

MYTH-BUSTING

THE SWEDISH MODEL

THE EVIDENCE DEBUNKING 10 KEY CLAIMS ON CLIENT CRIMINALISATION

The criminalisation of sex work, whether it is sex workers, clients or third parties, has been evidenced to increase the vulnerability of people who sell sex and is ineffective in addressing social harms such as violence, exploitation and trafficking. The 'Swedish Model' - which aims to abolish prostitution by 'ending demand for sexual services' through the criminalisation of clients, has been adopted in several European countries such as Sweden, Norway, Iceland, France, Republic of Ireland and Northern Ireland as well as Canada, Israel and South Korea.

Claims of success by supporters of this model are not backed by evidence. On the contrary, as demonstrated by research at national and international levels, sex workers working under this legal framework are further marginalised and more vulnerable to violence and human rights violations whilst their access to health services and justice is compromised.

This fact sheet, published to mark the [International Sex Worker Rights Day](#), debunks 10 key claims by supporters of the 'Swedish Model' based on international community and scientific research and evidence.

KEY CLAIMS:

1 PROSTITUTION IS ALWAYS EXPLOITATION

FALSE

It implies that sex workers are always victims of exploitation. This is a reductive perspective that denies sex workers' agency and their ability to make choices altogether. When sex workers oppose this view, they are said to be unaware or unable to understand their condition,¹ meaning their opinions are irrelevant and unreliable. They are therefore repeatedly excluded from public debate about their future.

This standpoint also promotes a neocolonialist rescue-culture and related policies according to which sex workers need to be saved, i.e. forced out of prostitution. It proposes rehabilitation solutions where the 'rescued' are uncritically labelled as 'victims' regardless of the person's actual experience. **This approach obscures cases of actual exploitation and violence, contributes to denying tailored support to victims and increases difficulties in identifying exploitative third parties.**²

2 PROSTITUTION, DEFINED AS SEXUAL EXPLOITATION, CONTRADICTS ARTICLE 3 (2.C) OF THE EU CHARTER OF FUNDAMENTAL RIGHTS³

FALSE

Proponents of the Swedish model have increasingly, and wrongly referred to Article 3 (2.c) of the EU Charter of Fundamental Rights, where it states that “the prohibition on making the human body and its parts as such a source of financial gain”. The latter statement is part of the Council of Europe Convention on Human Rights and Biomedicine (ETS No. 164) from 1997, which was transposed into the EU Charter of Fundamental Rights. The Council of Europe provides guidance to facilitate the implementation of the principle that “the human body and its parts must not, as such, give rise to financial gain”. This guidance, however, does not cover sex work, prostitution or sexual exploitation, as it is solely in the context of biomedicine. **Indeed, similarly to many other jobs where contact is involved, sex workers sell services, not their body parts.**

3 PROSTITUTION FOSTERS HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION

FALSE

Human trafficking for sexual exploitation exists, and sex worker organisations firmly oppose it. However, trafficking in human beings, including for sexual exploitation, is rooted in wider economic and gender inequalities as well as restrictive border polices and migration regimes which increase migrant people’s vulnerabilities to exploitation and trafficking.⁴

The persistence of human trafficking for sexual exploitation in countries where sex work is criminalised contradicts the statement in and of itself.⁵ **In fact, the criminalisation of sex work and migration often leads to more exploitation, not less.**⁶ The existence of human trafficking in the sex industry should not lead to the misleading conclusion that sex work is its cause;⁷ by this logic, we would have to assume that other sectors where human trafficking frequently occurs, such as agriculture and construction, should be shut down to prevent forms of exploitation.

4 PROSTITUTION IS PATRIARCHAL OPPRESSION OF MEN ON WOMEN

FALSE

Sex work, like other forms of care work such as nursing, is predominantly done by women and LGBT+ people, whilst clients are predominantly men. Sex work takes place within a patriarchal society where men have more resources and power than women. However, reducing prostitution to ‘patriarchal oppression’ denies sex workers’ agency and the ability of sex workers to consent to specific sexual activities for remuneration. **Many sex workers may be (cis) women, but also men, LGBT+, with varying experiences of gender inequality and gender-based violence for which a specific, individualised and holistic approach is needed.**

5 PROSTITUTION IS A FINANCIAL BURDEN

FALSE

The 'cost of prostitution' in terms of tax evasion, medical costs and police activity among others⁸ is often used to promote a carceral approach. However, it does not consider that if decriminalised, the taxes paid by sex workers would contribute to cover that cost, as is the case in many countries, where the income generated by sex workers is calculated as part of the GDP.⁹ Also, this point overlooks the fact that sex work provides an income to hundreds of thousands of people in Europe while indirectly harvesting an array of sectors (such as food and transport). **Moreover, in a decriminalised setting sex workers would benefit from increased safety in the workplace, access to health information, prevention and regular checks and therefore avoid costly treatments by reducing their exposure to threatening diseases.** Instead, police and 'exiting programmes', promoted by countries that criminalise prostitution, need enormous public resources and have proven ineffective.¹⁰

6 PROSTITUTION CAUSES MENTAL HEALTH PROBLEMS

FALSE

Mental health is a serious issue which needs to be approached with nuance and sensitivity. Like many other people, in particular groups that are ostracised, historically oppressed and criminalised, sex workers can face mental health issues. To say these issues are caused by prostitution overlooks the fact that exploitative working conditions are made worse by criminalising sex work.¹¹ Of course, mental health is a concern, when sex workers are heavily stigmatised, discriminated against and pathologised. However, when criminalisation occurs, the risks related to mental health increase: persecution by authorities adds more uncertainty and anxiety about the possibility of being arrested or evicted, and can be traumatic. Moreover, for undocumented migrant sex workers the threat of being detained and deported is very concrete and may cause fear and apprehension.¹² **Sex workers suffering mental health problems need support, not additional criminalisation.**

WITH THE IMPLEMENTATION OF THE SWEDISH MODEL..

7 PROSTITUTION WILL DISAPPEAR

FALSE

There has been no evidence that the number of sex workers has decreased in countries that criminalised sex workers or their clients. Reportedly, in Northern Ireland the number of people selling sex has increased in the years after the implementation of the neo-abolitionist model.¹³ The shift from outdoor to indoor in many countries is also due to the fact that the criminalisation of clients

has taken place during a phase of digitalisation of sex work, when in many countries sex work - like other forms of work - has shifted to online spaces. Yet, even street-based sex work, which was the main target of criminalising campaigns, has not disappeared, as in Sweden or Norway for instance, despite becoming less visible. Indeed, under these conditions, sex workers had to seek alternative ways to work to avoid being caught, which meant having to accept work in more dangerous conditions and places, and with potentially more dangerous clients.¹⁴

8 VICTIMS (I.E. ALL PROSTITUTES) ARE DECRIMINALISED

FALSE

The Swedish model does not legally prosecute sex workers for their profession. However, the criminalisation of clients has had severe repercussions on further marginalising and penalising sex workers. Reportedly, there have been cases of sex workers' evictions in Sweden and Norway;¹⁵ a sex worker in Sweden was considered 'unfit' to be a mother and lost custody of her children, who were assigned to their father in spite of the mother's reports of his violent behaviour;¹⁶ and two sex workers in Ireland, one of them pregnant, were sentenced to nine months in prison with the accusation of running a brothel with her flatmate.¹⁷ These reports are a mere handful among many more cases of raids, evictions, detention and abuse.¹⁸ **Sex workers' access to justice and their ability to report violence is compromised by the threat of being criminalised themselves. Raids, eviction and detention make sex workers lives' more precarious, more exposed to homelessness, poverty and segregation.**

9 HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION WILL DISAPPEAR

FALSE

To the contrary, in countries where sex work has been criminalised, sex workers are significantly more vulnerable, needing to rely on third parties in order to find work. Where the Swedish model is enforced, the role of third parties is itself illegal (it is always defined as 'pimping', whether exploitative or not), and therefore not regulated. Under such circumstances, no official protection against exploitation can be granted to sex workers, who face increased risk of being trapped in dangerous working situations. This is especially true if they are undocumented migrants, who are particularly susceptible to being intimidated and forced to work under exploitative conditions, with the threat of being reported to the authorities and deported to their country of origin.¹⁹ **As a result, reports of human trafficking cases have actually increased in countries such as Sweden, after the implementation of the criminalisation of sex work.**

10 GENDER EQUALITY CAN BE ACHIEVED

FALSE

There is no evidence that a carceral approach to sex work would culminate in a safer society for all women. Gender inequality is a complex phenomenon which must be addressed through education, social measures, as well as policy and law reforms. Measures that aim to address gender-based violence by focusing on increasing criminalisation, policing and incarceration can make many people and communities more vulnerable, reproducing structural, institutional and interpersonal discrimination and violence.²⁰ **Sex workers should not be collateral damage in the fight for gender equality and should be meaningfully included in the development of any laws, policies and programmes affecting them.**

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1. This is especially true considering the proposal of equating sexual exploitation of women to sexual exploitation of children, which implies that women are not able to have any control over their lives. See point 2.

2. The damage made by actual exploitative parties, i.e. when there is no informed consent from the worker, is not at stake if all clients and third parties are considered perpetrators. Consequently, resources are invested into prosecuting all indistinctly and likewise. In other words, victims of violence and exploitation struggle to access justice as their experience is not taken seriously, and claims of suffering rape, use of force and abuses are considered natural consequences of being in the sex industry. For a broader analysis see: ESWA, 2019. *A brief guide to collateral damages of anti-trafficking laws and measures on sex workers*. <https://www.eswalliance.org/collateral-damages-of-anti-trafficking-laws-and-measures-on-sex-workers>.

3. Article 3 (2.c) of the EU Charter of Fundamental Rights states: "In the fields of medicine and biology, the following must be respected in particular [...] the prohibition on making the human body and its parts as such a source of financial gain.

4. Clearly, these policies have a detrimental impact on undocumented migrants. See the case of The Netherlands: SAVE, TransUnited, PROUD, ICRSE, 2020. The situation of migrant sex workers in The Netherlands. www.sexworkeurope.org/sites/default/files/userfiles/files/SAVE%20-%20TUE%20-%20The%20Situation%20of%20Migrant%20SWers.pdf. See also: Smith, M. and Mac, J., 2018. *Revolting prostitutes: The fight for sex workers' rights*. Verso Books.

5. In Sweden, the number of sex trafficking cases investigated and the number of victims detected increased steadily between 2008 and 2017 (15 cases in 2008, 82 in 2017; same figures for the victims identified). Instead, the number of individuals convicted for sex trafficking declined (13 in 2008, 3 in 2017). See: Office to Monitor and Combat Trafficking in Persons, 2008. *Trafficking in Persons Report*. U.S. Department of State <https://2009-2017.state.gov/j/tip/rls/tiprpt/2008/105389.htm>. Heber, A., 2018. The hunt for an elusive crime—an analysis of Swedish measures to combat sex trafficking. *Journal of Scandinavian Studies in criminology and crime Prevention*, 19(1), pp.3-21.

6. See a brilliant analysis of the repercussions of border policing and criminalisation practises on the increment of human smuggling and trafficking in: Smith, M. and Mac, J., 2018. *Revolting prostitutes: The fight for sex workers' rights*. Verso Books.

7. Sex workers and their collectives are well aware of the existence and dangers of human trafficking. Their awareness and experience has led to the development of a variety of projects and proposals to tackle the issue. See: ESWA, 2021. From vulnerability to resilience: sex workers organising to end exploitation. www.eswalliance.org/report-on-sex-work-migration-exploitation-and-trafficking. And: ESWA, 2021. *Briefing: Tackling Trafficking under a Decriminalisation Model*. www.eswalliance.org/launch-of-briefing-tackling-trafficking-under-a-decriminalisation-model.

8. See the ProstCost report on the cost of prostitution in France, where the monetary loss due to homicides, suicides, consumption of drugs, imprisonment and others are calculated: <https://prostcost.wordpress.com>.

9. This is true for some countries where sex work is criminalised as well. See: www.imf.org/en/Data/Statistics/informal-economy-data/Reports/ECB-Estimation-of-prostitution-services-in-Europe-in-the-context-of-the-external-accounts.

10. This also because the focus of such centres is instructing on how to 'exit', making a judgemental approach prevail, instead of offering valid alternatives. See: Smith, M. and Mac, J., 2018. *Revolting prostitutes: The fight for sex workers' rights*. Verso Books. Also, more effective supporting programs for sex workers who seek alternatives already exist and are often sex-workers led. To mention one in Utrecht: <https://belle-hulpverlening.nl>

11. See: ESWA, 2021. *Sex Work & Mental Health: Overview of factors impacting sex workers' mental health and access to services in Europe and Central Asia*. www.eswalliance.org/briefing_paper_on_sex_work_and_mental_health. And: ESWA., 2017. *Understanding Sex Workers' Right to Health: Impact of Criminalisation and Violence*. https://www.eswalliance.org/understanding_sex_understanding_sex_workers_right_to_health_impact_of_criminalisation_of_violenceworkers_right_to_health_impact_of_criminalisation_of_violence.

12. See: Amnesty International, 2016. *The human cost of 'crushing' the market: Criminalization of sex work in Norway*. London: Amnesty International. Fuckförbundet, 2019. *Twenty Years of Failing Sex Workers. A community report on the impact of the 1999 Swedish Sex Purchase Act*. Boglárka Fedorkó, Sweden.

13. See: Ellison, G., Ní Dhónaill, C. and Early, E., 2019. *A review of the criminalisation of the payment for sexual services in Northern Ireland*. Department of Justice of Northern Ireland and Queen's University, Belfast.

14. See reports from Sweden: Fuckförbundet, 2019. *Twenty Years of Failing Sex Workers. A community report on the impact of the 1999 Swedish Sex Purchase Act*. Boglárka Fedorkó, Sweden. From Norway: Amnesty International, 2016. *The human cost of 'crushing' the market: Criminalization of sex work in Norway*. London: Amnesty International. From Ireland: Amnesty International, 2022. *"We live within a violent system": structural violence against sex workers in Ireland*. London: Amnesty International.

15. Eviction is often an indirect cause of the threat for landlords to be prosecuted for soliciting if caught renting flats to sex workers. For reports of raids and evictions in Sweden and Norway, see: Fuckförbundet, 2019. *Twenty Years of Failing Sex Workers. A community report on the impact of the 1999 Swedish Sex Purchase Act*. Boglárka Fedorkó, Sweden. Amnesty International, 2016. *The human cost of 'crushing' the market: Criminalization of sex work in Norway*. London: Amnesty International.

16. It is the case of Emma Marree, known as Petite Jasmine, who was later killed by her former husband: <https://www.thelocal.se/20130723/49220/>

17. The pregnant woman was released on bail after lodging an appeal. See: www.independent.ie/irish-news/courts/disgust-as-jail-sentences-are-handed-to-sex-workers-one-of-them-pregnant-38197205.html

18. For the criminalising effects of the Swedish model on sex workers see: Fuckförbundet, 2019. *Twenty Years of Failing Sex Workers. A community report on the impact of the 1999 Swedish Sex Purchase Act*. Boglárka Fedorkó, Sweden. Amnesty International, 2016. *The human cost of 'crushing' the market: Criminalization of sex work in Norway*. London: Amnesty International. Amnesty International, 2022. *"We live within a violent system": structural violence against sex workers in Ireland*. London: Amnesty International.

19. In Sweden, deporting migrants has been in certain cases rationalised by the authorities as a crime prevention measure. See: Vuolajärvi, N., 2019. Governing in the name of caring—The Nordic model of prostitution and its punitive consequences for migrants who sell sex. *Sexuality research and social policy*, 16(2), pp.151-165. Heber, A., 2018. The hunt for an elusive crime—an analysis of Swedish measures to combat sex trafficking. *Journal of Scandinavian Studies in criminology and crime Prevention*, 19(1), pp.3-21.

20. See: ESWA, 2022. *Stop all forms of gender-based violence: A manifesto for an inclusive and comprehensive EU gender-based violence policy for all*. https://www.eswalliance.org/stop_all_forms_of_gender-based_violence