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Finland's prostitution laws strike delicate balance

DAVID BROWN
HELSINKI TIMES

PROSTITUTION is both a hugely contentious issue, and a largely invisible one. Despite estimates that more than 8,000 prostitutes may be active in Finland during the course of any one year, few of us will ever see them or be aware of their presence in bars and apartments only metres from where we live and work. Many are from Russia, Estonia or as far away as Nigeria and others are Finns who have simply fallen through the cracks in society. While a number of these women are working of their own free will, and are earning good money doing so, some are effectively being used as sex slaves.

Prostitution is a complicated issue, one where every solution or theory is often contradicted by bitter truths and counter-theories. Even those who are directly involved are torn between ideological principles and the harsher realities of drug addiction and organised crime.

But as neighbouring countries adopt new forms of legislation, Finland is also under pressure to clarify its muddy laws and find a solution that at least brings us closer to a practical working solution. Helsinki Times speaks to the Chair of the Legal Affairs Committee, **Janina Andersson** (Greens), **Johanna Sirkia** of the prostitutes support network Salli, and Senior Detective Constable **Maria Hietajarvi-Ryhänen** of the Helsinki Police PRK unit (Pandering & Organised Crime) to hear their views.

Read the full story on page 3.

Survey: Growth in anti-immigrant

According to Helsingin Sanomat, Finnish attitudes towards immigration have taken a dramatic turn.

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ACCORDING to a survey ordered by Helsingin Sanomat, Finnish attitudes towards immigration have taken a dramatic turn. Currently 59 per cent of Finns don't want more immigrants in Finland, which is a significant change from the previously welcoming sentiment.

"Since the 1980s Finns' attitudes toward immigration have become more and more positive until quite recently," the paper quotes **Heikki Ervasti**, a social policy professor from the University of Turku. "Therefore this change is major, breaking the long-term trend."

The newspaper has commissioned the polls from Suomen Gallup for a number of years. As recently as 2007 there was a slight decline in people favourable to immigration, but up until last year more people wanted immigrants than not. According to the survey, the majority of Finns currently do not wish for more foreigners to move here.

Ervasti points out that relatively few Finns actually have contact with immigrants. "Immigration to Finland has been so low that personal contacts with immigrants have hardly affected people's opinions," he says.

According to Statistics Finland only 2.7 per cent of the population were



A recent poll suggests that the majority of Finns are now opposed to further immigration.

foreigners during 2008. The OECD says that Finland has the lowest percentage of foreign residents of any developed nation they studied. In their survey of 19 countries, the average percentage of population that was foreign born was 11.2 per cent.

The newspaper quoted **Said Aden**, Chairman of the Somali League, as musing that the increase in asylum seekers may have had some impact on public feelings. However, he cites the recession as the largest cause for the change in attitudes. Typically people become less welcoming to immigrants during times of economic hardship because people do not want to compete against foreigners for scarce jobs or to pay unemployment benefits to those who have arrived but can't find work.

Some politicians have benefited from this switch of sentiment. The True Finns are the most obvious ex-

ample. The survey found that only the members of the True Finns have been increasingly satisfied with the way their party has handled immigration. The party took 4.1 per cent of the vote in 2007 parliamentary elections, and more recent surveys have shown that their popularity has grown since then.

Much of the populist backlash is aimed at refugees in particular. Municipalities have become increasingly reluctant to accept refugees at the current levels of government compensation. Minister of Foreign Trade and Development **Paa-vo Väyrynen** (Centre) last month called for Finland's quota of 750 annual refugees to be cut. Currently the quota is about half that of Norway or Sweden.

With the public taking an increasingly dim view of immigration the parliamentary elections of next

year may see a public in the large gun taking on immigration nationally. One in the

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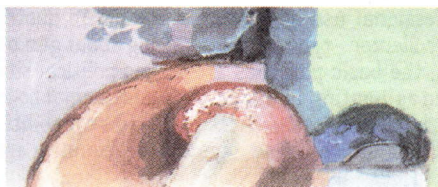
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It is legal to buy and sell sex in Finland. Clients of a prostitute can, however, face fines in cases when pandering is involved.

Finland's hidden sex economy

The typical view of prostitution does not always reflect the realities of Finland's invisible sex workers. The legal position is complex and authorities here often take a more pragmatic stance than in other countries.

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From page 1.

While Sweden has made paying for sex illegal in a bid to prevent women falling victim to trafficking, Finland's position does not see every sex worker automatically as a victim of crime. The laws here instead attempt to target so-called pandering, or "pimping", to discourage the involvement of organised crime.

"The Finnish solution has been a compromise for both sides," admits **Janina Andersson**, Chair of the Legal Affairs Committee. That solution, in which both buying and selling sex are technically legal but making a profit from the prostitution of others is illegal, is increasingly

coming under fire in a world in which the fragmented nature of the sex trade defies simple labels or solutions.

"Nowhere can you really have good protection for the girls. The problem is that if a prostitute asks the authorities, 'If I tell you about my customers, can you promise me that I can stay in Finland and be protected?' The police can't make such promises. So why should girls take the risk?" Andersson asks.

If a prostitute works independently in Finland, she has the same rights to police access and healthcare as anyone else, but asking for assistance is not so simple. "You need to be able to ask for that help, to know where to find it and not be afraid of the authorities," Andersson says. "We do have support systems

and people who want to help, but they don't have enough funding or support."

"To be honest, no, girls aren't protected," confirms **Maria Hietajärvi-Ryhänen** of the Helsinki Police Human Trafficking Unit. "The laws are mainly about when it is illegal to pay for sex, and there isn't anything about the welfare or protection of sex workers. The protection is largely handled by Pro-tukipiste, an association that offers healthcare, for instance. Although prostitution hasn't been illegal in Finland in that sense, there is no programme to ensure they have healthcare checks."

The Swedish model 'protects politicians'

By contrast, the situation is different in Sweden. Although the so-called "Swed-

ish model", in which selling sex is legal but buying illegal, has been considered a qualified success in Sweden, support for a similar framework in Finland is limited.

"The Swedish model is designed only to protect politicians from difficult questions," argues **Johanna Sirkkiä**, from the prostitutes' support service Salli. "It doesn't solve any problems in the real world, only the political dilemma. I have no reason to believe that there is less prostitution or fewer problems in Sweden now after the laws have changed."

Hietajärvi-Ryhänen, of the Helsinki Police, appears to support this view: "In Sweden, the overall view of prostitution is different from here, so it is very difficult to compare the two countries. In Sweden, every time a customer buys sex, the woman is considered as the victim. But the reality in Finland is that the girls are not all victims and they don't want to be considered victims."

However, Janina Andersson has a different view: "I

was in Sweden recently listening to what the police there have experienced and one thing that had been very positive was that men who were arrested now have an incentive to help the police, because in doing so they can get a lighter sentence themselves. So they provide testimony in court, whereas in Finland men don't have any incentive to help. Under the Finnish system, if a man says to the police that he saw the girl had a pimp, only then has he committed a crime. So, of course, he won't say anything."

There has been a suggestion that criminalising the buying of sex would only drive prostitution underground, but this had not occurred widely in Sweden according to the chair of the Legal Affairs Committee: "The girls have to find customers, and the men looking for girls cannot be any smarter than the police in finding them. The police there work through the internet, the same ways as ordinary men do."

"There will soon be a new report from Sweden, which might present some new material. I can't say yet whether the Swedish model is the best one. Maybe we can never really find a perfect solution, but it is too soon to say for sure that Sweden is on the right track," says Andersson.

Johanna Sirkiä is less convinced that the Swedish law is fairer on sex workers. "In Sweden, the law on pandering is more severe than in Finland. In Finland, renting a flat to a sex worker is not pandering. But in Sweden if your landlord finds out that you are performing sex work in the flat, they have a legal duty to terminate the rental agreement. Prosecution would not be against the sex worker but against her landlord."

Legalised prostitution attracts police support

New Zealand became the latest western country to legalise prostitution in 2003, joining the likes of Germany, Holland, Turkey and the US state of Nevada. Conservative politicians predicted huge numbers of sex workers flooding into the country and a general collapse

in societal values. Although the experiment has not been an unqualified success, research suggests most New Zealanders regard the move as positive.

"After working with this issue for a couple of years now, I think the model adopted in New Zealand doesn't sound bad," says Hietajärvi-Ryhänen of Helsinki Police. "It could help in monitoring the girls, because we would know where they are, and it would help to get organised crime under our eyes."

Johanna Sirkiä, however, has mixed feelings about the legislation when it comes to migrant workers. "The legislation helps with the safety of those working legally, but if this opportunity is not available to foreign workers then it doesn't help them in situations of trafficking. If a girl knows in advance that she cannot get a work visa then she will simply work illegally. The option to work legally and safely is only intended for those within the system."

"I haven't heard a lot about the New Zealand model," Janina Andersson admits, "but one problem is that in a system where girls work legally and are subject to health and immigration checks, girls who are HIV positive are then forced to work on the streets. People can fall through the cracks in that system too. If you are a drug addict you might get kicked out of the brothel, and there will always be men who want to find sex really cheaply."

Even so, would legalisation help free up police resources which could then be used elsewhere?

"Yes, yes it would, definitely," comments Hietajärvi-Ryhänen.

'Lilja 4-Ever' not the Finnish reality

One of the core concerns with prostitution as a concept is that girls can be forced into the industry against their will, and in some cases tricked or forced from one country to another. This concern is particularly valid in Finland, where only some 200 women have registered their own business name and pay taxes as sex workers.

Continued on next page.

LEHTIKUVA / MARTTI KAINULAINEN



Janina Andersson, of the Legal Affairs Committee, sees that the question of equality is important when talking about prostitution: "We have to ask ourselves why people become prostitutes in the first place. How to help people who feel 'it doesn't matter what happens to me' is the question."

Directed by Swede **Lukas Moodysson** in 2002, *Lilja 4-Ever* is the harrowing account of a story in which a young girl from an Eastern European country is tricked into coming to Sweden, where she is forced into work as a sex slave. It is a brutal, heartbreaking and immensely powerful film. But do such cases happen here?

"There have been some cases, but that is not the widespread reality in Finland today," assures Hietajärvi-Ryhänen. "At least not from our point of view, and I think we have a fairly good idea of what is going on. Helsinki is a small

village in some ways, and girls will let us know if they hear things. But we are afraid this might happen more and more because of the open borders within the Schengen zone. As organised crime has brought more prostitutes into Sweden and Norway, it is only a matter of time before it arrives here as well."

Andersson, of the Legal Affairs Committee, is sure there are girls brought here against their will. "There was a case recently with a disabled girl who had been brought to Finland and who was totally unable to pro-

tect herself. And in that case, some of her customers recognised that something was wrong and called the police. Although many did not."

Hietajärvi-Ryhänen thinks that almost all of the girls selling sex in apartments in Finland have connections with organised crime. In nearly every case involving a foreign girl, there is a man behind the scenes. "Many of those girls are Russian or Estonian and work with a pimp who organises things. Often the girls feel fine about that. The guy provides a service, and of course they pay for it."

Sex workers have access to police – but not all know it

Another global issue with prostitution is that police often treat prostitutes as people outside society, and thus also exclude them from protection against theft, rape or assault.

"It depends on what position the sex worker is in," Sirkkiä comments, "If we think of workers on a building site – does the law protect them? If you are living in Finland legally, speak the language, and are a member of a trade union, then you have access to your civil rights. But if you come from Poland, in theory, you have rights because you are here legally – but if you can't speak Finnish, don't know your rights and are not a member of a union, then the employer is in a position of having more power. And if you come from Georgia or Nigeria and are here on a tourist visa, then what kind of rights do you have?"

"If you have no reason to be afraid of the police, you are in a good position," confirms Andersson. "There surely are police who would like to put more effort into the investigation of prostitution, but who find that they have limited resources. They have difficulty in getting these cases through the courts because it is hard to find men who will provide testimony or serve as witnesses."

Hietajärvi-Ryhänen confirms this conclusion: "In a case of robbery or assault, the usual laws apply. Those cases

tend to come to us for investigation. We are a very small unit, with only four investigators, and even though we work for Helsinki police, in effect we cover prostitution cases nationwide. We monitor prostitutes' advertising, maybe contact the girls, check their papers and see if they have any problems, and that is how most cases of assault come to our attention. If a girl is hit by a client, she just lives with it. To me it would be amazing that a girl would walk into a police station and say, 'I have been assaulted, and I am a prostitute.' I doubt it has ever happened."

Simpler laws one obvious solution?

Perhaps not surprisingly, the current law is not one the Finnish police wholeheartedly support, admits Hietajärvi-Ryhänen: "The vagueness of the law is a problem. What we would like to see is a simple law that everyone would understand. Right now, Finnish prostitutes don't understand it, foreign prostitutes certainly don't understand it, and when we explain it to them, it is very difficult. Clients don't understand it, and there have been lots of cases where we have been monitoring an establishment, and we've heard clients ask girls 'Are you a victim of pandering or human trafficking?' Of course, the girl says 'No', and then the client thinks that this must be OK. There is no way a client can know if it is legal unless you follow the

girls for months and see if she gives money to anyone."

"We also haven't been happy about the new law that fines clients who buy sex. We don't really need to know which men go to see prostitutes, and it makes it much harder for men to come to talk to us. Fining customers is not the way to stop or control prostitution or trafficking."

Johanna Sirkkiä shares these concerns: "It is often that people think that if we have a problem, we solve it by making a new law. So we have lot of laws, but we still have lots of problems."

What comes across most clearly in this debate is the clash between ideology and practicality. Many, perhaps most of us, would prefer if no person ever paid for sex with another. But while those of us who are removed from the industry and have the luxury of thinking this is the reality that the laws should reflect, those living close to the industry – be they police, social workers or the women themselves – rarely see it that way. What they experience instead is the harsh reality of laws based more on principles than reality.

Janina Andersson, prefers to look at the matter from another perspective: "The perfect system would be one where no one did this because they had to, and there would only be those who think it is OK for them and who actually want to do it. It is hard for me to believe there would be so many women who would want to."

What is pandering?

Pandering: The provision or facilitation of a prostitute for the purpose of arranging a sex act with a customer for profit. In other words, the polite way of saying 'pimping'.

Finnish laws on prostitution

It is legal to both buy and sell sex in Finland. However, pandering is illegal and punishable, and intentionally making money from the prostitution of another person is illegal. Establishments such as Thai-massage parlours are only legal if the sex worker is also effectively self-employed, and does not working for a manager. Under this system, the law requires men wishing to buy sex to determine first whether or not the woman is giving money to anyone else, which is often impossible.

The Swedish and New Zealand models

In Sweden it is legal to sell sex, but not to buy sex. The legal position is that the seller (usually a woman) is generally viewed as a victim of crime, and the buyer (usually a man) as the perpetrator. Legally speaking, the woman is actually not as much a victim as a witness to a crime – though one who is still obliged to pay VAT on every transaction. The strength of the law is that it

may mean prostitutes can work with police and give a testimony or information without fear of prosecution. It also means that men often can give similar testimony or information to the police as a way avoid prosecution or minimise their penalties. The weakness of the law is that it does not provide any solution to the underlying issues involved – it merely criminalises them. It has been suggested that more Swedish men now travel abroad to buy sex, because doing so at home involves greater risk of prosecution.

In New Zealand it is legal to buy and sell sex provided that the sex worker works as the employee of a legally registered company. Convicted felons are prohibited from owning such companies. The strength of the law is that prostitution has now become a 'nicer' industry. Police, immigration and health professionals can work closely with the girls to the mutual benefit of all. Police resources can be deployed elsewhere and society benefits from the taxes being added to government coffers. The weakness of the system is that it has forced illegal migrants and HIV-positive girls underground and into an increasingly violent and invisible trade.

More information: www.pro-tukipiste.fi, www.salli.org

