

What Canada Can Learn from Sweden's Laws that Criminalize the Purchase of Sexual Services

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In 1999, Sweden made the purchase of sexual services a crime and maintained criminal laws against third parties such as brothel owners, managers, security and support staff. This approach is referred to as the 'Swedish' or 'Nordic' model and presented as a new legal framework to eradicate sex work and trafficking by 'ending demand'. Limited understanding of the 'Swedish model' means that most people are unaware that Sweden's laws still criminalize sex workers in other ways.

In fact, the legal framework in Sweden and Canada are very similar. Both Canada and Sweden have laws that target clients. In Sweden, it is illegal to purchase sex. In Canada, clients are targeted through s. 213, the communication law and s. 210, the bawdy house law. The justices of the Supreme Court of Canada in Bedford identified that criminalizing sex workers and clients through enforcement of ss. 213 and 210 contributes to a lack of safety for sex workers.

In cities like Vancouver, Montreal and Ottawa where the enforcement has recently shifted to target clients, sex workers and service providers working with them are already reporting the same negative impacts on their safety that led to the Bedford challenge.

In light of the Swedish and the Canadian experience, it is crucial to assess the claims this model makes in terms of 'abolishing' prostitution, as well as the consequences of this approach on sex workers' health, rights and living conditions.

Has the 'Swedish Model' reduced prostitution in Sweden?

Despite its stated intentions, the Swedish model does not reduce, much less eliminate, prostitution. This is supported by the three Swedish government reports affirming that the sex industry has not diminished but been displaced to more isolated spacesⁱ.

The decline in the number of sex workers working on the street following the passage of the Swedish law can largely be attributed to the concurrent emergence of Internet technology and sex workers moving indoors which is not a trend unique to Sweden but one observed in countries regulating sex work in an array of vastly different ways.

ⁱ RPS (Rikspolisstyrelsen) 2001. Rapport. "Lag (1998:408) om förbud mot köp av sexuella tjänster. Metodutveckling avseende åtgärder mot prostitution." Av Nord, Anders och Rosenberg, Tomas. Polismyndigheten i Skåne. ALM 429-14044/99. 2001. POB-429-4616/99; SoS (Socialstyrelsen) 2000. "Kännedom om prostitution 1998-1999." SoS rapport 2000:5; BRÅ (Brottsförebyggande Rådet) 2000. Brå rapport 2000:4. "Förbud mot köp av sexuella tjänster. Tillämpningen av lagen under första året." Brottsförebyggande rådet. Stockholm

What is the impact of the Swedish Model on sex workers?ⁱⁱ

Street-based sex workers in Sweden and in Canada report increased violence when clients are targeted:

- When clients are displaced or deterred, street-based sex workers are more likely to take risks with new or unknown clients and/or provide services they would not otherwise be prepared to offer.
- A reduced client base means sex workers must work longer hours and more often to generate the same income, which has the impact of decreasing their safety and increasing potential for tensions with fellow community members.
- Surveillance patrols aimed at locating clients displace sex workers into darker and less populated areas where they are more vulnerable to violence.
- Clients' fear of detection by police mean that sex workers are unable to take sufficient time to screen potential clients before entering their cars.
- Regular clients avoid visible areas where street sex workers may work, for fear of police harassment and arrest. Instead, they go to more isolated areas or seek services on the internet or in indoor venues.

Sex workers are displaced to more isolated locations to find clients. As a result, informal support networks among sex workers are weakened and it is more difficult for sex workers to warn each other about abusive or violent aggressors posing as clients as well as to consult resources like the 'bad date list'. It also makes it harder for social service providers to maintain contact with sex workers.

Under this model, sex workers continue to experience significant difficulties when they report violence and coercion to police services. Identifying oneself as a sex worker to a police officer can result in greater scrutiny, harassment and increased risk of deportation.ⁱⁱⁱ

Clients are reluctant to report violence, coercion, or exploitation that they may witness against sex workers for fear of their own arrest. As a result, it is more difficult to gather evidence and prosecute perpetrators.

In Sweden those sex workers who continue to work on the street are harassed and abused by police (e.g. videotaped, strip searched and searched for condoms). Moreover because sex workers are implicated in a criminal act they are required to appear in court to provide evidence against clients.

There is a strong disincentive for sex workers to carry condoms given that the police routinely confiscate belongings and condoms are used as evidence against clients.

ⁱⁱ <http://aidslaw.ca/publications/publicationsdocEN.php?ref=1398>

ⁱⁱⁱ *Dodillet, S, et P. Ostergren. 2011. The Swedish Sex Purchase Act: Claimed Success and Documented Effects. Document de la conférence présentée à l'atelier international: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. La Haye, Pays-Bas, 3 et 4 mars 2011.* <http://gup.ub.gu.se/records/fulltext/140671.pdf>

Increased discrimination from health service providers has been reported. The subsequent fear of discrimination prevents sex workers from talking about their sex work experiences when testing for HIV and other sexually transmitted infections and when accessing health services for their overall health.

In Sweden, most social service providers oppose condom provision since it is perceived to render them complicit in prostitution-related offences. After the passage of the 'Swedish model', HIV prevention projects aimed at clients of sex workers also ceased.

Sex workers frequently face difficulties accessing and maintaining housing as a result of the criminalization of those who rent premises used for sex work. The problem is further exacerbated by the increased discrimination against sex workers. Sex workers' increased mobility and displacement to hidden venues also impede their access to and ability to maintain housing.

Under the 'Swedish model', it is illegal to share in any income derived from sex work. Consequently sex workers are unable to work or live with others, including their partners. This increases the isolation of sex workers.

Even though their work is not illegal, sex workers are unable to access social security benefits that are available to all other workers in legal labour activities.