

19. Green Ladies' Lunch

"Prostitution in Europa – Nationale Gesetze und europapolitische Perspektiven"

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The "Swedish model" – arguments, consequences

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1. Sweden – background:

- State feminism: Sweden sees itself as the most gender equal country in the world.
- Feminism has very much been absorbed from being a grass-roots movement into being the governments' responsibility. It is linked to the national identity. Few people in public discourse would openly admit to being non-feminist.
- Prostitution has been nearly invisible for many decades, compared to other European countries. Very few Swedish people have ever met or seen a prostitute (at least knowingly).

2. The "punter law" was passed in 1999.

- Criminalises the buyer of sexual services, but not the seller. Gender neutral.
- Very little debate before the law.
- Based on the idea that prostitution is a kind of structural violence against women. In the official Swedish language, the word prostitution has been exchanged to a new Swedish word that could be translated to "Geschlechtshandel". In the official Swedish language, there is no distinction between 'voluntary' and 'forced' prostitution – all prostitution is understood as violence against women.
- The law was presented as a part of the struggle for gender equality. If you criticize it, you are generally perceived as anti-feminist.
- Sex workers were excluded from the debate, and were not consulted in the law making process.

3. The arguments in the promotion of the law:

- The criminalisation will empower women.
 - i. make them *think twice* before entering prostitution
 - ii. make it *easier to resist* if others try to force them into prostitution
 - iii. many of those already in prostitution *will quit* if it becomes illegal
- It will have a symbolic value: Make clear that in Sweden we *do not accept* prostitution.
- The last years a *new argument* has been used a lot: The law can be used against *trafficking*. The Swedish government has invested a lot of money in promoting the law to other European countries. The strategy seems to have been to mainly focus on the trafficking argument, and not so much on the *Geschlechtshandel* argument.

4. Counter arguments in the debate when the law was passed:

- Prostitution will not disappear but rather be driven *underground*.

- The buying and selling of sexual services doesn't have to be problematic, but the *stigma* in society against sex workers creates a lot of problems for women and men in sex work.
- The law will not diminish the whore stigma and is therefore *not a solution* to the problem.

5. Outcomes:

(Sources: Norwegian government report, research by independent academics [Petra Östergren, Don Kulick], the personal experiences of sex workers I have talked to.)

- Good results:
 - i. Some social workers report that some women actually quit selling sex after the law was passed and are living "normal lives" today.
 - ii. 80 % of the Swedish population in favour of the law – this is often stressed to prove that the law changed the Swedish peoples' morals and opinions about sex work.
- Not so good results:
 - i. A lot of women simply left the streets to start working on their own or in illegal brothels instead. That way they became dependent on pimps.
 - ii. Social workers report that the situation for the women who stayed in the streets became much worse.
 1. In the first year, the police used video cameras to harass clients and to collect evidence. This meant that they had to film both the exchange of money and the sex. A lot of women felt that even if they weren't performing a criminal act, the way the law was used by the police violated their integrity.
 2. The street clients have become more stressed. The negotiation has to go very fast as they are afraid to get caught by the police. It is impossible for the sex worker to assess if this is a good client or not if she's supposed to jump right in to the car without negotiating.
 3. Many of the 'good' clients have turned to indoor sex workers instead, because they don't want to risk getting caught. The clients that are left are the ones who don't care about getting caught, because they already have a criminal record. Before the law, the sex workers could say no to these clients, but now they can't afford to say no. It's no surprise that street workers are exposed to *more violence* now.
 4. The decrease of the number of clients have made the street workers more desperate. They are more likely to accept unsafe sex and to put their health at risk in other ways.
 5. The police look for condoms as evidence of sex. This gives sex workers a strong *incentive not to carry condoms*.
 - iii. Trafficking and pimping

Before the law, the police often got *information* about pimps and traffickers from *clients*. But because of the law, the clients are afraid to go to the police as they will get caught themselves.

6. Rosea's view:

Rosea is not in favour of criminalisation as it is apparently making life worse for a lot of sex workers. Rosea has no official standpoint on the German or Dutch systems.

7. Final remarks

The Swedish view doesn't seem to be very concerned with sex workers as human beings, but more with abolishing *prostitution as an idea*.

Personally I think *regulated* prostitution like in Germany and Netherlands also causes a lot of problems for sex workers. To me it is apparent that we can't solve the problems only with law-making and I would like to discuss how the problems of sex work can be addressed with *other measures* than legislation.