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Prostitution laws in Finland and Sweden

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Sweden has become known because of the law which criminalizes buying of sex services but not selling of sex services. During the last year we have had heavy debate in Finland on the issue whether Finland should follow the Swedish model or not.

Finland and Sweden are neighbouring countries, but they are also part of the Nordic countries, which are Finland, Sweden, Norway, Denmark and Iceland. The Nordic countries have much in common. Because of their long common history, the society and the culture in these countries are rather similar. For example the Evangelical Lutheran church is state church and majority religion in all of these countries. And because of the history and the present co-operation between the Nordic countries the legal systems are also rather similar.

Nordic countries have had rather similar policy also on prostitution. But I will now concentrate on Finland and Sweden. Let us first go to Finland.

According to the penal code of 1889 prostitution and pimping was criminalized in Finland. But in practice licensed brothels and registered prostitutes were allowed in some cities and there were compulsory medical inspections for prostitutes. This so called regulated prostitution was in practice from 1840's until 1908.

In 1936 the penal code was changed: being a prostitute was not any more criminal but pimping remained criminal. And a new law was made to control prostitutes and other antisocial behaviour: the vagrancy act. It was in force from 1936 to 1986. According to

the vagrancy act a person earning money through immoral means could be forced into social welfare institution. The vagrancy act was repealed in 1986 because it did not suit the social welfare system any more and because it was seen being against the human rights.

After that the legal control of prostitution in Finland was based merely on the criminalization of pimping. In the pimping act pimping is defined as gaining economic benefit from someone else's prostitution. The law is usually explained as a way to protect prostitutes from being exploited. The pimping act means that all kinds of organized prostitution is criminal. Organizing a brothel or an escort service are illegal. Even two prostitutes working together can be seen as illegal pimping. Although buying and selling of sex services are not directly against the law, prostitution is not seen as an appropriate and decent business either.

The pimping act makes the working difficult for prostitutes, because you cannot legally rent a flat for sex work and you cannot organize your work together with others. On the other hand there are no laws which would directly criminalize the activity of a prostitute. And in Finland there are no laws criminalizing the activity of a customer either. This means that prostitution is not against the law if you work alone at home or on the street or you visit your client's home and there is nobody else organizing the business.

Although prostitution is not considered appropriate work, prostitutes living in Finland are liable to pay taxes of their earnings. Of course most of the prostitutes work in secrecy. They are hiding from the tax authorities and they want to keep their work secret from their family and friends.

In Finland there has been occasional cases where a prostitute has been forced to pay taxes according to the estimation made by the tax authority. But this has happened only when a prostitute has not declared her earnings at all and her business has become known to the authorities. In Finland we have some prostitutes who work legally and pay their taxes. Because prostitution is not considered to be a profession, we have to tell something else as our profession. For example I am a consultant and my colleagues tell masseuse or entertainer or escort as their profession in their tax declaration. As far as I know Finnish prostitutes have not had difficulties with the tax authority when they have made tax declaration on their earnings.

This means that at the moment a prostitute can work legally as a private entrepreneur on the condition that she or he is EU-citizen. Only very few prostitutes have chosen this legal way of working. It suits best for those who are full time prostitutes, who are able to organize their business independently and who are not afraid of others getting to know about their business. But at the moment most of the prostitutes in Finland are not EU-citizens, because they come from Russia, Estonia and other non-EU countries. Thus most of the prostitutes working in Finland lack the possibility to work legally because of the foreigner act.

In Finland prostitution was rather invisible until the middle of the 1990's. I think this was due to many reasons. The vagrancy act, which was in force until 1986, had forced Finnish prostitutes to operate unnoticed. The pimping act was enforced rather effectively. And there were not so many Finns entering into prostitution because of the welfare and the comprehensive social security system. Before the 1990's Finland had also received very few migrants.

Even until the middle of the 1990's it was a common belief that there was no prostitution in Finland. Prostitution did not belong to the Finnish welfare society. But of course there was prostitution. There has always been women and men who prefer doing sex work. And there has always been those who do not find other ways to get proper income.

In Finland there was practically no street prostitution during the 1980's and the first half of the 1990's. Contacts between prostitutes and clients were usually made through contact ads in sex magazines and newspapers. The newspaper ads were very discreet and cautious. Some prostitutes found their clients in restaurants or through their contacts. Individual pimps and small pimping organisations existed but at least during 1990's most of the Finnish prostitutes worked independently without any pimps.

During the 1990's things started to change rapidly. The economic oppression in the 1990's caused economic problems for many and some entered into prostitution. But a much bigger change came from the East. The collapse of the Soviet Union and the change in the border policy of Russia has given the people of the former Soviet Union a freedom to leave the country and travel to other countries. Because of the huge gap

between the living standards of ex-Soviet countries and our country, there has been an increasing number of foreign women coming to Finland to earn money in prostitution.

During the 1990's there has also been a change in our culture and society considering what is seen as appropriate. Sex shops started operating more openly. Striptease and other forms of erotic performance became more visible and more common in our society.

Nowadays a sex worker can legally work as an employee for example in a private show shop. Officially it cannot be more than just private striptease show, because otherwise the employer would be guilty of pimping. But in practice a customer paying extra can often get prostitution services from some working women who are officially just striptease performers.

These changes have made prostitution visible in a way that is quite new for us. Women from Russia, Estonia and other parts of former Soviet Union visit our country to earn money in prostitution. They work in restaurants, in motels, in lodging houses and in the flats of pimping organisations. Pimping is of course still criminalized, but the police does have enough resources for effective enforcement any more. Even the Finnish prostitutes have started to advertise and operate more visibly and openly because of the new situation. We have even got some street prostitution which did not exist before the invasion of the Russian women. But nowadays you can find both Finnish and foreign women on the streets.

Perhaps I should explain why I do not speak about migrants but about foreign sex workers. Of course we have also some migrants in Finland but they are a minority among foreign prostitutes. Most of the foreign prostitutes in Finland do not migrate but they just visit Finland as illegal guest workers (illegale Wanderarbeiterinnen). Officially they visit Finland as tourist, because they have a tourist visa. They usually visit for one week or just a few weeks and then they travel back home. Finland is next to Russia and very near the Finnish border lives millions of Russians.

Because of the huge expansion of the foreign prostitution during the latter part of the 1990's the foreigner act of Finland was changed in 1999. There was added a paragraph which told that a foreigner suspected of selling sex services can be deported from the

country. This has changed the situation of foreign prostitutes a lot. Before 1999 a part of the foreign prostitutes coming to Finland worked independently without pimps. If they were blackmailed they could report to the police.

In 1999 after the change of the foreigner act came into force, there was an increase in the amount of violence experienced by the foreign prostitutes. The Russian and Estonian pimping organisations wanted to get control over the whole foreign prostitution. And of course they did get it. Nowadays all the foreign women in Finland are forced to work for either Russian or Estonian pimping organisations. Foreign women do not have any alternative. Foreign prostitutes cannot any more report to the police, because they would risk being deported from the country.

The police is reporting about the alarming situation of prostitution. Foreign pimping organisations are running big business in Finland and the police does not have enough resources to fight against these criminal organisations. In the public debate there are demands for tightening the pimping act. Also the police is campaigning for more severe pimping act and larger mandate for the police to investigate pimping crimes.

Some feminists and politicians have been campaigning for criminalizing of the buying of sex services. This issue has been raised several times since this kind of law came into force in Sweden. This demand has become stronger because of the trafficking debate. Since all the foreign prostitutes have been forced under the control of pimping organisations, the public opinion is now horrified about this terrible trafficking. And this is a good weapon in argumenting for criminalizing of buying of sex services. The argumentation is simple: when men stop buying sex services, we get rid of trafficking and prostitution.

In the beginning of this year our Parliament passed a new law on common order. According to the proposition of the government the law was planned to forbid disturbing buying and selling of sex services in a common place. But our Parliament decided to take away the word "disturbing". The motivation was that public prostitution is always disturbing. The new law defines the concept of "common place" also very widely. Common place means of course streets and parks and railway stations and so on. But according to this law "common place" includes also restaurants and business premises, that is all the places where the public has open access.

The new law on common order is not in force yet. I guess that this law is going to change nothing, because it is full of idealistic wishes.

Last December the Minister of Justice set up a working group to make a proposal for new laws regulating prostitution. The working group has been investigating the need and possibility to criminalize buying of sex services or both buying and selling. Their task is also to make a proposal for trafficking law. The working group has also met different specialists. I think that a good sign was that our organisation SALLI was also invited to give the working group its comments on the questions of the working group.

The statement of SALLI which I gave to the working group in April was made in our committee. It was very clear that SALLI is against criminalizing of buying and selling of sex services. But defining our opinion on pimping was more difficult. On the other hand it seems that we do not need pimping act because it only disturbs our business. But on the other hand we do not believe that fully liberated sex business would automatically solve all the problems in prostitution. So we came to the conclusion that pimping should be redefined so that pimping should be seen as an activity where prostitutes' right of self-determination is not respected. Also our position on foreign prostitution and trafficking was a hard issue. There are some Finnish prostitutes would like to get the foreign prostitutes out of Finland. But we came to the conclusion that we cannot exclude foreign prostitutes. If we argue that our right to work and our right to work safely are basic human rights which should belong to everybody, then we must accept that human rights belong to foreign prostitutes as well. So we decided to demand that foreign prostitutes should be given legal right to work.

The working group of the ministry of justice should give its report on 3 July. When I get back home from here, I guess that I have to start giving comments to the media. The heavy debate on prostitution laws is going to continue in Finland.

Now we shall go to Sweden.

Until 1999 Sweden had the same kind of laws on prostitution as Finland. Pimping was criminalized but not the activity of prostitutes or clients.

Prostitutes are liable to pay taxes of their earnings also in Sweden, but some Swedish prostitutes have had very bad experience on tax paying. Those Swedish prostitutes who have declared their earnings to the tax authority have become victims of tax assessment by estimation. The tax authority has not believed prostitutes' declarations. The tax authority has estimated that prostitutes must earn a lot more and it has forced them to pay taxes according to much bigger earnings. I have understood that this is one of the main reasons' why there were practically no Swedish prostitutes working legally and paying taxes even before the 1999 law criminalizing the prostitutes' clients.

In Sweden there has been visible prostitution a little bit more than in Finland. But still prostitution in Sweden has been very little compared to many other countries. According to an investigation made by the government of Sweden in mid-1990's there was about 2500 prostitutes in Sweden. 650 of them were street prostitutes and half of the street prostitutes were using drugs. The total population of Sweden is about 9 million.

The welfare system in Sweden is very well organised. In the biggest cities there has been special groups of social workers helping prostitutes. There has even been programs helping clients with sex addiction and they have reported good success.

In 1998 the Swedish Parliament approved the Government Bill "Violence Against Women". It is a comprehensive programme of measures aimed at combating violence against women. One part of this bill is the law that criminalizes buying of sex services.

The law criminalizing the buying of sex services came in force in the beginning of 1999. After that much more money was given to the Swedish police for enforcement of the new law. At the same time social work projects helping prostitutes were given less money than before.

The law has worsened the situation for prostitutes a lot. They are facing much more violence and risks. Prostitutes cannot report to the police about the violence, because they do not want to get the police to lurk their business and frighten away their clients. Prostitutes do not any more feel safe about contacting social work authorities either.

The law has lead to less street prostitution, but the total amount of prostitution has not reduced. The violence and problems faced by prostitutes have increased although the

aim of the whole programme was to combat violence against women. How can we understand this?

An explanation of the ideological climate in Sweden is needed. There are two main explanations: radical feminism and paternalistic welfare society

The Swedish feminist movement has certain "puritan" features, opposing "free sex" and particularly the commercial sex industry. Still, it has grown strong in the once famous "liberated Sweden", and has affected all political parties as well as the public debate very much. According to their ideas all women are subordinate to men, in such an extent that you cannot talk about women having a free will. Women are victims of the "patriarchy", and should therefore be protected by the state from doing "wrong" things - even against their own will.

Prostitution is not seen as a social problem, but rather as a symptom of the inequality between the sexes. "Prostitution is the strongest expression of men's oppression and abuse of women. It is violence against women." According to this view, no woman can possibly choose to sell sexual services. Consent doesn't count. She is always a victim. Therefore the sex clients are made criminals, but not the prostitutes. The law is formally gender neutral, but in the proceeding debate the prostitutes were always called "the women", and the clients "the men". By making prohibition a feminist question, judicial and social objections became unimportant. The important thing was to punish "the men".

Another explanation is the Swedish welfare state. It is a tradition of social engineering, and state paternalism. Although prostitution was not a big problem in Sweden, it was a phenomenon that did not match with the utopistic idea of Swedish welfare state. One of the main arguments for the law was that it was necessary to "point out that 'we' don't accept prostitution in 'our' society". That way, they idealistically believe that their own Utopia will be made real eventually. Even if some of them might realize that the law would not put an end to prostitution, they still wanted their symbolic law just for its own sake. The law was needed to tell that prostitution does not belong to the Swedish welfare state.

When the criminalization was suggested, many important people and organizations were against it. Amongst others were the government's highest judicial experts, the Minister of Justice, many social workers, and the prostitutes themselves. All were simply run over by the prohibitionists. They didn't bother about any objections based on facts, they didn't look at international experiences. Their ideology was all that counted - not the reality.

After many years of lobbying by certain extreme radical feminist groups the Social Democrats' party congress 1998 decided that sex purchase should be prohibited. There was still no majority among the members of Parliament, but the law was pushed through with the so-called "party-whip" - everybody had to vote according to the party's line. From January 1st, 1999, it is illegal to buy or try to buy sexual services in Sweden. But legal to offer and sell sex.

The proponents for the law claim that the law has been successful, an example to the rest of the world. And their campaign has been rather successful. Before the law most of the Swedes were against the law but now big majority of Swedes tell in Gallup poll that they are in favour of the law. But there are also critical voices.

The State Criminal Department of Sweden warns in a report to the government that the sex trade has become more violent. The prohibition has made it more difficult to reveal prostitution. Because of the prohibition clients are unwilling to testify in procuring cases. Especially worrying is the trade with foreign women, who often get completely in the hands of pimps. The authorities demand an evaluation of how the new law affects the hidden prostitution; when the law was introduced street prostitution went down, but instead prostitution has increased on hotels and restaurants as well as on the Internet.

The police report that fighting forced prostitution and international trafficking has gotten more difficult. The pimps threaten the prostitutes by saying that prostitution is illegal, and the sex clients are not willing to testify because it would be to confess guilty of a crime. Foreign prostitutes are mostly sent out of the country before the trial, and even if they still are present they are often scared by the pimps to be silent. With no witnesses available, the police and prosecutors have big problems to prove a case.

Criticisms is growing against the way the government handles the prostitution issue. Resources for social work are missing, because most of the money now goes to the police. And prostitution has gone underground even more than before, so it is more difficult to get into contact with the prostitutes.

Since the new law was introduced, quite few sex clients have been convicted. The "crime" is difficult to prove unless the client confesses or the prostitute witnesses against him, which is rare. Police, prosecutors and the General Attorney therefore rule out the law.

The prostitute is almost always unwilling to witness against the client, as she or he doesn't see herself or himself as a crime victim - and is not obliged to witness either, since nobody has to do that according to the law if it could be considered "disgracing". How it can be a crime anyway, without a victim, is another question. Anyway, it has shown to be impossible to convict anybody against his denial.

Prostitution in Sweden is also finding new ways. Prostitution has gone underground. Street prostitution is halved but, according to the police, prostitution still remains in the same extent - out of society's observation, control and aid possibilities.

It is known that trade with sexual services now are arranged via mobile telephones, informal contacts, on hotels and night-clubs, and via ads on the Internet. The number of home brothels has increased, and the power and possibilities of pimps is growing.

Criticism is growing against the government's way of dealing with prostitution. Alliance of Counties say that resources for social work are too scarce, all the money has gone to the police.

Prostitution is finding new ways. But those prostitutes who are used to work on the streets, especially the drug users, are desperate today.

There is one piece of good news from Sweden. An organisation for sex workers in Sweden has been founded couple of months ago.

I will now go back to Finland to compare the Finnish and Swedish debate.

In Finland especially the feminists have used same kind of argumentation as they used in Sweden. But at the moment the most dominating argument in the debate is the issue of trafficking. In Finland the radical feminism is not so strong. But the fear and hate of Russians is much stronger. The hate for Russians is based on our dramatic history as a neighbour of Russia.

I have tried to think what is behind this awfull prostitution policy. How is it possible that destructive laws can be argued as protective? Why are some politicians and feminists unable to understand things from the viewpoint of prostitutes? I have found nothing else than fear for strangers, fear for foreigners, fear for people who do not fit into the system, fear for the problems of the world that cannot be kept outside our western society. But this problem of fear I find also among sex workers. There is distrust between different groups of sex workers. Porn models think that they are much better than striptease performers. And striptease performers think that they are much better than prostitutes. And Finnish prostitutes think that they are much better than Russian prostitutes.

How can we get better laws? I think that lobbying for legal reforms is not enough. The most important thing is to work for understanding and respect between different people.