

Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model

http://action.web.ca/home/catw/readingroom.shtml?x=130078&AA_EX_Session=2db22eba258fb561da04e9fda27bbc28

Author(s): Janice Raymond (July 2010)

Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model

By Janice Raymond
Originally published at Portside
July 20, 2010

There is no doubt that the Nordic countries lead the world on most indicators of gender equality. Gender equality experts and advocates have long pointed out that in economics, politics and social services, the Nordic countries top the charts. A less noticed equality indicator is that the Nordic countries outpace others in legal action to stem the sex trade by addressing its unnoticed perpetrators -- the mainly male purchasers of women and children in prostitution.

In 1999, with the approval of over 70% of its surveyed population, Sweden passed groundbreaking legislation that criminalized the buyer of sexual services. Part of a larger Violence Against Women bill, the legislation was based on the foundation that the system of prostitution is a violation of gender equality. Sweden's legislation officially recognizes that it is unacceptable for men to purchase women for sexual exploitation, whether masked as sexual pleasure or "sex work." Equally important, its law acknowledges that a country cannot resolve its human trafficking problem without addressing the demand for prostitution. The law does not target the persons in prostitution.

This month, the government of Sweden published an evaluation of the law's first ten years and how it has actually worked in practice. Compared to the report's understated and cautious tone, the findings are strikingly positive: street prostitution has been cut in half; there is no evidence that the reduction in street prostitution has led to an increase in prostitution elsewhere, whether indoors or on the Internet; the bill provides increased services for women to exit prostitution; fewer men state that they purchase sexual services; and the ban has had a chilling effect on traffickers who find Sweden an unattractive market to sell women and children for sex. Following initial criticism of the law, police now confirm it works well and has had a deterrent effect on other organizers and promoters of prostitution. Sweden appears to be the only country in Europe where prostitution and sex trafficking has not increased.

The Swedish results should be contrasted to neighboring countries such as Denmark where there are no legal prohibitions against the purchase of persons in prostitution. Denmark has a smaller population than Sweden (roughly 5.5 million to Sweden's 9 million), yet the scale of street prostitution in Denmark is three times higher than in Sweden.

In casting the comparison further, we should note the dismal results of the legalization model of prostitution from countries in Europe that have normalized pimping, brothels and other aspects of prostitution and the sex industry. In 2002, Germany decriminalized procuring for purposes of prostitution, widened the legal basis for establishing brothels and other prostitution businesses, lifted the prohibition against promoting prostitution and theoretically gave women the right to contracts and benefits in

prostitution establishments. Five years later, a federal government evaluation of the law found that the German Prostitution Act, as it is called, has failed to improve conditions for women in the prostitution industry nor helped women to leave. It has also failed "to reduce crime in the world of prostitution." As a result, the report stated that "prostitution should not be considered to be a reasonable means for securing one's living." The federal government is drafting a criminal provision to punish the clients of those forced into prostitution or who are victims of trafficking -- the Swedish model lite with all its caloric value removed.

The results are equally bad in the Netherlands where prostitution and the sex industry have been legalized since 2000. Two official reports in 2007 and 2008 have soured official optimism about the Dutch legalization model. The government-commissioned Daalder Report found that the majority of women in the window brothels are still subject to pimp control and that their emotional well-being is lower than in 2001 "on all measured aspects." The Dutch National Police Report puts it more strongly: "The idea that a clean, normal business sector has emerged is an illusion..." Like the Germans, the Dutch are now proposing an amendment that would penalize the buyers who purchase unlicensed persons in prostitution -- another version of the Swedish model lite. Still, an indication that penalizing the buyer is gaining ground.

The failure of the legalization model in Europe helped the Swedish model to become the Nordic model in 2009 when Norway outlawed the purchase of women and children for sexual activities. One year after the Norwegian law came into force, a Bergen municipality survey estimated that the number of women in street prostitution had decreased by 20 percent with indoor prostitution also down by 16 percent. Bergen police report that advertisements for sexual activities have dropped 60 percent. Also, the police have effectively monitored telephone numbers of buyers, who respond to such advertisements, in order to identify and charge them. An added value is that monitoring reveals a wider network of criminal groups involved in trafficking for prostitution and their links to others involved in child prostitution, pornography and drug trafficking. In Oslo, the police also report that there are many fewer buyers on the street.

The same year as Norway, Iceland passed a law criminalizing the purchase of a sexual service. Earlier in 2004, Finland approved a more anemic version of the Nordic model. This left Denmark as the outlier with no legislation targeting the demand for prostitution.

The success of the Nordic model is not so much in penalizing the men (the penalties are modest) as in removing the invisibility of men who are outed when they get caught. This, in turn, makes it less appealing for pimps and traffickers to set up shop in countries where the customer base fears the loss of its anonymity and is declining.

Legalization of prostitution is a failed policy in practice. The prostitution policy tide is turning from legalization of prostitution to targeting the demand for prostitution without penalizing the victims. Countries who want to be effective in the fight against trafficking and not havens of sexual exploitation are beginning to understand that they cannot sanction pimps as legitimate sexual entrepreneurs and must take legal action against the buyers.

Biographical Note: Janice Raymond is Professor Emerita of Women's Studies at the University of Massachusetts, Amherst and a member of the Board of Directors of the Coalition Against Trafficking in Women (CATW).