, and from victims of sex trafficking (All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2014, p. 4). With regard to law enforcement, the report concludes that policing and enforcement of prostitution and associated laws is inconsistently prioritized throughout the country, the only exceptions being the result of "extraordinary political leadership at a local level" (All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2014, p. 4). In line with the aforementioned 2014 European Commission recommendation, and with the established Swedish model, the "Shifting the Burden" report recommends that the UK introduce a general offense for the purchase of sexual services, while removing criminal culpability for prostitution-related offenses from those selling sexual services (All-Party Parliamentary Group on Prostitution and the Global Sex Trade,

2014).

Sweden - Demand Reduction

Swedish prostitution policy is founded in the belief that prostitution is a form of gendered exploitation and violence against women, that is harmful not only to prostitutes, but also to society overall (Swedish Ministry of Industry, Employment and Communications, 2004). As Gunilla Ekberg explains:

> Eliminating demand as the root cause of prostitution is a cornerstone of Swedish policies. If men did not consider that they had the right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual purposes would not occur...Prostitution and trafficking in human beings for sexual purposes are seen as issues that cannot, and should not be separated; both are harmful practices and intrinsically linked...The legalization of prostitution will inevitably normalize an extreme form of sexual discrimination and violence and strengthen male domination of all female human beings (Ekberg, 2013, p.1).

As such, Sweden was the first country in the world to criminalize the purchase of sexual services, instead of criminalizing its sale. As a result of the Act Prohibiting the Purchase of Sexual Services (SFS 1998:408), since January 1, 1999, purchasing (or attempting to purchase) sexual services constitutes a criminal offense punishable by fines or up to six months imprisonment. "The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage parlours, from escort services or in other similar circumstances, (Ministry of Industry, Employment and Communications, 2005, p.1). On April 1, 2005, the Act Prohibiting the Purchase of Sexual Services was amended to include cases where the payment has been promised or arranged by an intermediary, such as an escort service, and the

new version of the law was instituted under Chapter 6, Section 11 of the Swedish Penal Code (Ministry of Health and Social Affairs, 2015). On July 1, 2011, the maximum penalty for purchasing (or attempting to purchase) sexual services was raised from imprisonment for six months to imprisonment for one year (Ministry of Health and Social Affairs, 2015).

To address the exploitation of prostitutes by third parties, Chapter 6, Section 12 of the Swedish Penal Code, indicates that the financial exploitation (or its attempt) of "a person's engagement in casual sexual relations in return for payment (p.1)" shall constitute the offense of procuring, which is punishable by imprisonment up to four years. Further, to inhibit the availability of venues for the sale of sexual services, this section extends the offense of procuring to include allowing one's property to knowingly be utilized "for purposes of that the premises are wholly or to a substantial extent used for casual sexual relations in return for payment...he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be held criminally responsible" (Swedish Penal Code, Chapter 6, Section 12, 2014, p.1).

Since the enaction of the laws, national surveys suggest that the number of men who reported having purchased sex dropped from 12.7 percent in 1996 to 7.6 percent in 2008 (Kuosmanen, 2011). In 2008, the Swedish Ministry of Justice appointed a special committee charged with evaluating the ban against the purchase of sexual services, in order to detail its practical application and the effects of criminalization on the occurrence of prostitution and sex trafficking. The committee found that since the introduction of the Act Prohibiting the Purchase of Sexual Services the rate of street prostitution had reduced by more than half (from 650 to 300) (Holmstrom & Skilbrei, 2008; SOU, 2010). Further, the report indicates that the rate of street prostitution in both Norway and Denmark was estimated at a figure three times that of Sweden's,

and that due to the economic and social similarities that exist among these three countries, "it is reasonable to assume that the reduction in street prostitution in Sweden is a direct result of criminalization" (SOU, 2010, p. 7). A study presented at the 2008 Nordic Council of Ministers further estimated that approximately 300 women and 50 men were advertising the sale of sexual services online in Sweden (Holmstrom & Skilbrei, 2008). The 2010 Swedish commission also addressed the role of the Internet in the overall prostitution arena:

> "In the last five years, Internet prostitution has increased in Sweden, Denmark and Norway. However, the scale of this form of prostitution is more extensive in our neighboring countries, and there is nothing to indicate that a greater increase in prostitution over the Internet has occurred in Sweden than in these comparable countries. This indicates that the ban has not led to a change in arenas, that is, from street prostitution to the Internet, in Sweden. In light of this, it should be possible to conclude that the reduction of street prostitution by half that took place in Sweden represents a real reduction in prostitution here and that this reduction is also mainly a result of the criminalization of sex purchases" (Skarhed, 2010, p. 8).

As reported by The Swedish National Council for Crime Prevention (Brottsförebyggande rådet - Brå) (an agency under the Ministry of Justice), the number of those prosecuted for purchasing sexual services more than tripled from about 100 decisions in 2009 to almost 340 in 2010, which fell to 238 in 2013 (Brottsförebyggande rådet, 2014).

In 2011, Susanne Dodillet and Petra Östergren presented a conference paper at The Hague critiquing the Swedish commission's evaluation, noting methodological flaws that they claim may misrepresent the relationship effect of the laws on the occurrence and scope of prostitution (Dodillet & Östergren, 2011). The paper compares the information and findings

presented by the Swedish commission to those of several other "authorities that have been responsible for reporting on prostitution and evaluating the policy," (Dodillet & Östergren, 2011, 7). According to their comparative analysis, Dodillet and Östergren assert that

> ‘‘one has to look at several factors to understand the discrepancy between the stated success of the Sex Purchase Act and its documented effects. While there are some police, social workers and former sex workers who claim that the ban has indeed helped reduce prostitution and trafficking and deterred clients without any adverse effects, the reports and documents that have a scientific rather than ideological base do not support these success claims. (p. 25)

Theoretical Support for the Present Inquiry - Deterrence

As previously indicated (in Chapter One), when applied to criminal behavior, deterrence theory asserts that rational actors weigh the threat of punishment against the benefits of illegal activities when considering the commission of a crime. If the anticipated costs of committing crime outweigh its perceived benefits, rational actors will be deterred from engaging in criminal activity. Discussions of deterrence theory often distinguish between ‘‘general’’ and "specific" deterrence. General deterrence refers to the notion that a society's population will refrain from committing crime if punishment has been demonstrated to be the consequence; specific deterrence (sometimes called "special deterrence") refers to the deterrent effect of an individual's punishment on his or her future behavior (Braga and Weisburd, 2011; Nagin & Pogarsky, 2000; Nagin, 2012; Onwudiwe et al., 2005). General deterrence is contingent upon acceptance of rational choice theory, which assumes that all individuals respond to incentives; "Some people become ‘criminals’ not because their basic motivation differs from that of other persons, but because their benefits and costs differ" (Becker, 1968, p. 176).

Historically, deterrence theory has asserted that deterrence from the commission criminal acts corresponds to the perceived level of certainty, severity, and swiftness of the subsequent punishment (Beccaria, 1767; Nagin, 2012; Onwudiwe et al., 2005). The following literature review will introduce perspectives on the role of deterrence in modern law enforcement, with a focus on the discussion surrounding the roles of certainty, severity, and celerity in relation to criminal punishment. Once introduced, the components of certainty, severity, and celerity will be utilized as the basis for the comparative analysis of the Swedish and UK demand reduction policies, in order to identify themes representative of deterrence theory.

To introduce an analysis of modern research surrounding the components of deterrence theory, it is appropriate to review Gary Becker's 1968 study of crime and deterrence, which is credited with prompting major altitudinal shifts in the study of crime (Mendes, 2004; Valpey, 2010. His work is credited for the contemporary utilitarian approach to crime and punishment, by introducing a formal model of deterrence theory focused on the contemplation of risk, prompting social scientists to further investigate the roles of severity and certainty in deterring crime (Mendes, 2004; Valpey, 2010). Becker (1968) argues that a rational public policy should assure that crime is not a beneficial course of action, and that the expected utility (benefit) of crime can be reduced by increasing the certainty or severity of punishment. Becker´s formulation of deterrence further asserts that the certainty and severity of punishment is conditional upon each potential criminal's attitude towards risk: risk-acceptant individuals are more likely to be deterred by higher probabilities of arrest and conviction than by the increased severity of punishment, while risk avoidant individuals are more likely to be deterred by increased severity of punishment than by the increased certainty of punishment (Becker, 1968; Mendes, 2004; Valpey, 2010). Finally, Becker asserts that an efficient model of punishment must consider its

associated social costs, and as such, maintains that fine-based punishments should be employed whenever it is acceptable to do so (Becker, 1968; Mendes, 2004; Valpey, 2010).

Certainty and Severity of Punishment

Cesare Beccaria asserted that the certainty of punishment is the most influential component of effective deterrence (Beccaria, 1767). Modern evaluations consistently conclude that certainty of punishment effectively deters criminal behavior. In his 1969 research, criminologist Charles Tittle found the certainty of imprisonment has a positive effect on the deterrence of all crimes, but the severity of punishment had a similar effect only with regard to homicide (Tittle, 1969). In 1974, a related study conducted by Tittle and Rowe identified a "tipping point" relationship between certainty and severity of punishment; crime clearance rates (representative of the certainty of punishment) have to reach 30 percent or higher in order for severity to have an influential effect on deterrence outcomes (Tittle & Rowe, 1974). William C. Bailey confirmed Tittle and Rowe's conclusions in his partial replication and extension of their study (Bailey, 1976). Multiple additional studies have supported Tittle's findings that the certainty of punishment has a more influential deterrent effect than its severity, and that without certainty, the severity of punishment has little if any deterrent effect (Antunes & Hunt, 1974; Farrington et al., 1994; Horney & Marshall, 1992; Mendes, 2004; Nagin & Pogarsky, 2000; Nagin 2013; Parker and Grasmick, 1979; Paternoster, 1987; Paternoster & Iovanni, 1986).

A 1999 report by members of the Institute of Criminology at Cambridge University, commissioned by Home Office, presented a review of research of major deterrence studies to date. The report concluded that existing research did not “provide a basis for inferring that increasing the severity of sentences generally is capable of enhancing deterrent effects” (Von Hirsch, Bottoms, Burney & Wilkstrom, 1999, p.1). The review further indicated that increased

certainty of apprehension and punishment corresponds with decreasing crime rates (Von Hirsch, et al., 1999)

Celerity of Punishment

The criminological foundation for inclusion of celerity as a component of deterrence theory is grounded in behavioral conditioning, specifically, the Pavlovian conditioning studies, in which experimenters effectively suppressed undesirable animal behaviors with negative reinforcements (punishments) that were administered within six seconds following the targeted behavior (Nagin & Pogarsky, 2000). Critics of this attribution assert that the Pavlovian case for celerity neglects to address that humans possess greater cognitive potential for considering remote consequences, and since such conditioning results from prior punishment of the individual, such behavioral conditioning would not have a general deterrent effect (Howe & Brandau, 1988; Tittle, 1980; Gibbs, 1968).

In contrast to the considerable amount of attention that is devoted to the deterrent influence potential of certainty and severity of punishment, few studies investigate the role of punishment celerity (Apel & Nagin 2011; Cook 1980; Morgan, 2012; Nagin & Pogarsky, 2000; Nagin, 2012; Onwudiwe et al., 2005). William Bailey (1980) conducted a cross-sectional examination of the deterrent effect of certainty and celerity with regard to the death penalty for the crime of homicide across 40 states, controlling for potential spuriousness in various socio-demographic variables (Bailey, 1980). The study found that "analysis consistently fails to provide support for the deterrence argument for the certainty and celerity of executions," (Bailey, 1980, p. 1).

Nagin & Pograsky 's (2000) study, which proposed to integrate the non-legal consequences from conviction into the traditional deterrence framework, surveyed 252 college

students on their preference for celerity, regarding a hypothetical punishment (suspension of driving privileges) for the offense of drinking and driving. The results of the study indicated that celerity of punishment does not have a significant deterrent effect.

Additional Considerations of Deterrence Literature

Classical deterrence theory would advise that punishment severity should correspond positively with effective deterrence outcomes, however, literature discussing the unintended impact of severe punishments on recidivism rates shows the opposite to be true. A meta-analysis conducted in 1999 reviewed fifty studies dating back to 1958, which addressed various offenses and criminal histories associated with 336,052 offenders. After controlling for criminal history and substance abuse histories, the authors found offenders receiving heavy prison sentences (those with an average length of 30 months) showed a 3 percent increase in recidivism when compared to those who received average sentences of 12.9 months. Further, the same study compared recidivism outcomes between those who received prison sentences, and those who received community-based sentences. The recidivism rate for those receiving the prison sentence was seven percent higher than those receiving the community-based sentence (Gendreau, Little, & Goggin, 1999).

An additional consideration regarding the assessment of deterrence precepts that has been raised pertains to the perception of risk and punishment by potential offenders. In order for sanctions to effectively deter, one must be knowledgeable of the associated risks and consequences when considering commission of an infraction. Studies have shown that the general public may tend to underestimate the sanctions associated with various crimes, due to lack of awareness of sentencing policies and/or policy amendments (Williams, Gibbs, & Erickson, 1980; Von Hirsch et al., 1999).

In his 2009 work, "When Brute Force Fails," Mark Kleiman addresses the discussion surrounding punishment certainty as a more effective deterrent than punishment severity, asserting that the US Justice system's traditional reliance upon punishment severity is ineffective and unsustainable. He proposes that instead of allocating resources toward the administration of severe punishments, an alternative approach that stresses swift and certain punishment could effectively deter crime. Kleiman theorizes that since a small proportion of offenders account for the majority of crime in the US, that instead of spending resources on severe punishments which perpetuate cycles of recidivism, targeted interventions should be directed at the individuals most likely to offend, including persistent monitoring and concentrated enforcement efforts, in order to effectively deter crime (Kleiman, 2009).

Chapter Three: Methodology

Research Design

As demand reduction relies upon effectively deterring people from purchasing sexual services, the demand reduction policies of Sweden and the UK will be analyzed in comparison with the components of deterrence theory. Specifically, the Swedish policy to be examined is Chapter 6, Section 11 of the Swedish Penal Code (henceforth, "Chapter 6, Section 11"); the UK policy to be examined is Section 53(a) of the Sexual Offences Act (2003) (henceforth, "Section 53(a)". The forthcoming analysis seeks to determine the extent to which the text of each policy is associated with the following deterrence theory principles: certainty of punishment, severity of punishment, and swiftness of punishment. The research design for the present inquiry will be qualitative and non-experimental in nature, and will consist of an interpretative policy analysis.

Research Question

The following research question will be answered: based on an analysis of the demand reduction policies of Sweden and the UK, which themes of deterrence are most prevalent in the policy texts, and how do the policies compare in this regard? Specifically, does either policy display stronger themes of severity, certainty, and/or celerity, in relation to the other?

Target Population

As this inquiry was comprised of a policy evaluation, individual subjects were not involved. The data to be examined includes Chapter 6, and Section 53(a), as well as supplemental information regarding charging and sentencing practices, when available.

Data Collection Procedures

Policy texts for both Chapter 6, Section 11 and Section 53(a) were downloaded from their respective governmental websites. Electronic files containing the policies (and related

information) as well as the analyzed rubrics have been saved to the researcher's personal cloud storage space.

Sample

The content of each data set was organized by the researcher into a two-column rubric using Microsoft Word (policy information was divided into separate columns for each policy, respectively). The policy language detailing the associated offenses as well as the language detailing the punishment associated with each policy was included in the rubric. As charging practices and sentencing guidelines were not available with regard to Sweden's policy, supplemental statistical information surrounding arrest outcomes was included in order to support the assessment of Chapter 6/11.

Data Analysis

The researcher analyzed the content of each data set in order to identify characteristics indicative of punishment severity, punishment certainty, and punishment swiftness. Each data set includes the language of the involved policies and the proscribed criminal/civil penalties. As confirmed by electronic correspondence with a representative for the UK's Office of the Sentencing Council, the Sentencing Council has not published a sentencing guideline pertaining to Section 53(a), likely due to the fact that the maximum penalty is a fine subject to summary conviction. The researcher was unable to readily locate related supplemental information that would further supplement an analysis of deterrence principles with regard to this offence. For Sweden's policy, information regarding charging practices and sentencing guidelines was not available for this policy available. In absence of this data, in order to inform analysis of deterrence themes related to Sweden's policy, the researcher included readily available statistics

issued by Sweden's National Council on Crime Prevention, which detail sentencing outcomes for individuals charged with violations of Chapter 6, Section 11.

Utilizing a rubric listing the indicated data, characteristics suggestive of punishment severity were highlighted in blue, and those of punishment certainty were underlined. Although initially designated to be italicized, as further discussed in Chapter Four, characteristics of punishment swiftness were not detected in the data set. Once categorized, the identified deterrent attributes of each policy were compared in relation to each other.

Instructions for the independent coder were included on a cover sheet enclosed with the rubric (see Appendix A). The following definitions were provided to ensure consistent understanding of the relevant terms between the researcher and the independent coder:

- Deterrence: deterrence theory claims that rational actors weigh the threat of punishment against the benefits of illegal activities when considering the commission of a crime. If the anticipated costs of committing crime outweigh its perceived benefits, rational actors will be *deterred* from engaging in criminal activity. Deterrence theory further suggests that deterrence from criminal acts may correspond to the perceived level of certainty, severity, and swiftness of the subsequent punishment (Becker, 1976; Morgan, 2012).
- Certainty: the perceived likelihood that apprehension and punishment for commission of a crime will occur (Onwudiwe et al., 2005)
- Severity: harshness of the punishment associated with a crime (Onwudiwe et al., 2005)
- Swiftness: how quickly punishment for an associated crime is administered (Onwudiwe et al., 2005)

Reliability

To evaluate inter-rater reliability, the analysis was conducted by an additional independent reviewer, and the percentage of inter-rater agreement was calculated as the number of agreements in observations divided by the total number of observations (Hallgren, 2012). Further, to evaluate reliability over time, each coder repeated the analysis exercise fourteen days after completing their initial analysis. The percentage of reliability across time for each coder was calculated as the number of agreements in observations in first and second rounds of analyses, divided by the total number of observations (Hallgren, 2012). Reliability over time is an independent calculation for each coder (their results were not averaged together).

Chapter Four: Results

The researcher conducted the first rubric analysis on February 7, 2015, and repeated the exercise on February 21, 2015 to assess coder reliability over time. An independent coder did the same, conducting the first analysis on February 8, 2015, and the second on February 23, 2015. For each specific policy analysis, inter-rater reliability was measured by calculating the total the number of agreements in observations and dividing that number divided by the total number of recorded observations. The initial round of analyses of Section 53(a) yielded an inter-rater reliability score of 83 percent, and for the second round, a score of 83 percent, for an average inter-rater reliability score of 83 percent. The initial round of analyses of Chapter 6, Section 11 yielded an inter-rater reliability score of 83 percent, and for the second round, a score of 91 percent, for an overall average inter-rater reliability score of 87 percent.

The percentage of reliability across time for each coder was calculated as the number of agreements in observations in first and second rounds of analyses, divided by the total number of observations (Hallgren, 2012). Reliability across time is an independent calculation for each coder (their results were not averaged together). Reliability across time for the analyses of Section 53(a) yielded a reliability score of 100 percent for each coder; analyses of Chapter 6, Section 11, yielded an across-time reliability score of 100 percent for the researcher, and 92 percent for the independent coder.

Table 1 details observation totals across time for each policy and deterrence attribute. Section 53(a) yielded a total of 22 observations, of which, 20 were coded as indicative of punishment certainty, and 2 were coded as indicative of punishment severity. Chapter 6, Section 11 yielded a total of 23 observations, of which, 12 were coded as indicative of punishment

certainty, and 11 were coded as indicative of punishment severity. Tables 2 and 3 detail the same, but for each individual coder only.

Across both policies, the observations recorded in Table 3 include a higher rate of severity indications than those recorded in Table 2. Results indicating punishment swiftness were not observed in either set of analyses.

Table #1.

Observation totals across time for each policy and deterrence attribute

Deterrence Attribute	Section 53(a)	Chapter 6, Section 11	Total (By Attribute)
Certainty	22	12	34
Severity	2	11	13
Swiftness	0	0	0
Total (By Policy)	24	23	47

Table #2.

Observation totals across time for each policy and deterrence attribute (Researcher's Results)

Deterrence Attribute	Section 53(a)	Chapter 6, Section 11	Total (By Attribute)
Certainty	12	6	18
Severity	0	4	4
Swiftness	0	0	0
Total (By Policy)	12	10	22

Table #3.

Observation totals across time for each policy and deterrence attribute (Independent Coder's Results)

Deterrence Attribute	Section 53(a)	Chapter 6, Section 11	Total (By Attribute)
Certainty	10	6	16
Severity	2	7	9
Swiftness	0	0	0
Total (By Policy)	12	13	25

Chapter Five: Discussion and Recommendations

Through identification of themes representative of punishment certainty, punishment severity, and punishment swiftness in the examined policies, this assessment offers a small contribution toward a more comprehensive understanding of how to most effectively reduce the demand for sexual services through deterrence.

The present analysis of the UK's Section 53(a) indicated a significantly higher presence of themes associated with punishment certainty, in comparison to those observed for punishment severity. While Sweden's policy was drafted with the understanding that any form of prostitution is a form of violence against women, although various UK politicians have issued publications asserting the similar sentiments, the letter of the UK policy only specifies prostitution 'by force' as an offense (All-Party Parliamentary Group on Prostitution and the Global Sex Trade, 2014; Dodillet, S. & Östergren, P., 2011; Eckberg, 2013; Home Office, 2008; Sexual Offences Act, Section 53, 2003; Waltman, 2011). Despite this more narrow focus on what may be considered a less common (yet more egregious) offense, the UK policy analysis observed themes indicative of punishment certainty at a rate of 9:1, compared to those indicative of punishment severity. The elements of strict liability and summary conviction in the UK policy served as significant catalysts for punishment certainty in the recorded observations. However, absent the possibility of a prison sentence for the UK policy, which was consistently considered indicative of punishment severity in the Swedish policy analysis, this ratio is not surprising.

Analysis of Chapter 6, Section 11 indicated a more balanced measure of themes associated with punishment certainty and punishment severity, with a rate of approximately 1:1, with certainty recorded at a slightly higher rate. Multiple mentions of punishment up to one year in prison accounted for the majority of severity observations. Provisions indicating that the same

charges apply for merely attempting to purchase sexual services and a high conviction rate for those charged with the crime accounted for themes of punishment certainty.

Themes associated with punishment swiftness were not observed for either policy. It is the opinion of the researcher that comparative analysis of policy enforcement timelines and outcomes would serve as a better indicator for themes of punishment swiftness.

Limitations

In order to accurately interpret the significance of these findings, it necessary to discuss the limitations of the research design. Observations were made through analysis of policy texts only, without a measure to account for the disparity in scope between the two policies. As Sweden's policy regards any purchase of sexual services to be an offense, as opposed to the UK policy (which only pertains to the purchase of sexual services from persons subject to force), the scope of risk for breaking the law is arguably much broader in Sweden than in the UK (Ministry of Justice, 2005; Sexual Offences Act, 2003).

This analysis is based upon the subjective interpretations of the researcher, which may not reflect the overall sentiment of the populations of Sweden and the UK. Further, the coding framework does not account for themes that may be perceived as counterintuitive deterrence strategies. For example, with regard to the UK policy, charging practices recommended by the Crown Prosecution Service (2014) state:

> "If the police apprehend someone who has paid for sexual services with a person involved in street prostitution, it is likely that soliciting (section 51(A) Sexual Offences Act 2003) would be a more appropriate offence to pursue, as this does not require proof of exploitative conduct." (p.13).

Although the present analysis consistently identified this as an indicator of certainty, from the perspective that if the burden of proof is too difficult for a Section 53(a) conviction, it offers law enforcement the opportunity to apprehend offenders for a different summary offense which carries the same penalty, this recommendation poses potentially significant implications that are not captured in the present research design. Since the recommended charging practice explicitly demonstrates the potential difficulty of proving the presence of exploitative conduct, offenders may consider kerb crawling to be more risky than patronizing a brothel or private venue, since street prostitution is likely to be more visible to law enforcement, and both offenses carry the same summary conviction and associated penalty. Such an interpretation may diminish the perception of punishment certainty for a Section 53(a) offense, relative to that of a Section 51(a) offense, thus making private venues a more attractive option for the purchase of sexual services. This is problematic since, as indicated in the charging practice, private venues/brothels are more likely to be associated with prostitution subject to force/exploitation. Such an outcome would potentially impact any associated reduction in demand, and instead, could increase demand for less visible venues for prostitution.

Discussion

As previously introduced in the literature review, criminal deterrence research has considered the value of more certain and swift, but less severe punishment approaches, as tough sentencing poses an unsustainable drain on resources, and is often argued to pose more problems than solutions, with regard to reducing crime (Gendreau, Goggin, & Cullen, 1999; Kleiman, 2009; Williams, Gibbs, & Erickson, 1980; Von Hirsch et al., 1999). When applied to the findings of this inquiry, the UK policy's prominent display of themes associated with punishment certainty, with a modest showing for severity, would serve as an exemplar deterrence approach.

Sweden's policy casts a broader definition of what constitutes an offense, thus intrinsically making punishment seem more certain (since the risk of committing an offense is higher). Themes indicative of punishment certainty were significant, while also exhibiting significant themes of punishment severity, due to possibility of imprisonment, while not imposing mandatory minimum sentences. Therefore, while Sweden's policy indicated themes of both certainty and severity, with flexibility for moderate sentencing options, it too abides by the recommendations made in the literature. Of course, the analysis of literature surrounding sex trafficking and prostitution in these countries indicates the complexity of sex trafficking and prostitution in Sweden and the UK, and the narrow scope of this interpretation does not address these factors.

The importance of understanding which elements of deterrence most effectively reduce crime is evidenced by the extensive literature that exists surrounding the topic. As justice systems have limited resources with which to address the persistent and pervasive crime that exists throughout many modern societies, understanding the most efficient and effective manner in which to deter crime is a valuable pursuit. It is the opinion of the researcher that in order to gain a comprehensive understanding of how to effectively deter crime, general discussions regarding the components of deterrence theory must be supplemented with an analysis of policies and enforcement outcomes, specific to the nature of the crime being examined and the associated offending populations.

Recommendations

In order to gain a thorough understanding of how to effectively diminish the demand for sexual services by deterring the purchase of sexual services, the researcher poses the following recommendations for future research:

1) in order to gain a thorough understanding of policy effects, enforcement outcomes such as arrest and conviction rates, and associated sentences must be analyzed and compared to rates of demand for sexual services, measured by estimating the amount of sex workers/trafficking victims within the jurisdiction
2) must also gauge how potential offenders subsequently perceive their level of risk in relation to these outcomes, and how their actions are influenced by these perceptions, which may be accomplished throughout qualitative polling and analysis of recidivism rates for crimes associated with purchasing sex
3) In order to determine which punishments most effectively deter (e.g. fines vs publicly posting names and photos of persons arrested for purchasing sex), future research must also account for characteristics of offender populations. With regard to purchasing sex, this is particularly important, as many of the spurious variables which drive people toward opportunistic crimes (theft or fraud due to economic strain) may be less likely to play a role in someone's decision to purchase sexual services.

Conclusion

As the literature indicates, the cost of administering punishment in modern society is substantial, and significant attention has been devoted to understanding the most effective deterrence strategies in order to mitigate crime and reduce the costs of punishment. In addition to preserving resources, preventing crime also prevents victimization. Thus, it is important to pursue a comprehensive understanding of the most effective approach to deterring crime. With regard to ending demand for sex trafficking, it is imperative that ineffective policy approaches be addressed and minimized, while continually pursuing the most effective prevention strategies.

Appendix A: Instructions

The enclosed pages include two identical tables containing policy information related to Section 53(a) of the Sexual Offences Act 2003 (as amended by the 2009 Policing and Crime Act) and Chapter 6, Section 11 of the Swedish Penal Code: Purchase of a Sexual Service. The purpose of this exercise is to identify themes representative of criminal deterrence concepts (see definition below). Namely, the three concepts that this exercise seeks to identify are punishment certainty, punishment severity, and punishment swiftness/celerity (see definitions below).

- Criminal deterrence: deterrence theory claims that rational actors weigh the threat of punishment against the benefits of illegal activities when considering the commission of a crime. If the anticipated costs of committing crime outweigh its perceived benefits, rational actors will be deterred from engaging in criminal activity. Deterrence theory further suggests that deterrence from criminal acts may correspond to the perceived level of certainty, severity, and swiftness of the subsequent punishment (Becker, 1976; Morgan, 2012).
- Certainty: the perceived likelihood that apprehension and punishment for commission of a crime will occur (Onwudiwe et al., 2005)
- Severity: harshness of the punishment associated with a crime (Onwudiwe et al., 2005)
- Swiftness/celerity: how quickly punishment for an associated crime is administered (Onwudiwe et al., 2005)

You will find that the tables on the following pages are comprised of three columns. The leftmost column describes the nature of the information that is listed in the associated row.

The second column contains information pertaining to Section 53(a) of the Sexual Offences Act (2003), and the third contains information pertaining to Chapter 6, Section 11 of the Swedish Penal Code: Purchase of a Sexual Service.

Based upon the information found in the definitions above, if you encounter information that you perceive to be reflective of punishment certainty, underline the specified text; for information that you perceive to be reflective of punishment severity, highlighted the specified text in neon blue; for information that you perceive to be reflective of swiftness/celerity, italicize the associated text. For example, if you believe that components of the following statement indicate punishment certainty, severity, and swiftness/celerity, you would code it as follows:

"The alien explained that on his planet, if you are caught eating potatoes, you receive forty lashes *at the time of apprehension*, without any sort of due process/trial proceedings."

If a statement reflects more than of these characteristics, simply layer the coding as follows"

In his state, if you are caught driving under the influence of alcohol, your license is *automatically taken away immediately.*

Thank you for your participation in this exercise. Please contact me with any questions that you may have.

Appendix B: Completed Coding Rubrics

KS - 2/7	Section 53(a) of the Sexual Offences Act 2003 (as amended by the 2009 Policing and Crime Act)	Chapter 6, Section 11 of the Swedish Penal Code: Purchase of a Sexual Service
Policy Text	Paying for sexual services of a prostitute subjected to force etc. A person (A) commits an offence if: • A makes or promises payment for the sexual services of a prostitute (B), • a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and • C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B). The following are irrelevant— • where in the world the sexual services are to be provided and whether those services are provided, • whether A is, or ought to be, aware that C has engaged in exploitative conduct • C engages in exploitative conduct if: a) C uses force, threats (whether or not relating to violence) or any other form of coercion, or b) C practises any form of deception	(A) shall be sentenced for purchase of sexual services to fines or imprisonment for a maximum of one year if (A) obtains casual sexual liaison for payment if the act is not punishable according to a provision in the preceding sections of this chapter. The provision in para. 1 is applicable even when the payment is promised [and services have not yet been rendered] or given [brokered] by a third party. *__Sec. 15:__ Punishment for attempt to purchase of a sexual service shall be at most what is applicable to the same completed crime
Penalty	A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale	A person found guilty of this offense is subject to fines or imprisonment for a maximum of one year
Charging Practice	If the police apprehend someone who has paid for sexual services with a person involved in street prostitution, it is likely that soliciting (section 51(A) Sexual Offences Act 2003) would be a more appropriate offence to pursue as this does not require proof of exploitative conduct. The offence is most likely to arise in police brothel raids where there is enforcement against suspects controlling or exploiting prostitution for gain and where clients are apprehended in the operation. However, the offence is not limited to particular types of premises. It could therefore apply to premises which may have a legitimate business, for example a nightclub, as well as online internet-based services.	Information not available.
Sentencing Guidelines	As confirmed by electronic correspondence with a representative for the Office of the Sentencing Council, the Sentencing Council has not published a guideline for this offence	Information not available.
Supplemental Information	N/A	In 2013, of 239 persons charged with purchasing sexual services, 1 received a prison sentence, and 234 were issued fines (National Council on Crime Prevention, 2014).

KS - 2/21	Section 53(a) of the Sexual Offences Act 2003 (as amended by the 2009 Policing and Crime Act)	Chapter 6, Section 11 of the Swedish Penal Code: Purchase of a Sexual Service
Policy Text	Paying for sexual services of a prostitute subjected to force etc. A person (A) commits an offence if: • A makes or promises payment for the sexual services of a prostitute (B), • a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and • C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B). The following are irrelevant— • where in the world the sexual services are to be provided and whether those services are provided, • whether A is, or ought to be, aware that C has engaged in exploitative conduct • C engages in exploitative conduct if: c) C uses force, threats (whether or not relating to violence) or any other form of coercion, or d) C practises any form of deception	(A) shall be sentenced for purchase of sexual services to fines or imprisonment for a maximum of one year if (A) obtains casual sexual liaison for payment if the act is not punishable according to a provision in the preceding sections of this chapter. The provision in para. 1 is applicable even when the payment is promised [and services have not yet been rendered] or given [brokered] by a third party. *__Sec. 15:__ Punishment for attempt to purchase of a sexual service shall be at most what is applicable to the same completed crime
Penalty	A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale	A person found guilty of this offense is subject to fines or imprisonment for a maximum of one year
Charging Practice	If the police apprehend someone who has paid for sexual services with a person involved in street prostitution, it is likely that soliciting (section 51(A) Sexual Offences Act 2003) would be a more appropriate offence to pursue as this does not require proof of exploitative conduct. The offence is most likely to arise in police brothel raids where there is enforcement against suspects controlling or exploiting prostitution for gain and where clients are apprehended in the operation. However, the offence is not limited to particular types of premises. It could therefore apply to premises which may have a legitimate business, for example a nightclub, as well as online internet-based services.	Information not available.
Sentencing Guidelines	As confirmed by electronic correspondence with a representative for the Office of the Sentencing Council, the Sentencing Council has not published a guideline for this offence	Information not available.
Supplemental Information	N/A	In 2013, of 239 persons charged with purchasing sexual services, 1 received a prison sentence, and 234 were issued fines (National Council on Crime Prevention, 2014).

IC 2/8	Section 53(a) of the Sexual Offences Act 2003 (as amended by the 2009 Policing and Crime Act)	Chapter 6, Section 11 of the Swedish Penal Code: Purchase of a Sexual Service
Policy Text	Paying for sexual services of a prostitute subjected to force etc. A person (A) commits an offence if: • A makes or promises payment for the sexual services of a prostitute (B), • a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and • C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B). The following are irrelevant— • where in the world the sexual services are to be provided and whether those services are provided, • whether A is, or ought to be, aware that C has engaged in exploitative conduct • C engages in exploitative conduct if: e) C uses force, threats (whether or not relating to violence) or any other form of coercion, or f) C practises any form of deception	(A) shall be sentenced for purchase of sexual services to fines or imprisonment for a maximum of one year if (A) obtains casual sexual liaison for payment if the act is not punishable according to a provision in the preceding sections of this chapter. The provision in para. 1 is applicable even when the payment is promised [and services have not yet been rendered] or given [brokered] by a third party. *Sec. 15: Punishment for attempt to purchase of a sexual service shall be at most what is applicable to the same completed crime
Penalty	A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale	A person found guilty of this offense is subject to fines or imprisonment for a maximum of one year
Charging Practice	If the police apprehend someone who has paid for sexual services with a person involved in street prostitution, it is likely that soliciting (section 51(A) Sexual Offences Act 2003) would be a more appropriate offence to pursue as this does not require proof of exploitative conduct. The offence is most likely to arise in police brothel raids where there is enforcement against suspects controlling or exploiting prostitution for gain and where clients are apprehended in the operation. However, the offence is not limited to particular types of premises. It could therefore apply to premises which may have a legitimate business, for example a nightclub, as well as online internet-based services.	Information not available.
Sentencing Guidelines	As confirmed by electronic correspondence with a representative for the Office of the Sentencing Council, the Sentencing Council has not published a guideline for this offence	Information not available.
Supplemental Information	N/A	In 2013, of 239 persons charged with purchasing sexual services, 1 received a prison sentence, and 234 were issued fines (National Council on Crime Prevention, 2014).

IC 2/23	Section 53(a) of the Sexual Offences Act 2003 (as amended by the 2009 Policing and Crime Act)	Chapter 6, Section 11 of the Swedish Penal Code: Purchase of a Sexual Service
Policy Text	Paying for sexual services of a prostitute subjected to force etc. A person (A) commits an offence if: • A makes or promises payment for the sexual services of a prostitute (B), • a third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual services for which A has made or promised payment, and • C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B). The following are irrelevant— • where in the world the sexual services are to be provided and whether those services are provided, • whether A is, or ought to be, aware that C has engaged in exploitative conduct • C engages in exploitative conduct if: g) C uses force, threats (whether or not relating to violence) or any other form of coercion, or h) C practises any form of deception	(A) shall be sentenced for purchase of sexual services to fines or imprisonment for a maximum of one year if (A) obtains casual sexual liaison for payment if the act is not punishable according to a provision in the preceding sections of this chapter. The provision in para. 1 is applicable even when the payment is promised [and services have not yet been rendered] or given [brokered] by a third party. *__Sec. 15:__ Punishment for attempt to purchase of a sexual service shall be at most what is applicable to the same completed crime
Penalty	A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale	A person found guilty of this offense is subject to fines or imprisonment for a maximum of one year
Charging Practice	If the police apprehend someone who has paid for sexual services with a person involved in street prostitution, it is likely that soliciting (section 51(A) Sexual Offences Act 2003) would be a more appropriate offence to pursue as this does not require proof of exploitative conduct. The offence is most likely to arise in police brothel raids where there is enforcement against suspects controlling or exploiting prostitution for gain and where clients are apprehended in the operation. However, the offence is not limited to particular types of premises. It could therefore apply to premises which may have a legitimate business, for example a nightclub, as well as online internet-based services.	Information not available.
Sentencing Guidelines	As confirmed by electronic correspondence with a representative for the Office of the Sentencing Council, the Sentencing Council has not published a guideline for this offence	Information not available.
Supplemental Information	N/A	In 2013, of 239 persons charged with purchasing sexual services, 1 received a prison sentence, and 234 were issued fines (National Council on Crime Prevention, 2014).

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