

## **NZPC Analysis of the Swedish law criminalising clients.**

1. NZPC is a peer-based community organisation that provides sexual and reproductive health information to people working in the sex industry, with community bases in Auckland, Tauranga, Wellington, Christchurch, and Dunedin. NZPC provides outreach to both home based (SOOBs) and managed brothels, and to street-based sex work sites around the country. NZPC has a wide network that enables us to know what is happening within the sex industry. NZPC has contracted with the Ministry of Health since 1988 to provide these services.
2. As part of the contract with the Ministry of Health, NZPC provides advice to government and non-government organisations about issues affecting the sex industry, and how policy will affect the sex industry if it is implemented.
3. NZPC supports the aims of the Prostitution Reform Act 2003, welcomes the fact it provides rights to sex workers, and also protects their occupational safety and health. NZPC notes that, compared to the previous legal regime, violence has decreased, and sex workers have a greater ability to refuse a client.
4. NZPC does not support the introduction of the Swedish model, or the criminalisation of clients in any form, in New Zealand. NZPC is aware of the latest academic research available in respect to what is happening in Sweden and Norway, and is in contact with sex workers in Sweden who can provide first hand evidence of what happens to sex workers in Sweden under their law.

### **Swedish Law Criminalising Clients**

5. Sometimes called the Nordic Model, because of its adoption, or partial adoption in Norway, Finland and Iceland, the Swedish model of regulation of sex work became law in Sweden in 1999 and proposes that all sex work is violence against women. While Norway adopted the law verbatim, there are variations in the laws in each remaining country in the Nordic region. Finland has only criminalised the clients of trafficking victims, while Iceland has banned everything, including strip-tease. This is very different from the law in Sweden.

Denmark, also a Nordic country, has refused to criminalise clients (Jakobsson, 2013: 3). It is therefore not possible to call the laws in Sweden a *Nordic Model*, as there are differences in the laws between the Nordic Countries.

6. The wording of the law in Swedish is (italics in the original):

Den som mot ersättning skaffar sig en tillfällig sexuell förbindelse döms – om inte gärningen är belagd med straff enligt brottsbalken – för *köp av sexuella tjänster* till böter eller fängelse i högst sex månader.

This translates as:

Anyone who for remuneration procures a temporary sexual relationship will be guilty – if their action is not punishable by some other offense according to the penal code – of *purchasing sexual services*, and will be sentenced to fines or prison for not more than six months.

7. It is important to remember that the situation in Sweden is radically different from most other European countries, let alone New Zealand. As Don Kulick (2003: 201) states: “*Sweden has some of the harshest sex laws in the world. It is the only European country, for example, where during the early years of the AIDS epidemic, a national law was passed abolishing existing gay bathhouses and prohibiting the establishment of new ones. It is also one of the few countries in the world where persons with HIV can still be forcibly incarcerated without a criminal trial, simply because doctors believe that they will not follow instructions to inform their sexual partners that they are HIV+. Sweden is also one of the few countries in Europe – perhaps the only one – where it is impossible to remain anonymous as a person with HIV: if you test positive at any state funded or private clinic, your physician is legally obliged to report your identity to the health authorities, and you are then legally obliged to report to a doctor regularly with information about your sexual encounters and relationships.*”
8. Furthermore, Kulick continues: “*Law dealing with what in Swedish is referred to as ‘procuring’ (koppleri) is very harsh, and can result in prison for up to four years. It is illegal to profit in any way from sexual services performed by anyone else. This is positive in the sense that it makes the exploitation of sex workers and others by unscrupulous profiteers illegal. But it also makes it illegal for sex workers to rent apartments or commercial spaces for work,*

*it makes it illegal for them to hire anyone to book their appointments, it makes it illegal to openly advertise their services in newspapers and magazines, and it even makes it difficult for them to live with anybody, since their lover, roommate or friend could be seen as profiting from the sex worker's income, in cases where they share expenses or have joint bank accounts."*

9. Therefore, although sex workers are "decriminalised", there are still very harsh laws surrounding them, that treat them as second class citizens, and which increase negative social perceptions of sex workers thus increasing societal stigma.
10. It should be noted that the Swedish courts have stated that "remuneration" includes not only payment of money, but also gifts including alcohol or clothing (BRÅ, 2000: 39). This means that the person who gives someone a drink in a bar, or takes someone to dinner, or other gives a person gifts, and then sex takes place, would be in breach of this law, whether or not the person receiving the gift is a sex worker or not. The person receiving the drink, the dinner, or the gift, would be treated as someone who needs rescuing, whether or not they needed rescuing.
11. The Global Commission on HIV and the Law (2013: 38) states the Swedish model of regulating sex work is "*Based on the premise that women in sex work need protection, it regards the sex worker as the 'victim' and the client as the 'exploiter'. Since its enactment in 1999, the law has not improved—indeed, it has worsened—the lives of sex workers*". This submission shall examine the failings of the Swedish model and how it has worsened the lives of sex workers.

### **Claims regarding the number of clients**

12. It is often claimed that the Swedish model has reduced the number of sex workers, and has reduced the number of clients. However, the number of clients was never correctly established prior to the law being passed. An estimate based on a 1996 survey of 2810 people, with 187 responses stating they had paid for sex at one time or another, equating to 12.7% of the male respondents. The Swedish government then made claims based on this figure that over four hundred thousand men, over 18 years of age, had, at some point in their lives, paid for sex (Kulick, 2005: 205).

13. In 2008, a similar estimate was completed, and 2,500 surveys were sent out, but only 45.5% of them were returned. Although the study showed that 8% of male respondents had paid for sex during their lifetime, and the Swedish government claimed this represented a decrease in the number of clients, the author of the report stated that because the survey was not representative as men, in particular young men were underrepresented, and the large number of non-returns, no valid conclusion could be drawn. The author also indicates that perhaps men who were clients were unwilling to admit being so because of the criminal act it had become (Dodilett & Östergren, 2011: 15-16).
14. Furthermore, the death rate (all ages) of men Sweden has been 1.02% per year over that period. The Swedish male population (all ages) increased from 4,369,717 in 1996 to 4,603,710, an increase of 5.35% (Statistics Sweden, 2014a, 2014b). This would drop the percentage of men who were clients by no more than 1.02% if none of those who turned 18 after 1996, and no men who migrated to Sweden, became clients. This would mean the percentage of men who had ever paid for sex would only reduce to 11.68%. As the estimate was a lifetime experience appeared to reduce from 12.7% to 8% it indicates that either those men who were clients in the 1996 survey refused to answer the question about purchasing sex, or were among the 54.5% of people who did not respond to the survey.
15. It is therefore not possible to extrapolate from a non-representative survey to the entire Swedish male population, and nor is it possible to state that the number of clients reduced. Despite the author cautioning that no valid conclusion could be drawn, the Swedish Government, and those trying to impose this law outside Sweden, did so. This is unethical.

### **Claims regarding the number of sex workers**

16. Prior to the law coming into effect, no count of the number of sex workers was completed. After the law came into effect, using the records of social workers and Police, an estimate of the number of street based sex workers was completed.
17. Maj Britt Theorin (2001) states "*street prostitution has decreased by 50 per cent and the Swedish police maintain that the majority of these women have not moved into hidden forms of prostitution.*" However, "*... about 1/3 of all prostitution consists of street prostitution, and*

*that 2/3 takes place in concealed form. ... The survey confirms the results of previous studies - that prostitution in Sweden consists of much more than the visible street prostitution"* (Socialstyrelsen, 2000). It can therefore be seen that the claimed 50% reduction in street prostitution (the only kind visible to the authorities) in Sweden that occurred when the law was first introduced, is really only a possible decline of 1/6<sup>th</sup> of the total amount of prostitution in Sweden.

18. Although Socialstyrelsen (2004) states *"there have been no significant changes in the extent of prostitution since 1999. The exception is the city of Malmö, where a slight increase in the number of women engaged in prostitution have been observed- although the current total is still less than before the new law went into effect"*, this is in relation to *"the number of female substance abusers engaged in street prostitution"*.

19. In relation to the initial drop in the number of street based sex workers, Kulick (2003) notes: *"Immediately after the law began to be enforced, police noted a drop in the numbers of street prostitutes (again, we are not talking about massive numbers to begin with – in 1999, reports indicate that there were less than 800 prostitutes in the entire country). This may have something to do with the fact that policemen, who had been allotted 7 million Swedish kronor (US\$650,000) to enforce the new law, immediately began making their presence on the streets where sex workers worked very visible. Armed with video cameras, which they ostentatiously pointed at any car that slowed down near a sex worker, they effectively frightened away clients, thus driving the sex workers off the streets. By the middle of 1999, however, it seems that many of the sex workers who initially left the streets were back again. In August of 2002, social workers in Malmö, Sweden's third largest city, estimated that there were about 200 street prostitutes there, which is the same number that was estimated before the passage of the law in 1999 (Kvällsposten, 02-08-09). Since the law came into effect, three government reports have been commissioned to evaluate it and to recommend how it might be enforced (BRå, 2000: 4; Nord and Rosenberg, 2001; SoS, 2000: 5) None of these reports has concluded that the law has resulted in a significant drop in prostitution in Sweden."*

20. Furthermore, Gripenlöf (2004, cited in Working Group on the legal regulation of the purchase of sexual services, 2004: 10), showed that the number of sex workers on Stockholm's Malmskillnadsgatan for each year from 1999 to 2003 were 101 (1999), 112

(2000), 112 (2001), 77 (2002), and 104 (2003) respectively. This led the Norwegian Working Group (2004: 10) to report "*The figures from Malmkillnadsgatan show that the total number of women on the street has been stable in the period 1999-2003.*" The reasons for the low numbers reported in 2002 are given as "*during that period, the prostitution group had been redirected to a trafficking project*" so less observations were made.

21. It can therefore be seen that the short term claims about a reduction in the number of sex workers in Sweden has little ground, and does not have sufficient evidence to support it.
22. It should also be noted that "*In 2009, the National Bureau of Investigation estimated that there were about 90 Thai 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 Thai massage parlours in the Stockholm area was estimated to be about 250 and throughout the country about 450*" (Swedish National Police Board, 2012: 13).
23. Furthermore, "*The increase in the number of foreign women selling sex, cases of trafficking and persons advertising on the Internet, has also resulted in a situation where police and social authorities have trouble monitoring the scope of these activities*" (Holmström & Skilbrei, 2009 : 13).
24. Also, in regards to this, it cannot be sure what the reason for any assumed decrease in the number of sex workers may be. As the Norwegian Working Group (2004: 11) found "It is impossible to say whether a reduction on the streets is due to legislation or to other factors. Mobile telephones and the Internet are probably of great significance for women selling sex elsewhere than on the streets."
25. It can therefore be seen that that over the long term, it is impossible to claim that the numbers of sex workers has declined. With increases in people advertising over the internet, and increases in Thai massage parlours, "*most of which were judged to be offering sexual services for sale*" (Swedish National Police Board, 2012: 13), and an inability to effectively monitor the number of sex workers before or after the law came into effect, it can be seen claims of a decrease in the number of sex workers is not supported by the evidence provided by the Swedish police.

## Effects of the Swedish law on sex workers

### Effects on harm reduction and public health

26. Levy (2013: 4) notes that *“Harm reduction – efforts to reduce the harm that may be experienced during sex work – is seen as incompatible with Sweden’s abolitionism, with efforts to eliminate prostitution”*. This means that, while sex workers and clients are seen as target groups for the reduction of HIV/AIDS, the *“provision of condoms to sex workers is not seen to be the Stockholm Unit’s or the state’s responsibility. Social workers at the Unit oppose condom distribution”* (Levy, 2013: 4). As a result, *“Where the Stockholm Unit fails to provide condoms on the street, sex worker respondents reported having to provide one another with condoms, with additional reports of shoplifting for condoms around Stockholm’s street sex work area”* (Levy, 2013: 4).
27. Levy (2013: 2013: 5) notes that in regards to the provision of condoms and harm reduction information, *“‘since it’s illegal, you can’t, it becomes very strange if you are informing of something that not legal in Sweden, it would be the same thing as (if) you would inform of buying and selling drugs’. Interview, 2010, Inger Segelström, Proposer of Sexköpslagen; Politician – Social Democrats”*.
28. Nevertheless, the Swedish Discrimination Ombudsman (2010) seeks *“to emphasize that zero tolerance towards buying sex should not constitute a barrier to harm reduction work that is aimed at people who sell sex.”* Despite this, *“Sweden perceive harm reduction measures as something that facilitate criminal activities such as pimping and trafficking. To quote the Swedish governmental inquirer Anna Skarheds public statement: ‘We do not work with harm reduction in Sweden. Because that is not the way Sweden looks upon this. We see it as a ban on prostitution: there should be no prostitution”* (Thing, Jakobsson, & Renland, 2011: 3).
29. When arresting a client with a street based sex worker, police strip search the sex worker and confiscate condoms to use in evidence. This means street based sex workers are less willing to carry condoms (Eriksson, 2006: 98).

30. It can therefore be seen that the provision of condoms to sex workers is problematic under the Swedish law. This would have a negative effect on the harm reduction efforts and public health.

### Experience with government service providers

31. The experience of sex workers in Sweden with government service providers has been overwhelmingly negative. As Levy (2013: 5) reports: *“The Stockholm Prostitution Unit appears to be a high threshold organisation, catering only for people for whom sex work is problematic, or who want to cease sex work. Those who have not experienced difficulties or do not wish to stop selling sex are not seen as areas of concern, not deserving the ‘energy’ of targeted, state-sponsored attention:*

*‘We are not here for people who feel good. We’re here for the people who... experience problems with (prostitution)’.*

*Interview, 2009, Social Worker, Stockholm Prostitution Unit*

*‘as far as they feel well, and like to be in this situation, fine with me, I mean, the day when they don’t like it anymore, they can come to me. So I don’t spend my energy on this group of people’.*

*Interview, 2009, National Coordinator Against Trafficking and Prostitution*

*Sex workers may therefore feel that they have to construct a ‘victim’ status to access service providers’ ‘energy’ and resources.”*

32. This leads to a circular argument in action: a sex worker has problems while working, therefore all forms of sex work is seen by the authorities as problematic; sex workers who need services invent a “victim status” or do not attend; no service for those who have no problems; which leads to the first point again.

33. This reasoning is false and means that those who desire services have to lie to get them or do without them.

### Increase in danger

34. Clients of street based sex workers do not want to get caught by the police, so street based sex workers must negotiate with the client quickly, which “increases the risk of the sex

worker making a faulty assessment of the client. And when clients are more stressed and frightened of being exposed, it is also more difficult for the seller to assess whether the client might be dangerous. On top of this, services have to be carried out in even more hidden, and therefore more unprotected, areas” (Dodillet & Östergren, 2011: 22).

35. The Norwegian Working Group (2004: 13) noted that sex workers “*who have a good understanding of human nature and can ‘read’ a client do not have time for it. Clients have become more violent.*”

### Increase in violence

36. Socialstyrelsen, the Swedish Board of Health and Welfare, reports (2003: 9) that “*We cannot state with certainty whether there has been an increase of violence affecting prostitutes since our previous report or during the last few years. Some informants speak of greater risks for prostitutes, but few have observed an actual increase in violence*”. They further state (2003: 9) “*Police who have studied the occurrence of violence have not found any evidence of an increase. They also feel that the women have enough trust in the police to report any incidents of violence to which they are subjected.*”

37. The following is a copy of table 12 from the Pro-Sentret study into violence against Oslo sex workers since Norway changed its law to prosecute clients. It should be noted that the column headed 2012 is violence since 2009, while the column headed 2007/2008 is violence occurring in the working lifetime of a sex worker, and could “be anything from one day to 50 years” (Bjørndahl, 2012: 22):

	Total 2012	Total 2007/08		Total 2012	Total 2007/08
<b>Unwanted touching</b>	48%	39%	<b>Struck with fist</b>	18%	29%
<b>Verbal abuse</b>	48%	41%	<b>Trapped</b>	18%	27%
<b>Threats/force</b>	38%	35%	<b>Murder attempt</b>	15%	- <sup>1</sup>
<b>Shoving</b>	34%	33%	<b>Rape</b>	15%	29%
<b>Threatened with weapon</b>	33%	22%	<b>Biting</b>	15%	6%
<b>Hair pulling</b>	32%	12%	<b>Thrown objects</b>	15%	- <sup>1</sup>
<b>Threatened/forced into sex that was not agreed to</b>	27%	35%	<b>Kicked</b>	15%	12%
<b>Restrained</b>	25%	49%	<b>Thrown from car</b>	14%	18%

<b>Robbed/attempted robbery</b>	23%	31%	<b>Other</b>	10%	10%
<b>Stranglehold</b>	19%	18%	<b>Pinched</b>	4%	10%
<b>Struck with an open hand</b>	19%	27%	<b>Scratching</b>	4%	2%
<b>Spat on</b>	19%	12%	<b>Burnt</b>	3%	4%

1. Was not asked in 2007/2008.

38. As the initial period (2007/2008) is over a lifetime, and the latter study (2012) covered a 3 year period, it is difficult to compare the two. However, Bjørndahl pointed out that a number of the women interviewed in the 2012 study did not identify all types of rape accurately. In Norwegian law, being threatened/forced into sex that was not agreed to is also classed as rape. Bjørndahl (2012: 22) continues stating *“As many as 27% reported that they had been threatened/forced into sex that was not agreed to, while 15% said they had been raped. We have looked at how many checked both answers which could mean that they define both these categories the same way. Only 6 people have done this, which confirms our suspicion that many of the women would not characterize actual rape as rape. This also means that the actual frequency of rape is considerably higher ... If we combine the amount that checked these options and then subtract those that checked both we see that as many as 34%(25 people) of those that have experienced violence in the last three years have been raped/threatened into sex that was not agreed to”*. The overlap is not known for the earlier period, but if it is similar, then the final total figure for a lifetime is also around the same 34%. Therefore it is not possible to claim that violence has decreased in an environment where clients are criminalised. Furthermore, for the three year period 2009-2012, violence in the form of unwanted touching, verbal abuse, shoving, hair pulling, and threats with a weapon increased over the lifetime experience.

39. It should also be noted that willingness to report this violence to the police decreased from 27% to 16% (Bjørndahl, 2012: 29). While the same rider about periods covered by the respective studies applies in this case as well, it is indicative that sex workers are less likely to report violence against them to the police.

40. As the police have been warning *“the owners of the apartment/facilities/hotel where prostitution activity is discovered that they will be prosecuted for pimping if the tenancy agreement is not terminated”*. This police action has *“lead to many who sell sexual services being evicted from facilities/apartments/hotel rooms where they have sold sexual services*

*in/from. In some cases they have been evicted immediately by the landlord and lost the deposit they paid for the apartment/facility” (Bjørndahl, 2012: 33). As a result of this, sex workers now feel “that they have been criminalized”, and that “the police is no longer perceived by the women as allies they can turn to when they have been subjected to something illegal, because they fear that they will be investigated when they contact the police” (Bjørndahl, 2012: 33).*

41. From 2001 until the most recent research reports, Swedish sex workers have been reporting an increase in violence against them (Sambo, 2001; Eriksson, 2006; Dodillet & Östergren, 2011, Levy, 2013), though this appears to be ignored in the official Swedish evaluation, was downplayed, or blamed on sex workers (Skarhed, 2008). Jordan, (2010: 9-10) states: *“The Skarhed Report notes that a 2003 government report spoke about more risk because of greater competition among women for fewer clients. However, it dismisses the information and blames women themselves for the violence. It relies on a few statements from the police and some women who left prostitution to assert that the real cause is more heroin (Skarhed 2010, 33). Thus, the government contemptuously tries to avoid any responsibility for violence caused by the law by shifting the blame for violence to the women themselves. Its claim of ‘clean hands’ is not surprising because the report has to reject any concerns or evidence that might support calls to abolish the law. ”*
42. It can therefore be seen that the Swedish government, and those who propose the Swedish model or similar laws, ignore the violence against sex workers that sex workers themselves indicate is a result of the law.

#### *Other negative consequences*

43. Kulick (2003: 204-205) notes *“Social workers and street prostitutes say that the quality of clients has declined, and a recent report commissioned by the National Board of Police has concluded that women are now forced to accept not only more clients (since prices have dropped), but also more unstable and dangerous clients than they would have accepted before the law, when there were more clients and, hence, more choice (e.g. GT/Expressen, 00-04-22; DN, 98-08-02; DN, 99-01-18; Nord and Rosenberg, 2001: 27). Police harassment of prostitutes has increased – they can be forced to appear in court to provide testimony against the client (they can refuse to be witnessed, but they are still summoned*

*and sometimes escorted to courtrooms), and whenever they are caught with a client their belongings are searched and they may be frisked.”*

44. Dodillet and Östergren (2011: 22) reports similar, while Florin (2012: 273) noted that *“The [Skarhed] commission recognized that there are complaints about increased social stigma, the sensation of being haunted by the police, and the perceived insult of legally being declared incompetent.”* Being legally declared incompetent has other effects. Sambo (2001) reported that sex workers were having their children taken off them, with Socialstyrelsen (2004: 10) noting *“Some of the women have children, but they have generally been placed in care”*. Levy, (2013: 1) reports: *“though the sexköpslagen has been portrayed as legislation that protects sex workers from legal repercussion, sex workers report losing child custody due to their sex work, domestic harassments by police and social services, and difficulties with tax and immigration authorities. These all serve to reduce the likelihood of sex workers seeking state-sponsored assistance. In addition to all of these harms, legislation and discourse serving to redefine Swedish norms have distracted from the sexköpslagen’s failure to achieve its ambition”*.
45. Kulick (2003: 204) indicates the law infantilises adult women who are sex workers by drawing *“an analogy between children and prostitutes: just as society has a duty to protect children, who as victims without a voice of their own need others to speak for them and the state to protect them, so does society have a duty to protect prostitutes, who, in Swedish debates, are unvaryingly portrayed as exploited victims who need others to speak for them and the state to protect them.”* This infantilisation of adult sex workers, who are capable of making their own decisions, also contributes to the belief that sex workers are incapable of looking after children, and are not real “people”.
46. Dodillet and Östergren (2012: 23) notes that *“the criminalization has intensified the social stigma of selling sex, that they feel hunted by the police and that they resent being treated as incapacitated persons whose actions are tolerated, but whose wishes and choices are not respected”*.
47. This indicates that there are a variety of other consequences as a result of the law criminalising clients that affect sex workers as a specific group. Evidence based research from both Swedish governmental bodies and independent researchers indicates that sex

workers are being treated as criminals, even though they are not criminal, that they are subject to greater police observation and harassment, and that their children are being removed from their care. These all have negative effects on sex workers, both physical and mental, including the acceptance of societal stigma, and the resultant drop in self esteem.

### Trafficking

48. Prior to the law taking effect, Police received reports from clients of sex workers of victims of trafficking. Now, this does not happen. The Norwegian Working Group (2004: 53) noted an *“unintended effect is that the clients are less visible than previously and that they are less willing to cooperate in bringing to light coercion, Trafficking in Human beings, or underage persons involved in prostitution”*, while Kulick (2003: 204) reports *“Police report that their efforts to prosecute pimps and traffickers has been made more difficult, because clients, who before the passage of the law were sometimes willing to serve as witnesses, are now disinclined to cooperate, since they themselves are guilty of a crime”*. Levy, who interviewed clients of sex workers, noted (2013: 8) *“the sexköpslagen can act as disincentive for sex buyers to report suspected trafficking or abuse, for fear of essentially confessing to the crime of buying sex. One sex buyer I interviewed recalled two or three instances where he had not contacted the police to report suspected trafficking, for fear of legal consequences. He had left the premises without buying sex, and had tried to make other clients aware of the situation via online forums”*.

49. It can therefore be seen that the Swedish model of criminalising clients makes it more difficult to detect cases of trafficking.

### Increase in stigma

50. One of the main issues raised by sex workers regarding the law criminalising the clients of sex workers is the increase in stigma that the law causes. This stigma is manifested in many of the above: greater harassment by police and other authorities, removal of children from custody, and the reported increases in danger and violence against sex workers.

51. Jordan, (2012: 12) states: *“The law adopts traditional patriarchal images of innocent, sexually pure women – in need of rescue and protection – and bad women - social deviants*

*who sell sex - who do not deserve society's protection. The government and its supporters hope that, by using negative images to increase stigma of sex workers and their customers, public pressure will force them to conform (at least superficially) to the views of the majority."*

52. As noted above, Dodillet and Östergren (2011: 23) also reported that sex workers reported that *"the criminalization has intensified the social stigma of selling sex"*. Importantly, the Swedish Discrimination Ombudsman (2010) also states that sex workers have been stigmatised by the law. This increase in stigmatisation is recognised in the official evaluation by the Chancellor of Justice, Ana Skarhed (2010: 129: *"De personer som utnyttjas i prostitutionen uppger att kriminaliseringen förstärkt det sociala stigma det innebär att sälja sex"* (translation: *"People who are currently being exploited in prostitution state that the criminalization has intensified the social stigma of selling sex"*, Key & Evans, 2010: 34).

53. Nevertheless, beyond reason, Skarhed (2010: 130) states that this increase in stigma, increase in police harassment, and increase in other negative effects of the law criminalising the clients of sex workers is a **good** thing: *"När det gäller de personer som fortfarande utnyttjas i prostitution måste ovan nämnda negativa effekter av förbudet som de beskriver närmast betraktas som positiva"* (translation: *"For people who are still being exploited in prostitution, the above negative effects of the ban that they describe must be viewed as positive"*, Key & Evans, 2010: 34).

## Conclusion

54. NZPC accepts what research is saying about the Swedish model of regulating sex work: that criminalising the clients of sex workers is a bad thing as it leads to an increase in violence against sex workers, that it has negative effects on the occupational safety and health of sex workers, infantilises adult women capable of making their own decisions, increases harassment by police and other authorities, and leads to an increase in stigma. This is contrary to the aims of the PRA, which in part are to increase the occupational safety and health of sex workers, and to protect public health. There is no good way in which laws can be written that deliberately stigmatise any portion of New Zealand society through criminalising a different portion.

55. NZPC therefore recommends that clients of sex workers are not criminalised.

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