

The Swedish model

a briefing

from SCOT-PEP

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The 1999 Swedish model of sex work law is often regarded as a 'progressive solution to prostitution', and versions of this model have been implemented in Sweden, Norway, Iceland, and most recently Northern Ireland and Canada. Also referred to as the 'Nordic model', the 'sex buyer law', or the 'end demand' approach, it purports to decriminalise the sex worker and criminalise the client. (It retains laws against 'managers', a category which includes sex workers' landlords, partners and colleagues.) The purpose of laws criminalising clients is to reduce the number of men seeking to buy sex, which is intended to reduce the number of people (mostly women) selling sex.

If this legal model had no negative effects – or even improved the lives of people who sell or trade sex – sex workers and sex worker-led organisations would support it. However, sex worker-led organisations worldwide (along with organisations such as the Global Alliance Against Traffic in Women, Human Rights Watch, and the World Health Organization) oppose the Swedish model. This opposition is grounded in the fact that the model harms people who sell sex, whether those people are working through choice, circumstance or coercion. Crucially, it has not been shown to reduce the number of people who sell sex – instead, it creates more dangerous conditions in which to do so.

This briefing will cover some of the key ways in which the criminalisation of clients harms people who sell sex. For example:

- The Swedish model reduces **street-based sex workers'** powers of negotiation when interacting with potential clients, pushing them into situations where they are more vulnerable to violence and HIV.
- It also reduces **indoor sex workers'** powers of negotiation when interacting with potential clients, meaning indoor sex workers are pushed into situations where they are more vulnerable to violence and HIV.
- It increases sex workers' reliance on managers.
- The model is used in racist ways, both to target and endanger sex workers of colour, and to target and racially profile non-sex-working people of colour (especially women).

- The Swedish model, contrary to its marketing as progressive, does not meaningfully decriminalise sex workers, and policymakers are open that part of the intention of the law is to target and harass sex workers.

The Swedish model reduces street-based sex workers' powers of negotiation with potential clients, pushing them into situations where they are more vulnerable to violence and HIV.

The criminalisation of people who buy sex on the street creates an environment of fear and secrecy, and sex workers – who still need to earn money – are forced to cater for the need for initial interactions to be rapid and clandestine. This drastically reduces the time that street-based sex workers have to assess whether a client seems a safe person to engage with, as well as the time to have a conversation about services, prices, and issues such as condom-use. A street-based worker from Sheffield explains, "Car pulls up, you haven't got time to check it out as well as you like, it's just in and off"¹. In the US, a street-based worker reports, "We still gotta work. It's not like that stops ... you might do it in a more secluded place, like go into the park or something. 'Cause he don't want to get caught"².

1 <http://www.theguardian.com/media/2002/sep/16/crime.comment>

2 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2548125,p66

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Clients who are deterred by criminalisation tend to be those who are otherwise law-abiding or who have something to lose through prosecution. Criminalisation does not deter men who intend to commit violence against sex workers. This means that when clients are criminalised, the proportion of them who are aggressive, rude or dangerous will increase. Furthermore, with fewer available clients, sex workers may have to work longer hours or later into the night, and will have less ability to be selective. Sex workers may be compelled to accept clients they might previously have rejected due to safety concerns – for example, men who seem drunk, aggressive, who have a reputation for violence, or who seek to ‘bargain down’ on condom-use.

The effects of client criminalisation of street-based sex workers’ safety have been described as consistent³ wherever this approach has been tried. Vancouver-based sex workers state: *“While they’re going around chasing johns away from pulling up beside you, I have to stay out for longer [...] Whereas if we weren’t harassed we would be able to be more choosy as to where we get in, who we get in with you know what I mean? Because of being so cold and being harassed I got into a car where I normally wouldn’t have”*⁴.

A sex worker from Glasgow describes effects of anti-client laws on the street: *“People have started changing how they work ... they are going out of areas they usually work in because clients don’t want to risk coming into [Glasgow’s red light district]. What I have started doing is going out later – two or three in the morning – to avoid the police ... I didn’t used to go with anyone too drunk or under the influence of drugs, but I do now because I just want to get out of there quick, before the police come. It has got more dangerous”*⁵.

These sex worker perspectives are corroborated by research findings. A study conducted by Krusi et al on the experiences of Vancouver street sex workers found that *“[client criminalisation] directly undermines sex workers’ ability to screen potential clients ... before entering a vehicle. These practices of screening and negotiating the terms of transactions have been well documented as critical to sex workers’ ability to control their health and safety, including protections from violence”*⁶. UK Home Office researchers have found that client criminalisation means *“women, sometimes desperate to earn money to fund drug use, will still go out on the streets, often at a later hour, remaining there for longer, thus increasing their vulnerability. Also, in order to avoid the police, women have been found to spend less time negotiating business with clients, increasing the likelihood of being unable to spot a ‘dodgy punter’”*⁷. A report by the Norwegian government on the effects of the Swedish model found that *“violence has increased after the change in the law ... clients have become more brutal”*⁸, and *“this [increase in violence] is particularly the case for the weakest group – the addicts, the mentally ill, and people from other countries – the forced prostitutes”*⁹. UNAIDS has condemned the Swedish model on these grounds, writing: *“the approach of criminalising the client has been shown to backfire on sex workers. In Sweden, sex workers who were unable to work indoors were left on the street with the most dangerous clients and little choice but to accept them”*¹⁰.



A BRIEFING
The Swedish model

3 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2548125, p66

4 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4054637/>

5 Violence Kinnell, p79

6 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4054637/>

7 <http://dro.dur.ac.uk/2557/1/2557.pdf>, p24

8 https://www.regjeringen.no/globalassets/upload/kilde/jd/rap/2004/0034/ddd/pdfv/232216-purchasing_sexual_services_in_sweden_and_the_nederlands.pdf, p13

9 https://www.regjeringen.no/globalassets/upload/kilde/jd/rap/2004/0034/ddd/pdfv/232216-purchasing_sexual_services_in_sweden_and_the_nederlands.pdf, p13

10 http://www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf, Annex One, p4.

The Swedish model reduces indoor sex workers' powers of negotiation when interacting with potential clients, often pushing them into situations where they are more vulnerable to violence and HIV.

Like street-based sex workers, indoor sex workers have a number of safety strategies, and many of these rely on having information about potential clients or control over the spaces in which interactions occur. The criminalisation of clients impedes these safety strategies.

For example, sex workers may ask for client's real name in order to increase their chances of being able to hold him to account should he become violent. When clients are criminalised, they are much more likely to withhold this information, and sex workers – *who still have to make money* – are often compelled to allow clients to remain entirely anonymous. This grants potentially violent people impunity in the knowledge that they can contact and see a sex worker without having to be in any way traceable or accountable. Researcher Jay Levy has explored this issue with sex workers in Sweden: *“having been forced to take anonymous clients following the [law to criminalise clients], one respondent had lost count of the number of times she had been raped and assaulted by men who were thus untraceable. She had not been raped in the context of her sex selling before [the introduction of the law]”*¹¹.

Another safety strategy for indoor sex workers is arranging to meet a client in the sex worker's workplace – this practice means the space is familiar to the sex worker but unfamiliar to the client, and the sex worker could even arrange for a friend to be on hand in the next room.

However, when clients are criminalised, police often practice surveillance on sex workers' workplaces in order to apprehend clients, which means that clients are unwilling to come to these spaces. Instead, clients may ask the sex worker to visit their homes or meet in a hotel (this is referred to as an 'out-call'). These spaces are unfamiliar to the sex worker, and clients are also able to lock doors or even conceal other people who are uninvited and who may be threatening to the sex worker's safety (such as a group of drunk friends in the next room). The Norwegian government's 2014 report into the effect of the Swedish model in Norway stated: *“women ... report to have a weaker bargaining position and more safety concerns now than before the law was introduced. At the indoors market, prostitutes express concerns for 'out?door calls'. They prefer to have customers visiting them at their own apartment or own hotel room”*¹². A report from the Swedish police found that: *“sex-purchasers seemed to prefer to use 'out-calls' to a greater extent than before. One reason for this is believed to be that the sex-purchasers consider that the risk of detection will be less if they order a woman to come to their home instead of exploiting her in a hotel room”*¹³. A second report by the Norwegian government expresses this bluntly: *“the risk of violence has increased [for indoor sex workers]. When coming on a home visit, the prostitute does not know what she is coming to, and will be indoors with an unknown person”*¹⁴. After implementation of the Swedish model, the Norwegian government found that sex work became a *“buyer's market”*¹⁵. This undermines claims by proponents of the law that the criminalisation of clients gives sex workers more power and safety.



A BRIEFING
The Swedish model

11 http://www.sexworkeropenuniversity.com/uploads/3/6/9/3/3693334/swou_ec_swedish_abolitionism.pdf, p7

12 <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>, p4

13 https://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Trafficking_1998_/Trafficking_report_13_20130530.pdf, p19

14 https://www.regjeringen.no/globalassets/upload/kilde/jd/rap/2004/0034/ddd/pdfv/232216-purchasing_sexual_services_in_sweden_and_the_nederlands.pdf, p13

15 <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>, p3

The Swedish model increases sex workers' reliance on potentially abusive managers.

When clients are criminalised, they may prefer to deal initially with an intermediary rather than contact the sex worker directly. It is perceived to be more discreet, and harder for the police to trace. This increases the role of managers, and other kinds of third parties. Furthermore, the criminalisation of managers under the Swedish model means that sex workers have very little ability to seek redress for workplace abuse or exploitation. As Ann Jordan, an academic specialising in labour rights and trafficking, notes: “Sex workers have no labor rights ... Sweden has an extensive and admirable array of labor laws for workers, but those laws do not apply to sex workers. Instead, Swedish laws prevent people who sell sexual services from working in a secure environment”¹⁶.

In 2012, the Swedish police issued a report on trafficking in Sweden that observed: “in 2009 ... there were about 90 massage parlours in Stockholm and vicinity, most of which were judged to be offering sexual services for sale. At the turn of 2011/2012, the number of massage parlours in the Stockholm area was estimated to be about 250”¹⁷. Massage parlours are managed premises, and the sharp increase suggests that the criminalisation of clients may be pushing indoor sex workers into management relationships. The Swedish National Board of Health and Welfare reports: “there are probably more pimps involved in prostitution nowadays. [Our] informant says the law against purchasing sexual services has resulted in a larger role and market for pimps, since prostitution cannot take place as openly ... Informants from the Stockholm Prostitution Centre also mention that the law has opened the door to middlemen (pimps), because it has become more difficult for sellers and buyers of sexual services to make direct contact with one another”¹⁸.

The Norwegian government's investigation into the Swedish model found that: “Prostitutes' dependence on pimps has increased because street prostitutes cannot work as openly. The police informed us that it is more difficult to investigate cases of pimping and trafficking in human beings”¹⁹. When client criminalisation laws were introduced in Norway, a report commissioned by Oslo City Council identified a rise in relationship dynamics between street-based sex workers and ‘boyfriends’ in which they considered the sex worker to be vulnerable: “Among the women with a drug addiction who still sell sex many have changed methods for finding customers. Most of the support services have experienced that the women enter into more long term relations with men who they refer to as ‘friends’, ‘boyfriends’, or ‘uncles’.... They have sex with the men in exchange for the men supplying them with drugs, money, and other necessities. Many of the support services say that they perceive the women as being very vulnerable in the relationships”²⁰.

The spectre of the “pimp” has often been used to justify racist policing and policy-making (for instance, the early 20th century Mann Act in the US criminalised black men in interracial relationships amid widespread fear of sex trafficking²¹. In arguing that the Swedish model has made sex workers more vulnerable to abusive managers, it is important to note that the relationship between a sex worker and manager is not intrinsically abusive. Rather, as Wendy Lyon writes: “the potential for abuse and exploitation is clearly heightened where an already-vulnerable population is made more dependent on persons operating outside the law”²². Adherents of the Swedish model have yet to explain how making sex workers more reliant on managers – including abusive managers – fits with the understanding of this law as progressive.

16 http://www.nswp.org/sites/nswp.org/files/Swedish%20Law%20to%20Criminalise%20Clients_A%20Failed%20Experiment%20in%20Social%20Engineering_2012.pdf, p5

17 https://www.polisen.se/Global/www%20och%20Intrapolis/Informationsmaterial/01%20Polisen%20nationellt/Engelskt%20informationsmaterial/Trafficking_1998_/Trafficking_report_13_20130530.pdf, p13

18 http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/8806/2008-126-65_200812665.pdf, p47

19 https://www.regjeringen.no/globalassets/upload/kilde/jd/rap/2004/0034/ddd/pdfv/232216-purchasing_sexual_services_in_sweden_and_the_nederlands.pdf, p52

20 *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to*, Ulla Bjørndahl Oslo, 2012, p34.

21 http://www.nswp.org/sites/nswp.org/files/trafficking_web%5B1%5D.pdf, p32

22 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2548125, p71



A BRIEFING
The Swedish model

The Swedish model is used in racist and xenophobic ways, both to target and endanger migrant sex workers and sex workers of colour, and to target and racially profile non-sex working people of colour (especially women).

The progressive reputation of the model is at odds with its effects on migrant women and women of colour who sell sex, as well as its implications for women of colour wrongly profiled as sex workers. Anti-prostitution policy has always been particularly targeted at women of colour: for example, America's 1875 Page Act "specifically restricted the immigration of women from China ... by creating a new category of female migrant—the 'Chinese prostitute'—who was barred from entering the United States"²³. The Norwegian Gender Institute observe that the criminalisation of clients has caused "the police ... [to] go after prostitutes with an immigrant background", highlighting the case of nine Nigerian sex working women who were evicted by the police and left homeless after reporting that they had been raped²⁴. A Swedish police officer is on the record stating: "I don't think for example that a Russian woman would dare to report a man for violence against her, because then she would risk not being given a visa if she ever wanted to come back to Sweden, because it would have become known that she is a prostitute"²⁵. Prosecutions against clients have

collapsed because the migrant sex workers involved had been deported²⁶. May-Len Skilbrei and Charlotta Holmström write, "[these deportations] reveal the limits of the rhetoric of female victimisation: if the seller is foreign, she is to blame, and can be punished with deportation"²⁷. Deportations of migrant sex workers in Sweden take place even if the worker is an EU citizen – a practice which breaches EU law²⁸.

The racist underpinnings of the criminalisation of sex work also harm women of colour who are not sex workers. In 2013, a group of Asian women sued a Swedish bar for denying them entry: the bar argued that in excluding them, it was seeking to 'prevent prostitution', and their complaint was not upheld despite the fact that they were not sex workers. In the Swedish press, it was reported that: "police had information indicating that Asian women in the area were involved in prostitution", and that "denying the women entry had nothing to do with their appearance, but rather with suspicions of prostitution"²⁹. It is striking in this example that the Swedish courts prioritised 'tackling prostitution' over the equality and rights of women of colour. There is evidence that this is not an isolated example: the City of Oslo report on Norway's prostitution laws found that "landlords do not want to rent apartments or facilities to people from nationality groups associated with prostitution"³⁰. Discrimination such as this exacerbates precarity for people of colour who sell sex – and also harms people of colour who are not sex workers.

23 <https://nacla.org/blog/2012/9/4/old-anti-trafficking-propaganda-same-new-anti-trafficking-propaganda>

24 <http://eng.kilden.forskningsradet.no/c52778/nyhet/vis.html?tid=88740>

25 <http://lastradainternational.org/Isidocs/258%20The%20Swedish%20model%20%28Beijing%20Plus%20Ten%20meeting%29.pdf>, p4

26 <http://www.nswp.org/sites/nswp.org/files/Criminalisation%20of%20Clients-c.pdf>, p4

27 <http://theconversation.com/the-nordic-model-of-prostitution-law-is-a-myth-21351>

28 <http://rt.com/news/sweden-eu-sex-europe-719/>

29 <http://www.thelocal.se/20130912/50200>

30 *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to*, Ulla Bjørndahl Oslo, 2012, p33



A BRIEFING
The Swedish model

The Swedish model, contrary to its marketing as ‘progressive’, is both driven by and exacerbates stigma towards sex workers and does not meaningfully decriminalise them.

Advocates of the Swedish model emphasize that the law ‘decriminalises’ the seller of sex, which is central to its progressive appeal. However, in reality the model exposes sex workers to the harms of criminalisation – for example, two women working together for safety can be prosecuted under brothel-keeping laws, and migrant sex workers can be deported. In Sweden, when the police authority decided to deport a Romanian woman, they said that “the woman, who made her living through prostitution, constituted a threat to public order and security. The woman appealed to the Swedish Migration Board who made the same assessment as the police authority: namely that prostitution is indeed legal in Sweden, but the purchase of sexual services is a criminal offence. This means in practice that a crime has to be committed under Swedish law to enable a person engaged in prostitution to support themselves”. The police justification for the deportation was that “[the woman] was not earning a living in a honest manner”³¹. The Swedish model does not meaningfully decriminalise sex workers, when in order for them to make a living a crime has to be committed – and this can be used to justify punitive action against them.

Client criminalisation laws are also used in indirect ways to harass, intimidate and prosecute sex workers. For instance, Operation Homeless is an initiative run by the Norwegian Police with the explicit purpose of evicting sex workers (and people suspected of being sex workers) by using anti-pimping laws against their landlords³². The City of Oslo report explains that

Operation Homeless “means that the police notify owners of apartments where prostitution is found that they will be charged with pimping, if the tenancy is not terminated”. The police also evict sex workers who come to their attention in other ways – for example, as the victims of a crime (as seen in the previous example of the Nigerian sex workers). This has predictable results: the Norwegian government found “the threshold for reporting a violent customer to the police also seems to be higher after the law. People in prostitution are afraid that such actions will come back to halt [sic] them at later stages”³³, and Oslo City council reports: “few women in the indoor sector contact the police when there is violence in the establishment or the apartment they work in because they fear that they will be affected by Operation ‘Homeless’”³⁴. People who argue for the Swedish model have yet to explain how forced eviction – including of people who are victims of violent crimes – makes people selling sex safer, or upholds their rights.

Some policymakers who advocate for the model are open about their intention to harm sex workers. For example, the head of Sweden’s anti-trafficking unit recently stated: “... of course the law has negative consequences for women in prostitution, but that’s also some of the effect that we want to achieve with the law”³⁵. In the Swedish government’s 2010 report, a range of ways that the law causes harm for people selling sex were discussed. However, the report concluded: “For people who are still being exploited in prostitution, the above negative effects of the ban that they describe must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution”. Deliberately causing harms to people who sell sex cannot be considered an acceptable, progressive, or human rights-based approach to policymaking.

31 Criminalising the Purchase of Sex: Lessons from Sweden, Jay Levy, 2014, p201

32 <http://www.bymisjon.no/Nyheter3/2012/Sier-nei-til-Operasjon-Huslos/>

33 <http://www.eu-norway.org/Global/SiteFolders/webeu/Evaluation.pdf>, p4

34 *Dangerous Liaisons: A report on the violence women in prostitution in Oslo are exposed to*, Ulla Bjørndahl Oslo, 2012, p42

35 <http://www.lrb.co.uk/blog/2014/01/20/valeria-costa-kostritsky/on-malmskillnadsgatan/>



A BRIEFING
The Swedish model