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Evaluating the Swedish Ban on the Purchase of Sexual Services: The Anna Skarhed Report

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Anna Skarhed

Chancellor of Justice Anna Skarhed recently presented the findings from Sweden's first official evaluation of the 1998 ban governing the purchase, albeit not the sale, of sexual services. The key details of the report that have already been reported widely throughout the

Swedish press are:

1. For the period 1998-2008, levels of street prostitution in Sweden have fallen by half;
2. Surveys show that there is both increased public support for a ban and a declining number of men who admit to having purchased sex, and;
3. Proposals were put forward in the report for more stringent criminal penalties as well as for the establishment of a national center against prostitution and human trafficking for sexual purposes.

Skarhed **expressed satisfaction** with the conclusions of the report, noting that 'We believe that this legislation has had the effects that were primarily intended.' Conservative Minister of Justice Beatrice Ask was **equally positive**, stating that, 'I think it's good that we've had this evaluation and it's pleasing to note that the law is having an effect.'

While the Skarhed report now constitutes a significant addition to the expert knowledge deployed by proponents in favor of maintaining, expanding and exporting the Swedish ban, it is unlikely that its release will result in the end of the debate over the impact and advisability of the Swedish legislation. Not unlike any other 300 page report, the devil is in the details, and we can imagine that *sharply differing perceptions* of those details will provide near endless fodder for proponents and critics of the ban alike to continue trading claims and counter-claims as to what the ban has (and has not) achieved since its implementation.

So, what are likely to be some of the key areas on which substantial disagreement may emerge? Though the following list is not exhaustive, we'd be far from surprised if at least some of the following issues didn't surface as the policy debate continues:

1. Has the sex purchase ban had an impact on overall levels of prostitution in Sweden?

- **Proponents of the ban** may likely point to the cross-national comparisons made in the Skarhed report, where both Denmark and Norway (prior to the implementation of its own ban in January 2009) are shown as having substantially higher levels of both street prostitution and internet-based contacts for the purchase of sexual services. In terms of the former, Skarhed presents data to argue that Danish and Norwegian levels of street prostitution more than doubled between 2003 and 2008 (SOU 2010:49, 146), while in the case of internet-based contacts of sexual services, Danish and Norwegian levels run two and three and a half times higher, respectively, than they do in Sweden.

- **Critics of the ban** may call attention to Skarhed's conclusion when it comes to shifts in the level of Swedish prostitution *as a whole* from 1998 to 2008. Whereas street prostitution is argued to have fallen by half during that period, Skarhed concludes that, overall, 'as far as we can see, prostitution has at least not increased in Sweden. There may be several explanations for this but, given the major similarities in all other respects between the Nordic countries, it is reasonable to assume that prostitution would also have increased in Sweden if we had not had a ban on the purchase of sexual services' (SOU 2010:49, 36). Here, critics may emphasize both the relatively constant levels over time for the prostitution market, and also the fact that Skarhed concedes additional variables may be of importance beyond that of the ban. Expect them to elaborate (or request elaboration) as to what those variables are.

2. *What's the appropriate time period for analysis when it comes to street prostitution?*

- **Proponents of the ban** may argue that focusing on the period 1998-2008 provides strong empirical support for the assertion that the ban has had a meaningful impact on levels of street prostitution. Based on figures provided by social services, Skarhed concludes that overall street prostitution in the three main Swedish cities (Göteborg, Malmö and Stockholm) declined from roughly 730 prostitutes in 1998 to just under 300 in 2008 (a figure that only includes data from the second half of the year for Göteborg) (SOU 2010:49, 108). Seen in this time frame, the incidence of street prostitution in the three cities, has declined sharply. Proponents of the ban will characterize this as a clear victory in terms of the legislation's effect.
- **Critics of the ban** may argue that certain trends within that overall time period are of greater interest. To that end, critics might choose to highlight specific reports that were included in Skarhed's review, such as the National Board of Health and Welfare's '**Prostitution in Sweden 2007**' report, in which it was concluded, 'we can discern that street prostitution is slowly returning, after swiftly disappearing in the wake of the law against purchasing sexual services. But as said, that refers to street prostitution, which is the most obvious manifestation. With regard to increases and decreases in other areas of prostitution – the "hidden prostitution" – we are even less able to make any statements' (NBHW 2007: 14). They could possibly question how such claims should be viewed alongside Skarhed's more general conclusion.

3. *To what extent should we treat the information provided by interviewees with a degree of caution?*

- **Proponents of the ban** may likely stress that the actors consulted in conjunction with the Skarhed report, and those that were interviewed in previous reports upon which her conclusions are partially based, represent those with the professional and experiential capacity to offer authoritative statements on the scope and character of prostitution in Sweden. Stated differently, these actors largely derive from the Swedish prostitution policy epistemic community: academics, social workers, law enforcement officials and relevant groups in civil society. In addition, the Skarhed report also sent survey questions to two organizations — one representing former prostitutes, and one still working in the sex industry. It could be argued that doing so allowed for a valuable perspective beyond that of the traditional ‘expert’, civil servant or interest group. On balance then, proponents may argue, the broadest range of relevant voices was consulted.
- **Critics of the ban** may pursue two strategies when confronted with this question. First, they could stress that epistemic communities, while possessing issue-specific expertise, rarely do so in neutral terms and might be attempting to influence legislative outcomes. As the ‘Prostitution in Sweden 2007’ report noted about interviewees in its methodology section, ‘The people involved may have had vested interests in promoting certain information based on their mission, ideological grounds, orientation, experience, need for funding, etc’ (NBHW 2007, 14). Second, they might argue that not addressing **Ulf Stridbeck’s 2004 evaluation of the Swedish ban** for the Norwegian Ministry of Justice and the Police in greater detail is problematic. There could be questions as to how one might square Stridbeck’s highly critical assessment of the Swedish ban with Skarhed’s decidedly more positive conclusions.

4. *Will supporters and opponents of the ban respond to Skarhed’s choice of language in ways that we’d expect? Consider the following quote: ‘Those individuals who are being exploited in prostitution say that criminalization has strengthened the social stigma associated with selling sex. They describe themselves as having chosen to prostitute themselves and don’t see themselves as being involuntarily exposed to anything. Even if it’s not forbidden to sell sex, they feel hunted by the police. They feel as if they’ve been declared incapable of managing their own affairs in that their actions are tolerated, but their will and choices are not respected. Further, they believe it is possible to distinguish between voluntary and forced prostitution...(These) negative effects of the ban that they describe can almost be regarded as positive when viewed from the perspective that the aim of the law is to combat prostitution (SOU 2010:49,129-30).’*

- On the one hand, **proponents of the ban** will likely agree with with depictions of

prostitutes as exploited by definition. Moreover, given the prevailing view among ban proponents that voluntary prostitution is not possible, we suspect that ascribing to prostitutes a 'belief in the possibility' of the distinction between forced and voluntary prostitution (and, thus, not the view of Skarhed) is unproblematic. However, we are uncertain whether ban proponents would be unified when it comes to characterizing prostitutes' sense of stigma, being hunted and lack of respect as 'almost positive'. Every report has passages that even most the ardent adherents will not align themselves with, and we wonder if this constitutes one such passage. In terms of **critics of the ban**, here we imagine that they would respond largely as expected: sex worker agency would be emphasized — meaning that a defense of the distinction between voluntary and forced prostitution would likely figure into arguments. Moreover, the characterization of 'negatives' by prostitutes as 'almost positive' could serve as a lightning rod for ban critics seeking to highlight perceived flaws in the report's logic for how society might best assist prostitutes.

5. The Skarhed report notes that some Nigerian prostitutes relocated to Sweden, from Norway, after the Norwegian government enacted their ban in 2009. What will proponents and critics make of this?

- Here, we're even more reluctant to make definitive claims, and are very curious to see both whether this issue gains traction and how it is discussed by opposing camps. Proponents of the ban often assert that criminalizing the purchase of sexual services will result in prostitutes and customers relocating to settings where such commerce is legal. Indeed, Skarhed states that the implementation of the Swedish ban was a contributing factor to the increased number of Nigerian prostitutes in Norway (SOU 2010:49, 144). However, the report also notes that the number of Nigerian prostitutes in Göteborg has greatly increased over the past two years as a result of Norway's newly implemented ban on the purchase of sexual services. The issue is a tricky one for advocates of either stance, as while the case may seem to be very specific, there are real implications for the general causal story that one wishes to tell when it comes to the effect of criminalizing the purchase of sexual services. A potentially tricky question— for **both proponents and critics** — is whether bans do a better job of bringing about the departure of foreign prostitutes than they do in hindering their arrival, or are there additional variables at play?

Undoubtedly, there will be other issues raised as a result of the Skarhed report, not just having to do with the evaluation, but also to do with calls to increase the maximum penalties for those

convicted of purchasing sex. Moreover, this evaluation will likely surface outside of Sweden as the debate continues in other countries as to the advisability of importing the Swedish ban. There, the degree to which the report is discussed in general or detailed terms will be of particular interest. However, in the highly contentious debate over Swedish prostitution policy, the Skarhed report represents one more opportunity for both advocates and detractors to dust off their rhetoric and make their best argument.

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Excerpts from the English summary here, with ironic and interesting commentary coming soon.

<http://www.lauraagustin.com/ban-on-purchase-of-sex-helps-prevent-and-combat-prostitution-says-swedish-evaluation>

or **<http://tinyurl.com/2d8ytbc>**

It's another no-methodology report, like the USA's annual TIP.

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best, laura

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