

The Swedish Model of Criminalizing the Purchase of Sexual Services

Comments by Dr Helen J. Self

I am a British academic who has spent the last twelve years studying the legislation pertaining to prostitution. My book, *Prostitution, Women and Misuse of the Law* (Frank Cass 2003), concerns the history and development of the law as it relates to prostitution in England and Wales. To a lesser extent I have studied the problems connected with trafficking and migration.

The conclusion I have reached as a result of my research is that legislation, however well intentioned, is a major part of the problem. In most cases new law work for a limited amount of time, but the sex industry invariably adapts, relocates and expands. This creates a situation which is more difficult to regulate and police and which makes the lives of sex workers more dangerous. I am, therefore, very concerned to hear that Finland is proposing to follow Sweden and criminalize the purchase of sexual services.

Comparing Sweden with England and Wales

I believe that both the benefits and the singularities of the Swedish system have been exaggerated, probably with the best of intentions, but it is still early days for assessing the long-term results. When comparing Sweden with Britain there are fewer differences than one might expect.

In neither country is prostitution, as such, an illegal activity. Sweden is not unique in this respect. The aim in both countries is to reduce public nuisance and prevent exploitation. In neither country is prostitution condoned or encouraged, so the official message is the same.

Yet in both countries the sex worker is condemned to work in a shadowy, criminalized world which pushes prostitution underground leaving 'her' more, rather than less, vulnerable to violence and abuse. This approach is not protective, on the contrary it disrupts the lives of people who are already marginalised.

Despite the praise heaped upon Sweden for its reform, there are already signs that familiar fault lines are beginning to show up. These have been discussed in a recent paper by Don Kulick, Professor of Anthropology at New York University and Stockholm, who points to a number of unsurprising developments.¹ He finds that:

- a) Women in the sex industry are consistently portrayed as victims, regardless of anything they themselves might say.
- b) There is a convergence of official attitudes and policy towards children and women in sex work, which infantilises women, leaving them with no right to sexual self-determination.
- c) The impact of the law on sex workers has been of secondary concern to promoters of the new policy, dogma and international reputation being more important.
- d) Sweden is making political capital out of promoting the county's prostitution policy.
- e) There were only 800 street sex workers in Sweden in 1999, but they were heavily policed once the new law came into force, largely as a result of financial support from the state.
- f) Charges against men have to be evidence based, which is difficult to provide and leads to intrusive police practices such as invading private apartments to film people in the act.
- g) Although prostitution was initially pushed underground, many women returned to the streets.
- h) There has been an increase in Internet sales of sexual services.
- i) Social workers found that sex workers became more difficult to contact and help.
- j) Sex workers reported that the quality of clients had declined, leaving those who were more likely to be violent or perverted.

¹ Don Kulick (2004), 'Sex in the New Europe: the criminalization of clients and Swedish fear of penetration.'

- k) Evidence such as possession of condoms by women was used to convict men.
- l) Foreign sex workers were immediately deported and therefore would not report violence.

A more recent paper by Petra Östergren, 'Sexworkers Critique of Swedish prostitution Policy' made similar points.² She finds that sex workers in Sweden experience difficulty in finding accommodation and constantly worry about being discovered. Consequently, they are either forced to move or pay exorbitant rents. They cannot increase their level of safety by working in pairs or groups and find it difficult to have any sort of domestic or family life as they are considered to be unfit parents. Östergren writes that sex workers find the law paradoxical, illogical and discriminatory. 'It further obstructs their work and exposes them to danger.' The better clients have gone away but the more dangerous and perverted ones remain and when apprehended are likely to deny that they paid for sex, if indeed they have. Greater competition leads to lower prices, but this only means that women take risks and are more likely to perform acts that they would have refused previously. Sex workers feel hunted by the police and dare not report abusive customers. However, they still feel stigmatised as weak, dirty and mentally ill, or as having drug problems. Some of the sample interviewed by Östergren reported that they felt used by politicians, feminists and the media who brag and tell lies about the beneficial effect of the Swedish law in comparison with other countries. They are only listened to if they say the politically correct thing.

Much of this is very familiar and demonstrates that Swedish and British law is similar in its impact upon women in the sex trade.

Much stress has been placed upon the fact that Sweden has a welfare system which supports women, yet Petra Östergren claims that on the contrary sex workers feel incapacitated by the state which has withdrawn their civil rights and denied them the benefits of the welfare state. The state, rather than the client, has become their oppressor. Moreover, when their private apartments are invaded by police trying to gain evidence, they are then obliged to give evidence against their client in order to gain a conviction.

It is a mistake to suggest that the feminist goal of stigmatising men rather than women will somehow solve the age-old dilemma of how best to deal with prostitution. The stigmatisation of women does not evaporate in the wake of stigmatising men, as the Americans have found where in many States prostitution has been illegal and the customer criminalized for decades.

I have considered myself to be a feminist for many years, but feminism is about equality rather than moral superiority. I do not believe that women are more 'moral' than men and I am not prepared to subscribe to a dogma which tries to impose my standards of behaviour upon others, as I believe that tolerance of difference and diversity is more important. Once these qualities are abandoned we move into very dangerous fundamentalist territory.

Trafficking

Although trafficking is a problem in the UK, it is also the subject of exaggerate comment, especially with regard to statistics. I know this because I have conscientiously worked my way through the various Home Office papers which are so frequently misquoted by the media. The police are ready to admit that a very large proportion of the women who come here for the purpose of prostitution know that this is the work available. What they do not expect are the conditions in which they find themselves after they arrive. We have in the UK a very considerable yearly influx of migrants wishing to work and to settle here. It is a well known fact that women who migrate frequently resort to the sex trade for a limited period, since it is highly lucrative, but they are not necessarily victims. In my opinion much greater emphasis should be placed upon fair trade and the status of women in the countries they are so anxious to leave.

² Petra Östergren (2004), 'Sexworkers Critique of Swedish prostitution Policy'.