

Swedish model a failure

Yet another law targeting street-based sex workers

FIRST fights for the decriminalization of sex work and for sex worker's human and labour rights. We know that criminalization endangers sex workers: Criminalization makes sex workers far more vulnerable to violence, compromises their health and access to services and rights, and profoundly undermines their status in our society.

The Swedish model: Criminalization is criminalization

As of 1999, Sweden's laws on prostitution criminalize those who buy sexual services, but not those who sell sexual services. It also makes brothel ownership and procurement (pimping) illegal. While sex workers can no longer be arrested for doing sex work, they still are forced to work in a criminalized environment. Our perspective: Criminalization is criminalization.

Sweden's approach to sex work and to sex workers' rights is deeply problematic. Sex work is officially not considered work in Sweden. Rather, prostitution is seen as a social ill and a form of men's violence against women. Women who sell sex are considered victims who need protection by the state. Male or transgender sex workers are rarely acknowledged. The Swedish state has decided that prostitution must be abolished. This approach represents a brand of morality and ideology that is both narrowly conceived and callous in the extreme.

The Swedish law is severely criticized by Swedish sex workers. One researcher reports workers find the law, "paradoxical, illogical and discriminatory."¹ They ask: "How can the politicians claim that only the clients are being punished and that they are being protected when

the effect of the law is mostly negative for the sex worker?"² Some pointed out that even if "a few men get fined, the majority will continue buying sexual services as usual, and, as usual, it is women and sex workers who will be most adversely affected."³ (See below for more specific information on impacts on street-based sex workers.)

Indeed, both these predictions have stood the test of time: in May 2009, when Swedish public radio stations posted fake ads for sexual services on websites, they were swamped with almost a thousand inquiries.⁴ In the ten-year period the law has been in effect in Sweden, and "despite about 2,000 arrests, no one has been jailed and convictions have only led to minor fines – due mainly to difficulties with finding evidence and the low maximum penalty on the statute books."⁵

Swedish model targets street-based workers

It is important to note that, even before the introduction of this law, Sweden had fewer sex workers than both other European countries and Canada. In 2001, two years after the law's passage, reports estimated there were 2,500 sex workers in Sweden, with approximately 1,850 (76%) of these individuals working in inside venues.⁶ In Canada, it's estimated that up to 80% of sex workers, work indoors.

Sweden enforces its sex work laws by targeting street-based sex work clients, and only charts the impact of its laws by assessing what is happening on the street. Immediately after the law was passed, Sweden allotted 7 million kronor (\$1.2 million USD) to enforce the new law – the only target was the street-based trade. Police, armed

with video cameras, filmed any car that slowed down near a sex worker, effectively frightening away clients, thus driving the sex workers off the streets.⁷

Over the ten years since then, enforcement campaigns have come and gone based on police resources, but virtually all have targeted street-based sex work. Both the Swedish and Canadian police take this approach because it's straightforward: like clients, they more or less know where they can find street-based sex workers. Since 1985 in Canada, 93% of prostitution charges have been for "communicating for the purpose of prostitution" – the offence that targets street workers almost exclusively.⁸ The police rarely find, let alone charge, people who work indoors selling sexual services, and this is increasingly the case now that inside workers are using Internet sites to advertise for clients. The public has very little, if any, idea of the extent of indoor sex work. Our politicians know, but most continue to ignore the grossly disproportionate impact of the criminalizing measures they endorse.

Something's happening here, but we don't know what it is

A 2010 Swedish government evaluation of the law – which baldly stated: "One starting point of our work has been that the purchase of sexual services is to remain criminalized" – deemed the law a success because it found street-based sex work was reduced by half.⁹ However, this study has been strongly criticized with researchers noting that, "the methodology section is practically non-existent. We know nothing about how the evaluation was actually carried out."¹⁰ In contrast, a 2007 study by Sweden's National Board of Health and Welfare concluded, "We can discern that street prostitution is slowly returning, after swiftly disappearing in the wake of the law against purchasing sexual services."¹¹

Both reports acknowledged that accurately surveying prostitution is a complex task. The 2007 study explained (all emphasis in original): "The world of prostitution is hidden, inaccessible or stigmatised. Consequently, it is impossible to form a precise picture of prostitution and its extent, regardless of the chosen method. All we can do is

identify (the phenomenon from the *perspectives* of various informants. As noted in our previous reports, perhaps the only thing that can be surveyed is *knowledge* about prostitution, or rather the *perceptions* and *assessments* of various informants. It should also be noted that informants' interpretations might be based on mutually contradictory perspectives and definitions."¹²

Meanwhile, as Sweden continues to promote the law internationally as evidence that it is winning the battle against prostitution, senior justice and government officials have been caught purchasing sex.¹³ In January 2010, Göran Lindberg, chief of police of Uppsala, an officer celebrated in Sweden as a staunch enemy of sexism in the police force, was arrested following a six-month investigation that found him buying sex. In August, Lindberg was jailed for six and a half years on charges of rape, pimping, and procuring.¹⁴ In July 2010, Sweden's Minister of Labour, Sven Otto Littorin, was forced to resign after tabloid newspapers reported he was caught buying sex.¹⁵

Similar impacts of criminal laws in both Canada and Sweden

The impact that Sweden's law has on sex workers closely mirrors the experiences of Canada's vulnerable street-based sex workers due to our communicating law. Street-based workers in Sweden report:

- They feel hunted by the police, social workers, and media. Sometimes, even anti-prostitution activists harass them on the streets. One sex worker commented that no other vocational group would accept that the police "patrolled their workplace."
- They find it harder to assess clients because negotiation outdoors must be done quickly; meaning the likelihood of their ending up with a dangerous client is far greater.
- They are more apprehensive about seeking help from the police when they have had problems with an abusive customer.
- Most of the workers who can do so have moved indoors, and the majority of their clients now seek indoor services, while other

clients often go to neighbouring countries (such as Denmark, where prostitution is decriminalized). As a result, workers remaining on the street have less ability to support each other or warn each other about dangerous clients.

- Fewer customers mean more competition between workers. Workers have been forced to lower prices, which leaves them in more desperate financial need and therefore more willing to engage in unsafe sex, which makes them more vulnerable to health risks.
- Women who sell sex to finance a drug habit find it increasingly difficult to refuse problematic customers, noting that the "perverted" customers know what to do to avoid arrest – they only have to deny it since there is rarely hard evidence.
- The stigma attached to sex work has increased, so workers do all they can to ensure their anonymity. For some, this includes lying to friends, family, and neighbours.
- They feel incapacitated by the state and maintain that their rights as citizens are violated. They note sex workers are denied the benefits of the welfare state – something that is granted to all other Swedish citizens.
- The majority of women report feelings of emotional stress due to the legal situation and how they are treated socially. They fear harassment and ostracism for themselves, their children, and their partners.¹⁶
- As a result of the law against procurement, sex workers are forced to lie in order to rent premises, or alternatively they have to pay exorbitant rent. Either way, they constantly worry about being discovered. They also report having to move often (when discovered) and being treated badly by landlords and "rent pimps." The law also makes it difficult for sex workers to cohabit with a partner, since it is illegal to receive any of a sex worker's income.¹⁷

The Swedish model in Canada: A deadly step backwards

The reality for women selling sexual services on the streets of Canada is one of unrelenting danger and violence fastened to an unbroken history of stigma and marginalization. Given that research has strongly linked these outcomes to criminalization, one would hope the federal government would work to eliminate criminal sanctions against sex work. However, it appears the Conservative government is moving backwards to offer sex workers yet another version of criminalization.

Recently, a Conservative Member of Parliament announced plans to introduce a private members bill in the upcoming Parliamentary session calling for the Swedish model. In her rationale for the change, this MP said nothing about adult workers and nothing about criminalization and violence. Rather, she said, "Many frontline organizations have found that sex trade workers are often underage victims of forced exploitation or human trafficking, whereas the buyers, or Johns, provide an overwhelming demand for the sex trade with little fear of consequences."¹⁸ Since we already have Code provisions on these issues, this rationale demonstrates a stunning ignorance of the law and issues related to sex work.

FIRST is strongly opposed to sex workers having to endure yet another failed criminalization experiment. Our advocacy supports New Zealand's approach of full decriminalization (2003), which allows for people over 18 to sell sexual services and permits small owner-operated brothels with up to four sex workers working in the same location. (We oppose legalization schemes that impose restrictions such as mandatory registration and regular health checks, because they drive most sex workers into the illegal underground).

FIRST is thankful that more and more Canadians support a progressive stance on sex work. A 2009 Angus Reid poll on Canadian attitudes on sex work, decriminalization, and the Swedish model provides the following strongly encouraging results:

- Half of all Canadians believe adults should be allowed to engage in consensual prostitution.
- Fifty per cent also think “it is time to decriminalize some of the actions surrounding prostitution that are currently illegal and allow adults to engage in consensual prostitution.”
- In British Columbia, 48 per cent of respondents believe prostitutes are being forced into unsafe situations because of the Criminal Code provisions.
- Canadians express clear-cut opposition to the Swedish model. “Less than a handful of respondents—a statistically insignificant proportion—would only punish the prostitutes, and only 8 per cent in the entire country would punish the clients.”
- Only 16 per cent of Canadians support the continuation of the status quo, which criminalizes many of the activities surrounding prostitution.
- Almost half of Canadians (48 per cent) regard prostitution as an issue that does not require punishment.
- Even though women’s support for decriminalization was lower than men’s support, 50 per cent of women still support allowing prostitutes to work indoors or in brothels, while 40 per cent agree with decriminalizing some of the actions surrounding prostitution and allowing adults to engage in consensual prostitution.¹⁹

For more information on FIRST and sex work issues, go to: www.firstadvocates.org

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