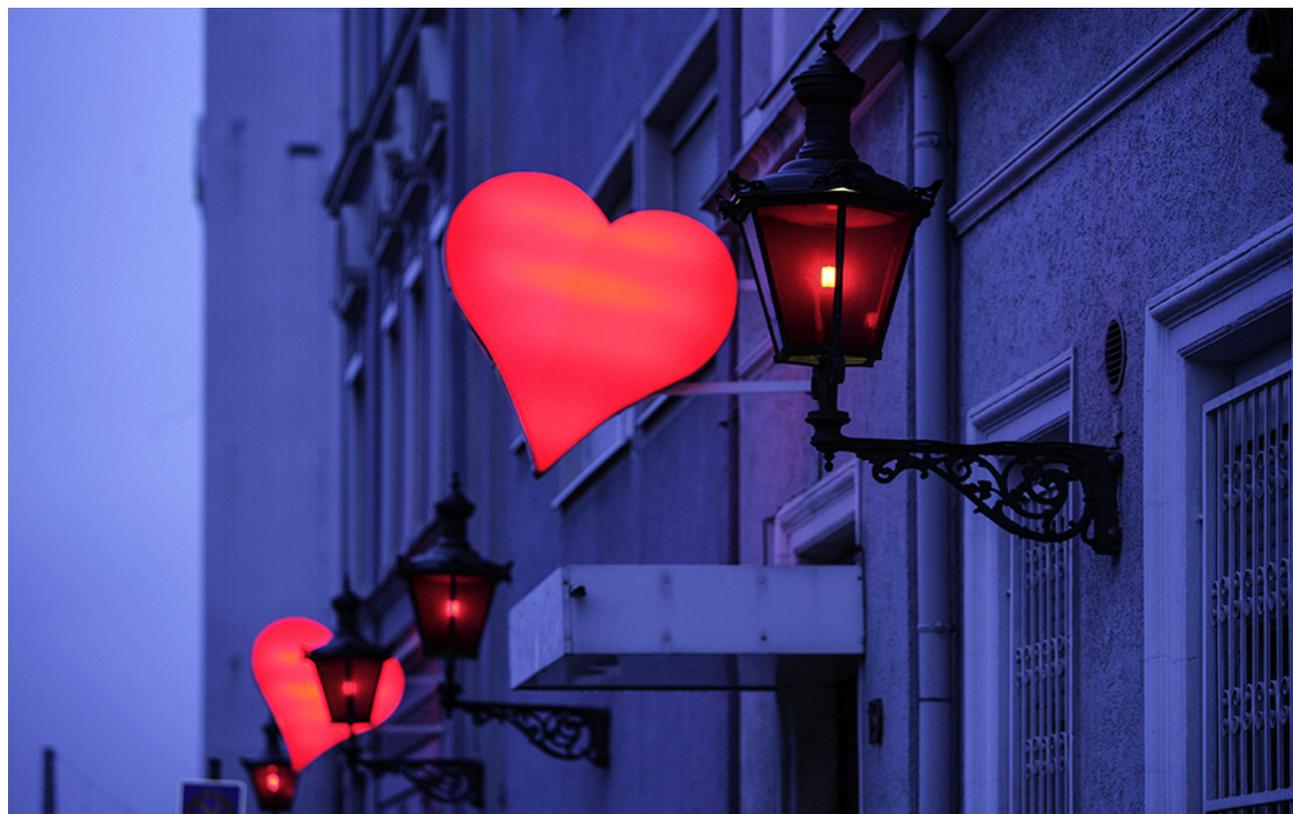


On the streets or in a house?

Sweden criminalised the purchase of sex; Germany preferred to legalise brothels.

by William Irigoyen



Pye Jakobsson was enjoying the last of the evening sun on her patio in Tyresö. ‘They’ve won,’ she said, ‘and I’ve lost. I’ll be leaving the country at the end of the month, and going to live somewhere in southern Europe where the laws are different.’ Jakobsson, 48, is spokesperson for the Rose Alliance, a Swedish organisation founded in 2003 to defend sex workers. (She uses the term ‘because as soon as you are paid for an activity, it’s work.’) To continue working in prostitution in Sweden today means even greater exposure to the risks of a clandestine existence, she says.

In 1998 the government decided to penalise prostitutes’ clients, in the name of principles that emerged in the 1970s and still unite Swedish society. One of the most important is gender equality, which legislators decided was an idea incompatible with sex for money, since that introduces an element of coercion: it gives (mostly male) clients who pay for sexual services power over (mostly female) sellers. In view of this imbalance, parliament passed a law (in force from January 1999) forcing clients to change their behaviour and effectively driving prostitutes into other work.

Sweden has other highly repressive laws. A private landlord or hotel owner cannot rent accommodation to a prostitute without being accused of procuring. Jakobsson says the 1999 law is clearly inspired by Lutheranism: ‘People still think sex workers are wicked women

who steal men from their wives.’ Her arguments, which echo the usual criticisms of abolitionism, are a direct challenge to the authorities.

Gunilla Ekberg, an expert on prostitution and trafficking, collaborated in the formulation of the law. She says: ‘Religion has nothing to do with it. But we do have principles based on ethics. If you want a society where men and women have the same opportunities and the same rights, you need to eradicate the violence that men inflict on women.’

In 35 years as a lawyer she has never met a woman who went into prostitution voluntarily, or enjoyed it: ‘You don’t choose to do it. Every prostitute has a story of violence, drugs or poverty. The sex industry creates oppression too. In Sweden, with our social-democratic tradition, we know what that means.’ She believes that’s why parliament decided to take a political approach to the issue: ‘Does it make sense that, in Europe today there are people on the left who defend workers’ rights but take a neoliberal stance as soon as they are asked to legislate on prostitution?’

‘You can’t change everything in 20 years’

A 2014 study found that 72% of Swedes (85% of women, 60% of men) support the ban on the purchase of sexual services (1). But does that mean the 1999 law is effective? The same study found only 200-250 women (mostly foreign) in street prostitution in Sweden’s largest cities — Stockholm, Göteborg and Malmö — in 2014, compared with 650 in 1995. Yet public broadcaster Radio Sweden revealed last summer that prostitution had risen in Malmö in 2015, with 47 women working the streets, 12 more than in 2014, and claimed the trend would continue in 2016 (2). According to Ekberg, it’s not the law that is the problem, but enforcement: ‘Let’s be honest: you can’t change everything in just 20 years. Sweden today has the lowest level of human trafficking in Europe. But the law isn’t properly enforced everywhere.’

Swedish prostitutes interviewed by police as part of a campaign against trafficking are offered rehabilitation. But foreign co-workers face immediate deportation. They are given a month to think and, if they decide to cooperate, get a six-month residence permit and social security benefits. If their case takes longer to process, they may get permission to stay another six months. During this time, they can study or look for other work. But ‘it’s only temporary,’ says detective inspector Kajsa Wahlberg, national rapporteur on human trafficking. ‘Once the inquiry is over, the courts decide whether they can stay permanently.’

Rehabilitation is one of 36 measures in a huge government programme, launched in July 2008, with a budget of \$213m kronor (\$21m). According to Wahlberg, this plan has drastically reduced visible soliciting. But she admits that ‘with the growth of the Internet, prostitution has vanished from public spaces. Offers of sexual services are spreading in massage, hairdressing and nail salons.’ Active tracking of clients, made possible by a network of informants, has shifted to new ground. In the last eight years, online advertisements have increased twentyfold. This growth mirrors that of the Internet, but does not seem to be linked to a rise in the number of clients.

Wahlberg says that on average Swedish police arrest 500 men a year for purchasing sexual services. Sentences range from a fine to 12 months in prison. Fines vary according to income — from \$370 for the unemployed to as much as 150 days’ pay for those in work.

'Escaping a kind of pressure'

Clients are offered therapy. Göteborg is a pioneer, and some 2,000 patients have passed through its KAST programme (3). They come voluntarily, seeking treatment for dependency on paid sex. Maia Strufve, a family therapist, explains how they are helped to trace their problem back to its origin, which is invariably a familial trauma. Sessions are usually weekly, last an hour, and continue on average for two and a half years. 'Many patients tell me they feel freer to do certain things with prostitutes than with their partner. They say paid sex allows them to escape a kind of pressure.'

Strufve doesn't recommend couple therapy: 'It has never produced good results and often leads to a crisis. The men who come and see us need someone to listen and give them advice.' Clients are more able to speak freely one-to-one. They often talk about their first encounter, rarely an exciting experience. Prostitutes are offered therapy and social care. In the spirit of the 1999 law, efforts are made to encourage them to switch to other work, not to improve their working conditions. Strufve claims to have helped reduce prostitution over the years, but can't provide data.

'Far from protecting them, the German model has become hell on earth for the women in prostitution'

In 2010 Anna Skarhed, Sweden's chancellor of justice, published a very favourable assessment of the criminalisation of the purchase of sexual services, claiming that it stops clients from reoffending and prevents organised crime. But Susanne Dodillet of the University of Göteborg calls for a different kind of evaluation.

'They haven't allowed objective critics to evaluate the law independently.'

She also claims prostitutes were not consulted — which Gunilla Ekberg strongly denies. Dodillet was born in Germany and moved to Sweden at 21. She found her understanding of feminism was very different from that of Swedish women students: 'There was a culture gap. I thought my friends were leftwing, but they defended the law, and even referred to paid sexual acts as rape.'

'In the name of individual freedom, she is against the criminalisation of clients and legislation that means prostitutes cannot help each other without being accused of procuring. She also deplores the fact that, since passing the law, Swedish legislators seem to feel they are citizens of a morally exemplary country.'

German psychologist Ingeborg Kraus is pressing for her country to introduce Swedish-style legislation and ratify the 1949 UN Convention for the Suppression of the Traffic in Persons.

As initiator of the German psycho-traumatologists' manifesto against prostitution, she has written to Chancellor Angela Merkel, condemning the consequences of Germany's legalisation of brothels in 2001, which she claims has significantly increased demand.

'Far from protecting [them], the German model has become hell on earth for the women in prostitution ... We witness an industrialisation of prostitution with a revenue estimated at €14.6bn [\$15.5bn] for 3,500 brothels that have officially been declared as such'

Some establishments, like the Pascha in Cologne, have become tourist attractions. More than 120 prostitutes work at the Pascha, which has a special floor for low-cost services; a comfortable, traditional brothel charging higher prices; a special floor for transsexual

prostitutes; a table-dance nightclub and a hotel.

Brothels even offer package deals — ‘three hours with food, drinks, Thai massage and one or more girls, for just €50.’ It’s a human disaster, Kraus wrote, quoting a 2008 study which ‘found that 68% of women in prostitution situations had PTSD of an intensity similar to war veterans or victims of torture ... And there are other problems that can develop: all sorts of anxieties, various dependencies, affective disorders like depression or bipolar disorder, psychosomatic pains, personality disorders, dissociative disorders etc.’

Kraus wants the European Commission to condemn Germany for failing to uphold the EU Charter of Fundamental Rights, which guarantees the ‘right to the integrity of the person’ and prohibits ‘torture and inhuman or degrading treatment or punishment’. She wants it recognised that prostitution totally contradicts EU values. The European Parliament made recommendations in 2014 that included sanctions against clients, but the resolution was not binding. Norway and Iceland followed Sweden’s example in 2009, but within the EU only Northern Ireland (2015) and France (2016) have modified their laws. What the Swedish example shows is that legislation is not a panacea: the fight requires a sustained effort, with continuing social support.

William Irigoyen