

# *Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex*

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**Sexuality Research and Social Policy**

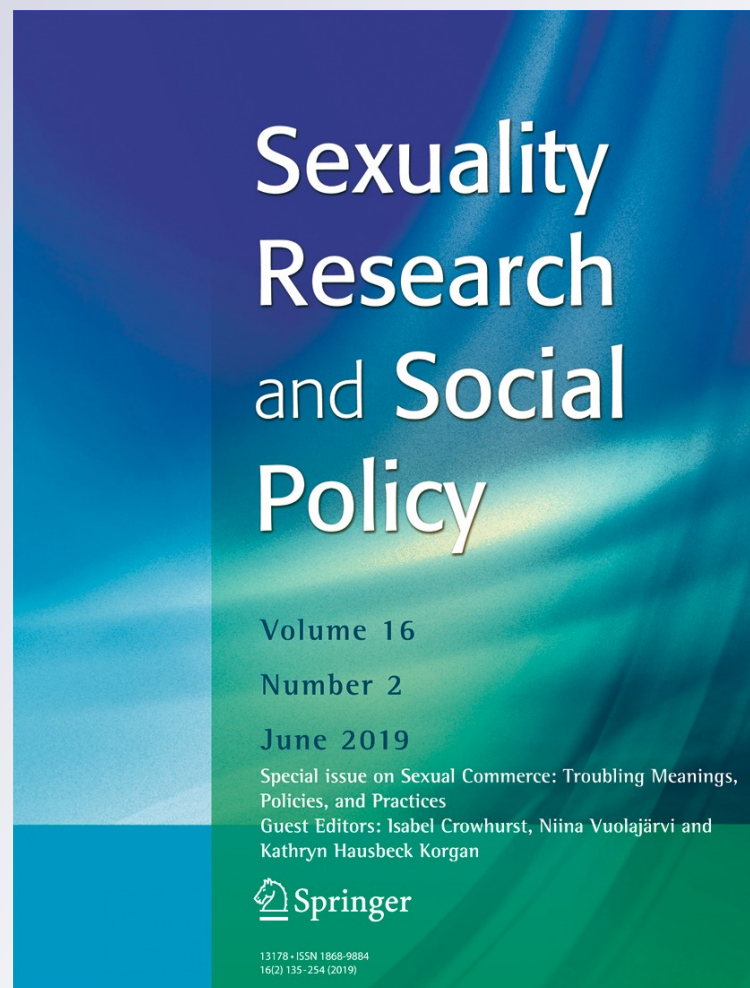
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# Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex

Niina Vuolajärvi<sup>1</sup>

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## Abstract

This article examines the so-called “Nordic model” in action. Using feminist argumentation, the model aims to abolish commercial sex by criminalizing the buying of sexual services while not criminalizing the selling, as the aim is to protect, rather than punish, women. Utilizing over 2 years of ethnographic fieldwork and 195 interviews in Sweden, Norway, and Finland, this article argues that in a situation where the majority of people who sell sex in the region are migrants, the regulation of commercial sex has shifted from prostitution to immigration policies, resulting in a *double standard* in the governance of national and foreign sellers of sexual services. Client criminalization has a minor role in the regulation of commercial sex in the area, and instead, migrants become targets of punitive regulation executed through immigration and third-party laws. Nationals are provided social welfare policies to assist exit from commercial sex such as therapeutic counseling, whereas foreigners are excluded from state services and targeted with punitive measures, like deportations and evictions. My fieldwork reveals a tension between the stated feminist-humanitarian aims of the model, to protect and save women, and the punitivist governance of commercial sex that in practice leads to control, deportations, and women’s conditions becoming more difficult. The article concludes that when examined in action, the Nordic model is a form of humanitarian governance that I call *punitivist humanitarianism*, or governing in the name of caring.

**Keywords** Client criminalization · Sex work · Prostitution · Prostitution policies · Humanitarianism · Migration · Nordic model · End demand · Sweden

## Introduction

Viewing prostitution as a violation of women’s human rights helps keep women out of prostitution. The experience in Sweden, Finland and non-EU Norway where the ‘Nordic Model’ of dealing with prostitution operates supports this point of view. [...] This report is not against prostituted women. It is against prostitution but for prostituted women. By recommending that the buyer – the man who buys sex – is deemed the guilty party rather than the female prostitute, this report represents another step on the road to full gender equality throughout the European Union. (Honeyball, 2014, p. 11).

Due to heightened concerns about trafficking and the globalization of commercial sex, a new trend has taken place in global prostitution policies, as the report recommending the adoption of the “Nordic model”<sup>1</sup> in the European Union quoted above testifies. The so-called “Swedish” or “Nordic” approach to commercial sex has become one of the most prominent prostitution policy models in international discussions. Sweden was the first country in the world to use feminist argumentation to shift its prostitution policies towards abolishing commercial sex, by criminalizing the act of buying sexual services while the selling of sex remained

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<sup>1</sup> The proponents of client criminalization, like MEP Honeyball, call the Sex Purchase Act the Nordic model. However, it is important to note that of the Nordic countries, Denmark has not adopted client criminalization and Finland has only criminalized buying from persons who are trafficked or pimped. I use the term Nordic model here to refer to the humanitarian-feminist argumentation behind the Sex Purchase Act in order to highlight the discrepancy between the emphasis on protection within political discourse and the actual punitive governance of commercial sex within the countries that have adopted the so-called Nordic model. Many scholars have criticized the use of the Nordic model as an analytical tool (Skilbrei & Holmström, 2013; Östergren, 2017a) and I want to underline that I use it here as a political not analytical description to refer to the feminist argumentation behind client criminalization.

decriminalized. Sweden adopted the Sex Purchase Act in 1999, followed by Norway in 2009, with Finland adopting a partial criminalization in 2006. Client criminalization has spread globally over the last 5 years from Europe to North America. In 2014, the European Parliament voted in favor of the Nordic model based on the aforementioned Honeyball (2014) report. Relying on similar argumentation, Canada and Ireland implemented the Sex Purchase Act in 2015, followed by France in 2016.

Many anti-trafficking and feminist activists promote criminalization of buyers as the best method to combat sex trafficking and commercial sex in general. The proponents of client criminalization advocate it as a humanitarian, “woman-friendly” solution to the problems of commercial sex, arguing that women who are already in an oppressed situation should not be further punished. The ideological aim of the law is to abolish commercial sex by shifting the focus from sellers to (male) perpetrators: clients, traffickers, and pimps. However, research on prostitution policies show that there is often a disconnect between the spirit of the law and its enforcement in practice—a gap often referred to as that between “law in books” and “law in action” (Crowhurst, Outshoorn, & Skilbrei, 2012). I argue that in a situation where the majority of people who sell sex<sup>2</sup> in the Nordic region are migrants—70 to 80%—it is crucial to examine how immigration policies intersect with the regulation of commercial sex (TAMPEP, 2009). Following other Nordic researchers (Skilbrei & Holmström, 2013; Östergren, 2017a), I demonstrate that we need to look beyond the public face of the Nordic model, the Sex Purchase Act, to understand the regulation of commercial sex in the Nordic region and to examine how other laws around commercial sex interact with and may contradict the spirit of the model.

The strong foothold of the Sex Purchase Act in international trafficking and prostitution policy discussions has resulted in a flood of state reports and commentary articles on the topic (see overview in Holmström, 2015a). There is plenty of literature on Nordic prostitution and trafficking policies (see, e.g., Brunovskis, 2016; Gould, 2001; Roth, 2010; Scoular, 2004; Skilbrei & Holmström, 2013) and their ideological development (see, e.g., Dodillet, 2009; Ekberg, 2004; Florin, 2012; Kulick, 2003, 2005; Skilbrei, 2012; Östergren, 2006). Considerably less empirical studies exist, particularly those that include the experiences and perspectives of people who sell sex (Endlund & Jakobsson, 2014; Hulusjö, 2013; Levy, 2015), and the knowledge on migrants is scarce or was

collated prior to the adaption of the Sex Purchase Act (Brunovskis & Tyldum, 2004; Jacobsen & Skilbrei, 2010; Skilbrei & Polyakova, 2006; Skilbrei, Tveit, & Brunovskis, 2006). In short, there is a lack of systematic, academic, empirical study on the implementation of the Sex Purchase Act, its intersection with immigration regulation, and how it affects the conditions of people, especially migrants who sell sex (Skilbrei & Holmström, 2013, pp. 126–129). Relying on extensive ethnographic fieldwork and 195 interviews, conducted mainly among migrants and nationals who sell sex, but also with social and healthcare workers, the police, and policy-makers, this article responds to this gap and examines the Nordic model in action in three countries that have implemented some degree of client criminalization: Sweden, Norway, and Finland. It asks, what does the Nordic model mean in practice? How well do the spirit of the law and the governance of commercial sex align, if at all? And what kind of organization of commercial sex and conditions for people who sell sex does the regulation within the Nordic model result in?

This article demonstrates that when the Nordic model is examined in action, we can see a shift in the regulation of commercial sex from prostitution to immigration policies which results in a *double standard* with respect to the governance of national and foreign sellers of sexual services. I show that the Sex Purchase Act plays a minor role in the regulation of commercial sex in the area, and instead, migrants become targets of punitive regulation executed through immigration and third-party—the so-called pimping—laws.<sup>3</sup> Nationals are targeted with social welfare policies promoting exit from commercial sex through therapeutic counseling and social support, whereas foreigners are excluded from state services and dealt through punitive measures like deportation and eviction. My fieldwork findings point to a tension between the stated feminist-humanitarian aims of the model, to protect women and work “for the prostituted women,” and the practical punitive governance of commercial sex focused on eliminating spaces for selling sex and deporting third-country nationals. Humanitarian forms of governance intervene in the name of reducing suffering and enhancing the welfare of vulnerable populations, but they often result in punitive policies: they embody paradoxical politics of compassion and inequality (Barnett, 2013; Fassin, 2012; Ticktin, 2011). The article argues that when examined in action, the Nordic model is a form of humanitarian governance that I name *punitivist humanitarianism*, governing in the name of caring.

<sup>2</sup> A note on terminology is necessary here. The people I met in the field have diverse backgrounds and relations to commercial sex and consequently also to the terminology used to describe commercial sex and those engaged in it. Therefore, I have decided to use the neutral terms “sell sex,” “people who sell sex,” and “sellers of sexual services” to refer to the activity of exchanging money for sexual services, and “commercial sex” for the overall field. I use the word prostitution only in relation to policies (“prostitution policies”).

<sup>3</sup> I use the term third party to refer to people who in some way organize or facilitate commercial sex, people who are the “third parties” (in relation to the seller and the buyer) and traditionally perceived as pimps. In the Nordic countries, the so-called pimping legislation is very broad. It includes all kind of facilitation of selling of sex, also when it is not exploitative, as will be demonstrated later. Therefore, the culturally loaded word “pimping” is not descriptive of all the activities that are criminalized under the third-party laws.



**Image 1** Images from the informational material, “Targeting The Sex Buyer. The Swedish Example: Stopping Prostitution and Trafficking Where it all Begins,” by the Swedish Institute<sup>4</sup>



**He could be your neighbor, even your best friend. Or perhaps he is a colleague at work, or someone you talked to at a party last weekend. He appears to live a normal life—he is married, has children, a good job—in other words, he’s a regular guy. But he also buys sexual services and thereby supports the market for sexual exploitation, prostitution and trafficking. And under Swedish law he is a criminal.**

**Swedish law focuses on these men rather than on the young girls and women they exploit. Why? The thinking behind the law is that it is the demand for sexual services that maintains prostitution and human trafficking for sexual purposes. The legal approach to this problem is often referred to as “the Swedish example.”**

The first section contextualizes the Nordic model and its emergence alongside feminism, Nordic welfare state ideals, and the new porosity of borders brought upon the internationalization of the countries. It also gives an overview of immigration policies and third-party regulation pertaining to commercial sex. Subsequently, I introduce the methods and data used in this article before moving on to the findings. I have organized the findings according to the three central legislations: The Sex Purchase Act, immigration law, and third-party regulation. The conclusion argues that the Nordic model is a form of humanitarian governance which paradoxically replicates the inequalities related to immigration and the global distribution of wealth in the dual regulation of commercial sex through prostitution and immigration legislation.

## Feminism and its Strange Bedfellows: Contextualizing the Nordic Model

The Nordic countries—with Sweden at the forefront as Image 1 demonstrates—have set themselves apart from other European countries, like Germany, the Netherlands, and Belgium, which are invested in the state regulation of commercial sex and have taken steps to decriminalize various aspects of it, including the third parties involved (Skilbrei & Holmström, 2013). The three countries that are the focus of this study have all adopted some form of client criminalization while continuing to decriminalize the selling of sex. This client criminalization has its background in feminism and welfare state ideology wherein commercial sex is regarded as against the ideals of the welfare state and an

expression of male domination (Skilbrei & Holmström, 2013). The women’s movement has been influential in debates on commercial sex in the countries and a discourse has prevailed since the 1970s and 80s wherein commercial sex is perceived as harmful to women in terms of their gender (Hulusjö, 2013; Jahnsen & Skilbrei, 2017a; Vuolajärvi, Viuhko, Kantola, & Marttila, 2017). Consequently, the women’s movement understands combatting commercial sex as one of the main ways to fight against gender inequality in society at large. Feminist argumentation continues to be pivotal within international political discussions on client criminalization.

Client criminalization originates in Sweden, where the Sex Purchase Act was passed in 1999 as part of the Violence Against Women Act, or, literally translated, the “Women’s Refuge Act” (*Kvinnofrid*). This was a legal package that included laws related to sexual harassment and rape. In the legal package, commercial sex is framed as inherently problematic for society and an effect of hierarchical gender relations. Soon after the enactment, the understanding of commercial sex as a violence against women was consolidated in official discourses (Hulusjö, 2013). In the current political discourse, the Sex Purchase Act has two stated ideological aims. First, to reduce commercial sex by targeting “the demand side [...] because without men’s demand for and use of women and girls for sexual exploitation, the global prostitution industry could not flourish and expand” (Ekberg, 2004, p. 1189). Secondly, the Act sends a *symbolic* message to society that women and girls are not commodities. In other words, it aims to educate men out of their patriarchal practices.

Commercial sex has a strong symbolic significance in the Nordic countries. Even if the fields of commercial sex are rather small in the countries (estimates of the number of people selling sex in each country vary from around 2000 to 3000 per country, and the proportion of people who have bought sex between 8 and 13%), commercial sex has been high on these

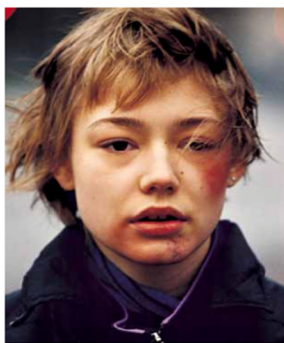
<sup>4</sup> The Swedish Institute is the Swedish state’s public agency which promotes Sweden and Swedish issues globally. You can access the full brochure from: <https://eng.si.se/areas-of-operation/events-andprojects/targeting-the-sex-buyer/>.

countries' political agendas and the majority of political actors conceive commercial sex as a challenge to the ideals of gender equality and the welfare state (Skilbrei & Holmström, 2013, p. 65; Tveit & Skilbrei, 2008; Vuolajärvi et al. 2017; Östergren, 2017b). Humanitarian *regimes of care* (Ticktin, 2011), or governing in the name of advancing higher moral principles, have a particular resonance in countries which take pride in their welfare model and progressive humanitarian politics, of which gender equality is one (Mulinari, Keskinen, Irni, & Tuori, 2009). The Swedish state has been very active in promoting “the Swedish example” abroad, and it has become part of the country brand. Exporting the law has been one of Sweden's official goals since its inception, and state representatives represent the birth of the Sex Purchase Act as the culmination of years of hard work for women's rights in their promotional materials like in the Swedish Institute's brochure (see Image 1 and Proposition 1997/98: 55).

The Nordic model's emphasis on “protecting women” has an appeal in a media environment where sensationalist and violent accounts of sex trafficking like those presented in the Swedish Institute's brochure in Image 2 are prominent (Haynes, 2012). The rise of new humanitarianism is related to the increased spectacle of suffering in the media that cry for an intervention: protection of humanity from the ills of the world (Fassin, 2012; Ticktin, 2011). The tension between protection and exclusion is central to humanitarianism. Threat and the sanctity of the victims that the spectacle of suffering

produces justify the state measures to protect the nation and its citizens. The flip side of humanitarian regimes of care is often increased surveillance and policing (Feldman & Ticktin, 2010; Ticktin, 2011). The distress around human trafficking has been connected in the West's anxiety over the post-Cold War era and the new porosity of borders (O'Connell Davidson, 2015, p. 3). These anxieties over migration and “transnational organized crime” were translated into a concern over human trafficking and used to justify the tightening of immigration policies and the introduction of punitive measures towards phenomena that are perceived to attract international organized crime.

Scholars have presented that the introduction of the Sex Purchase Act was also connected to the internationalization of the countries (Kulick, 2003; Marttila, 2008; Skilbrei, 2009). In Sweden and Finland, membership of the EU raised concerns of Eastern European women coming to the countries to sell sex and bringing criminal networks with them (Koskela, Sirpa, & Tuominen, 2000; Kulick, 2003). Sex Purchase Act was perceived as one way to prevent this movement. In Norway, the feminist movement had been pushing the Sex Purchase Act since the 1980s, but they did not get the support of political majority until the Nigerian women started to dominate the street scene of Oslo in the mid-2000s (Jahnsen & Skilbrei, 2017a; Skilbrei, 2012). In short, in all three countries, the passing of client criminalization has been theorized as a result of Nordic ideals of gender equality coming together with concern over the boundaries of the nation.



From the film *Lilja 4-ever* © Malmö film

**A little over ten years ago, a Lithuanian girl committed suicide in Malmö by jumping off a bridge onto a highway. Prior to that, she had been exploited by sex-buying men in Sweden. In the end, her desperation and sense of powerlessness became so overwhelming that she took her own life. She was just 16 year old. In a compelling and frightening way, the 2002 Swedish feature film *Lilja 4-ever*, directed by Lukas Moodysson, shows what human trafficking is about—the life that young girls are forced into.**

**Sex buying and human trafficking are cynical acts that have nothing to do with sexuality and love. Rather, they are bizarre, appalling forms of male domination over, primarily, women and young girls, but also of men's oppression of other males, primarily boys.**



**Image 2** Images from the informational material, “Targeting The Sex Buyer. The Swedish Example: Stopping Prostitution and Trafficking Where it all Begins,” by the Swedish Institute

The contradicting motivations to protect and exclude are visible in the countries' legislation. Because of increased cross-border movement, the majority of people selling sex in the countries are nowadays migrants. Although immigration has become increasingly central to the Nordic field of commercial sex, the role of immigration regulation is rarely addressed in political debates around the so-called Nordic model. Even if countries have decriminalized the selling of sex, they do not perceive it as legitimate work and hence there are no work permits available for the industry. Instead, the countries in practice criminalize the selling of sex from people coming from outside the EU or EEA (third-country nationals). In the Swedish and Finnish Aliens Acts assumption or suspicion of selling of sex, or in the Swedish case assumption that "he or she will not support himself or herself by honest means" (Swedish Aliens Act, 2005), is grounds for deportation and denial of entry even if the person would be in the country legally or would have otherwise the right to travel to the country.<sup>5</sup> In Norway, police use different chapters of the Immigration Act in combination with third-party regulation to deny entry and deport third-country nationals in a similar manner to the Finnish and Swedish police (Jahnsen & Skilbrei, 2017b).<sup>6</sup>

The internationalization of the field of commercial sex coincided with the rise of the Internet and the consequent movement of commercial sex to indoor spaces (Sanders, Scoular, Campbell, Pitcher, & Cunningham, 2017). In all the three countries, the majority of contacts are made through escort sites. The combination of migrants becoming the majority in the field and commerce moving indoors has increased concerns over third-party involvement (Skilbrei & Holmström, 2013). Sweden, Norway, and Finland have very broad third-party regulation criminalizing all facilitation of the selling of sex, whether it is exploitative or not. So, even in a situation where the facilitator is not using coercion, or even taking any compensation, assistance is illegal (Jahnsen & Skilbrei, 2017a; Vuolajärvi et al. 2017; Östergren, 2017b). Assistance

<sup>5</sup> This applies to third-country nationals who are in the countries on a tourist visa or another EU country residence permit, but not to the ones that are on a permanent residence permit based on family ties or on work, for example. Majority of the third-country nationals selling sex in the countries are Nigerians and Latin Americans with another EU country residence permit, or Russians on a tourist visa. In Finland, this section was introduced to the Aliens Act in 1999. The Swedish Aliens Act dates back to 1954. Sweden has also deported EU citizens on these grounds, although it does not seem to be a regular practice. In the court decision and the Swedish Parliamentary Ombudsman's Juridical review, where EU citizens' deportations are discussed, the justification for deportations is that selling of sex is related to criminal activity. Therefore, it is a forbidden activity and not an "honest way to support oneself." It forms a threat to the public order and safety and hence can be used also against EU citizens despite the EU's free movement principle. In these documents, justifications for deportations are also tied to the overall goal of the Swedish society to "prevent prostitution" (Parliamentary Ombudsman, 2013, pp. 353–357).

<sup>6</sup> A third-country national needs to have an address in Norway, show a legitimate purpose to stay/visit, and have sufficient funds to support themselves (Immigration Act, 2008).

includes supplying a space for selling sex, providing protection, transport or support in client contacts, or marketing of commercial sexual services. These laws have to some extent resulted in a victimless crime, as some of the acts defined in the pimping law work to protect the social interests around making the operation of the field of commercial sex difficult, rather than promoting individual autonomy and freedom from bodily harm (Kimpimäki, 2009).

Despite the punitive nature of these laws, the overall political discussion on the Nordic model, as well as the Swedish government's reporting of official outcomes and promotional material, focus solely on client criminalization and the feminist-humanitarian goal of protecting women from trafficking and sexual exploitation. In this article, I will use ethnographic fieldwork and interviews with various actors to explore what the Nordic model looks like in action and to examine how the legislation around commercial sex works in practice. I will contribute to the existing literature by demonstrating how the governance of commercial sex affects the conditions of especially migrants who sell sex and produces punitivist outcomes. But before moving on to the findings, I will introduce the research this article is based on.

## Fieldwork Conducted for the Study

This article is based on a multi-sited ethnography (Marcus, 1995) on commercial sex in the Nordic Region. Between 2012 and 2018, I conducted over 2 years of ethnographic fieldwork in Finland, Norway, and Sweden. The study involves ethnographic observations and interviews with people who sell sex, the police, social and healthcare workers, and state officials operating within the field of commercial sex. The intensive fieldwork periods took place in Finland in 2012–2013 (12 months) and in Norway and Sweden in 2016–2018 (7 and 12 months, respectively). During the fieldwork, I carried out participant observations based at social and healthcare providers for people who sell sex, as well as nightclubs and street environments where sex is sold. In addition to participant observation and field conversations, I conducted 195 formal semi-structured interviews with persons who sell sex, social and healthcare workers, state officials, and police operating within the field of commercial sex. Interviews were recorded, except for a few occasions where I only took fieldnotes. The interviews lasted from half an hour to 6 hours, and some participants were interviewed several times.

Out of the 195 interviewees, 113 are people who sell sex, and the rest are other people involved in the field of commercial sex. The interviews with social and healthcare workers, the police and policy-makers concerned the field of commercial sex, problems people selling sex face, and legal frameworks and their enforcement. These interviews provided a broader background and context to the interviews conducted

with people who sell sex. These explored migration and work history, experiences of discrimination, interactions with the police and other officials, views on the laws pertaining to commercial sex, the organization of commercial sex, and future aspirations and plans.

The countries of origin of the people I met on the field vary but reflect the main groups selling sex in the countries involved. The majority were from Russia or Eastern Europe (Romania, Bulgaria, Lithuania, Latvia, Estonia), Latin America (Columbia, Brazil, Dominican Republic, Ecuador, Bolivia), Nigeria, Thailand, and of course the countries that the fieldwork was conducted in: Finland, Sweden, and Norway. Most of the migrants met in fieldwork were highly mobile and traveled between their country of residence and the Nordic region. They rarely had a permanent residence permit within the Nordic region. Interviewees were reached through fieldwork at service providers, their working environments, through online escort advertisement and discussion forums, and via informal personal networks. The result was a diverse sample encompassing people who sell sex from different working environments (street, on-line/indoor, parlors, striptease joints), ethnicity and race, residence permit type and their rights with respect to the state (citizenship, permanent residence permit, temporary residence permit, other EU country citizenship/permanent residence permit, tourist visa, and undocumented), and education and skills level. The majority of these interviewees are women (109), and their age varies from 20 to 64.

Next, I will move to the findings. Because my fieldwork covers three countries and various migrant and non-migrant groups selling sex, it is impossible within the scope of this article to produce a full comparison of the countries or to go into detail about the differences between various groups' conditions in the field. Therefore, I will provide an overview of the Nordic model in action, particularly from the viewpoint of migrants who sell sex, and highlight the controversies between the explicit feminist-humanitarian aim of the Sex Purchase Act and the punitivist governance of commercial sex, through field excerpts and descriptions. I have divided my findings into three sections corresponding to the three types of legislations central to the regulation of commercial sex in the region: The Sex Purchase Act, immigration regulation, and third-party legislation.

### **“They Kind of Let You Work but They Control You”—the Contradictions of the Sex Purchase Act**

I met Lina,<sup>7</sup> a Latin American transwoman in her 30s, at the dining table of a Norwegian service provider's drop-in in

January 2017. Lina has been traveling around Europe escorting for about 10 years, latterly working mainly in Norway and Sweden. When I told her about my research, she was immediately eager to share her experiences with me, and while eating, she explained to me how she saw the situation in Norway and Sweden:

This is a contradictory law. They kind of let you work but they control you – at the end, they force you not to work. If you are on the streets they will control you [check papers] and this is kind of a trap because this will result in your name ending into the police records. It is also a form of intimidation, a psychological pressure. When you are in an apartment, they can come to your apartment, control you, and force you to leave either by using intimidation or calling the owner and telling him that he is doing a crime. At the end, you are not really allowed to work. They say you can work, but you cannot work in an apartment because then the owner is a criminal, you cannot work in a hotel because then the hotel is criminal. They force you out of the apartments, they force you out. They say that this law is for the women, but it isn't. It affects our work.

[...]

Here you cannot call the police if you are in trouble, if somebody is violent, robbing you or something. Always we come back to the law, that the law doesn't allow us to contact the police. Or they allow, but you have consequences if you do that. You can call the police for your security, but you are going to have a problem after that. If you are in a rental apartment, they will ask you to leave. Maybe if you are foreign, the police will put you out of the country. You don't know really. That is why I don't like contact with police. You never know what they are going to do. They have the power to do many things, you really don't know your rights. The situation when you are in front of the police, it looks like they are the law.

Lina's assessment of the contradictions within the so-called Nordic model provides a useful summary of the tensions in the field. During my fieldwork, it became clear that despite the public focus on the Sex Purchase Act, it was not the primary concern of people in the field. A representative of one service provider in Norway got visibly frustrated when I asked about client criminalization: “Sex Purchase Act, Sex Purchase Act, everyone is just talking about it, why don't you look at other laws, they are much more important.” Other social workers' accounts echoed this person's frustration with the public debate focusing on client criminalization and preventing a proper discussion of the “real issues” on the ground, like the ones Lina laid out: irregular migrants' lack of

<sup>7</sup> All the names used in this article are pseudonyms to protect the identity of the people met in fieldwork.



access to rights and services, police harassment and deportation of third-country nationals, lack of police protection from violence, and the difficulty of organizing housing and being evicted from apartments.

The police enforce the Sex Purchase Act to different extents in these countries. In Finland, where buying is only criminalized if from a person who is trafficked or pimped, the police mainly enforces the law through pimping and trafficking investigations and convictions. The Sex Purchase Act does not affect the lives of people who sell sex. In Norway, where buying is fully criminalized, the Sex Purchase Act is not very visible in the everyday lives of people who sell sex either, instead, women reported constantly being targets of identity checks and reported feeling that this produces “a form of intimidation, a psychological pressure,” as Lina put it. The police do not seem to prioritize finding and fining clients; instead, they are using the Sex Purchase Act in combination with anti-trafficking measures as an excuse to enter apartments and enforce immigration controls and third-party legislation (see also Jahnsen & Skilbrei, 2017b).

In Sweden, the Sex Purchase Act is most “alive,” with the police actively enforcing the law. I followed the Stockholm police’s prostitution unit during one weekend in 2017. During this field trip, the police explained that they enforce the law in Stockholm’s street working areas, but that their main focus is on the Internet. They showed me how they use escorts’ online advertisements to figure out the location of the apartment where commercial sex takes place by pretending to be clients and then waiting outside the apartment to “catch” a few clients. After this, they visit the apartment, talk to the woman, and check her papers (including her immigration status). An older police officer told me that they require a confession from one of the parties in order to prove that buying has taken place. The police rationalized these visits as providing the opportunity to initiate further investigations around pimping and trafficking. The police presence seems to influence clients’ behavior, as Emma, a Swedish street and club worker in her late 30s, explained in an interview:

[The clients are] stressed. Yeah, stressed. They think they are putting a family life or something at stake, they are a little bit afraid. [...] The thing that I very very early understood was that I had to go away with clients from the spot I was [selling sex] in. I wasn’t the one who was up to a fine, I was the one who had to try to get the clients off the fine. So, what happened was that I am driven to different places where the clients feel that they are secure. 99 percent of my clients in the car are nice, but the last percent, when they are so freaky it is not so nice to have doors locked while sitting in a car you don’t know where it is going. My greatest problem is that afterwards they want to let you off as soon as possible. So, I have walked million billion miles, or it felt like

that, because they don’t want you in the car when they drive back to where you started. So, it is like I know the streets, I really do. I know how insecure you feel when you are walking home.

Women felt that clients’ nervousness hampered their safety practices in ways that line up with previous reports from Sweden (Endlund & Jakobsson, 2014; Levy & Jakobsson, 2013; Levy, 2015; Östergren, 2006): Clients are hesitant to call from their own numbers; on the streets, they hurry the negotiation; they want to carry out the transaction further away from the street area and in general demand more outcalls. These practices mean that women spend more time with each client and that they have to go to unfamiliar environments that are more unsafe for them than receiving clients in their own apartment. An Australian woman I met in Stockholm, Stacy, aged in her twenties, who has traveled and worked around the world, summarized these concerns: “Because clients want to go further and further from the streets and do it in their houses, it takes me six hours to make here on the streets what I could do in other places [countries] in one hour. It flips the power position, I have to focus on making them feel safe.”

Opinions on the Sex Purchase Act from those who sell sex varied from perceiving it as beneficial and protective to harmful, dangerous, and stigmatizing. Persons who sell sex in Finland all opposed the full criminalization of buying as they were worried that it would harm their operation and push trade underground, as well as weaken their safety and negotiation positions. In Sweden and Norway, opinions were more varied. Those who perceived the law as beneficial said that it gives them a tool to protect themselves against clients and that clients behave better because it is they who are committing a crime rather than the seller. Some of the women who had quit selling sex perceived their experiences in commercial sex in general as traumatic and hoped that the Sex Purchase Act would prevent more women from entering to the field and punish the clients. Others, who had stopped selling sex and had opposed the law before it came into place, argued that repealing it now would indicate a positive attitude towards men’s right to buy sex and the overall normalization of commercial sex within society.

The majority of sex sellers in Norway and Sweden opposed the law because it renders their clients criminals. People who sell sex reported experiencing the discourse around the Sex Purchase Act as intensifying the stigma related to commercial sex, which makes them feel victimized and less of a person within society. In Sweden, the discourse around Sex Purchase Act also shows in buyers’ attitudes and communication with sellers. In all three of the countries, sellers reported that buyers were often concerned with that they are working independently and are not exploited. In Sweden, the victim image that the discourse produces forces women to play the “happy escort.”

Like Stacy explained: “You have to convince them that you are ‘really okay with this, that you are happy, you are not exploited.’ I have to play up that I really genuinely enjoy this, I feel the stigma.” This means that women need to do more emotional labor to convince their clients that they are independent and that they enjoy selling sex even if for the majority, it is first and foremost a form of income.

In general, people who sell sex in Sweden reported feeling victimized and treated differently within social services and society at large (see also Endlund & Jakobsson, 2014; Levy & Jakobsson, 2013; Levy, 2015; Östergren, 2006). Many had bad experiences of reporting violence and harassment to the police and felt that the atmosphere in Sweden is so negative towards commercial sex that the police perceive them as partly guilty for the problems they experience while selling sex (see also Hulusjö, 2013). For example, a sex workers’ organization representative explained to me how the police had told one of their members that the sexual violence she experienced was not rape because she was paid for it; also, one woman told me that in a situation where her former client threatened to expose her identity and stalked her in the vicinity of her house, the police refused to act on it. Many said that they would not contact the police in any case because they were afraid of the consequences, such as being evicted from their apartments, or that more authorities would be involved in their lives like the tax authorities or social services in case they had children (see also Endlund & Jakobsson, 2014). Opinion surveys made in Sweden support this view of increased negative attitudes towards people who sell sex and commercial sex in general. They demonstrate that the attitudes of Swedes towards not only the buying but also the selling of sex have become less permissive since the law came into power (Kuosmanen, 2011).

### **“You Do Not Call the Police if it Is Not about Life”—Immigration Regulation Criminalizing Selling of Sex for Third-Country Nationals**

A major problem for migrants engaged in commercial sex in the Nordic region is that they have limited access to welfare services and restricted access to formal labor markets. The majority of migrants selling sex in the area are irregular migrants without permanent residence permits. They reside in the countries legally on a tourist visa or as a citizen or a resident of another Schengen or an EU country. Migrants are prioritized in policing in all the three countries. The nationals I interviewed rarely had any contact with the police whereas in the migrant interviews, these experiences were common (see also Jahnsen, 2014 on prioritized policing). In addition, third-country nationals can be deported if they are met selling sex or may be denied entry to the country. Immigration regulations create a divide between EU citizens and third-country

nationals who sell sex when it comes to deportability, access to the labor market, and freedom of movement (see Vuolajärvi, 2018). These have serious consequences with respect to third-country nationals’ conditions and safety and their overall life possibilities outside commercial sex.

Mary and Lucy, two Nigerian women in their thirties, were often together during my fieldwork in Helsinki in 2013. They had met in Finland and sold sex together sharing an apartment in the gentrifying old working-class area of Helsinki and finding clients on the streets in the city center. They had traveled around Europe selling sex after the recession hit Spain, and there were no longer menial jobs available for them. Recently, these two women have mostly lived in Finland and Norway because Mary did not want to sell sex at home where her 5-year-old daughter and friends were because she feared the associated stigma. Also, the money and clients were preferable in the Nordic countries than, for example, in France where Lucy sometimes sells sex, partly because her boyfriend lives there. They had both made an arduous trip through the desert and via rubber dingy to Europe over 10 years ago and had residence permits, but not citizenship, in Spain. Not having citizenship in an EU country was a big issue for both them, as for the other third-country (non-EU/Schengen) nationals, because third-country nationals are under constant threat of deportation while selling sex. The first thing Mary started to talk about when I asked her about how it is to sell sex in Finland was her fear of deportation:

Here we have the fear of the police. I have pressure. [...] If you are walking on the streets here, sometimes they control you, check your ID. Okay, you are from Spain. They say that you have to go to the ticket office [to buy your return ticket]. You have to go back to where you came from. You have to go back to Spain or Italy or wherever you came from. They will [deport and] ban that person to not to come here for four to five years [...] That’s a reason why we’re afraid. If you have a European passport [citizenship], they are a little bit nicer – because most of the people with European passport have a job here, they have Finnish documents. I’m not like them. They have two jobs, work in the street and work in the factory. They don’t get shocked like me when they see the police.

Mary’s feelings were repeated in other third-country nationals’ stories across all three of the countries. Lina, who had a couple of years ago obtained her EU citizenship, described the difference selling sex as a non-EU and an EU citizen in the Nordic region in a similar manner to Mary:

Yes, now I have a Spanish citizenship. But when I started to struggle [sell sex], I didn’t. I had my [Latin

American] passport. Of course, I was afraid. I tried to hide. But now it is better. Because of that [EU passport] I feel more relaxed, more quiet, I do not worry so much. Before that, I worried for the work and I worried for the police because I was kind of illegal, you know?

Social workers, the police, and the people who sell sex reported in all three countries that police check ID papers and use the immigration law to deport third-country nationals while street policing and visiting apartments. In Sweden, police informants working on a national level with trafficking and commercial sex confirmed this practice and some of them rationalized it with crime prevention: “It happens from time to time that we deport women from Nigeria to Spain or Italy. Sometimes, we find out that they are in prostitution, they just tell the police to ‘go to hell, get the fuck out of here, I am going to work and earn my money’. And then, well, they are third-country nationals and can be deported” or “Unfortunately it [deportation] prevents it [human trafficking/prostitution] also a bit. Because human trafficking cases take so long, sometimes we have to use the Aliens Act.” Another Swedish police informant told me that in one of the biggest Swedish cities, Gothenburg, the immigration police use the escort websites for immigration checks. They call the phone numbers on advertisements to make appointments as clients so they can check women’s papers, detain and deport them.<sup>8</sup> Women can also be denied entry at the border if they are suspected of selling sex. For example, Rose, a Nigerian woman in her thirties, who I met at a night café within the Oslo street environment, told me how she was refused entry when she tried to cross the border from Sweden to Norway by bus because police found some texts from clients on her phone. The women told that the border police can also harass them with detailed questions about the purpose of their stay and strip searches if they refuse to answer their questions. Lina had gone through this humiliating experience at Oslo airport several times, and EU citizens I met had similar experiences of intimidation at the border. For example, a border police officer had held an Asian Danish woman and her friend at the Oslo airport for 4 hours for questioning because they were carrying a lot of condoms.

The illegality produced by deportability is further enforced through racialized policing and the implementation of immigration regulations that particularly targets Nigerians in all three countries (see also Jahnsen, 2014; Jahnsen & Skilbrei, 2017b). The Nigerians I talked with during my fieldwork had more negative police contact than other ethnic groups. For the Nigerians, constant identity checks and deportations seemed

to be part of everyday life. Many of them were deported several times, stopped at the border, and their identity papers were constantly checked within and outside of the environments they sold sex in. Racialized policing is visible for example in the Finnish deportation statistics from 2012–2014 based on suspicion of selling sex. Although Russians outnumber Nigerians in the clubs and on the street scene, 70% of the persons deported were Nigerians living in another EU country, as compared to 30% of Russians on a tourist visa who are “equally deportable” third-country nationals (Vuolajärvi, 2018).

Also, during my fieldwork in Finland, the police forced Nigerians out of the indoor club environments and onto the streets by threatening club owners with human trafficking investigations. Mary knew that she could not work in the clubs: “They don’t allow blacks. They don’t let you in. No, nobody.” Service providers told that in Norway, the Nigerians used to be the biggest ethnic group selling sex on the streets, but in 2015, when a large number of asylum seekers arrived in Europe, the police intensified identity checks and forced Nigerians out of Norway. Whereas Pro Sentret, one of the biggest service providers in Oslo, had contact with around 500 Nigerians in 2012 and 2013, in 2016, the number had decreased to 100. In Stockholm, a police informant said that they “have managed to push them [Nigerians] out of the Internet and into the streets,” by targeting their Internet ads and making selling sex indoors impossible for them. Intense police surveillance impacted the working conditions and times of Nigerians. In all three countries, white migrant groups, Romanians, Bulgarians, and Russians started selling sex early in the evening, around eight to nine o’clock, but the Nigerians came out around one to two in the morning or even later because police is less active during later hours. Nigerians themselves said that when it is dark, they feel less visible in the predominantly white Nordic capitals. As Mary put it, “one o’clock [1 a.m.] the day is not bright and that is when the blacks are on the street. We wait for the day to get a little bit darker. I know that the Russians, they are there nine o’clock [9 p.m.].” In general, it seems that the police’s priority in all the countries is to prevent Nigerians from settling in any way into the commercial sex markets.

The intensive policing and threat of deportation resulted in third-country nationals reporting little violence to the police. The threshold for calling the police is high, as one woman stated: “You don’t call the police if it is not about life.” In general, immigration policies weaken the safety of third-country nationals. When I spoke to a Russian woman who has a permanent residence permit in Finland about difficult clients, she answered that she always tells her clients in advance that she lives in Finland permanently. This way, the clients know that she cannot be threatened with calling the police like women on tourist visas can be: “They are afraid for their visa, but I am not afraid and they [clients] know not to make trouble.” Other women told me that there are clients who use the threat of reporting to the

<sup>8</sup> In 2017, police deported 70 women based on assumption on selling sex solely in the Gothenburg region (Ekwind, 2018). A police report mentions of third-country nationals based on the assumption of selling of sex in Stockholm area, but the police does not collect statistics on this systematically (Polismyndigheten/NOA 2017, p. 17; An interview with a national police working with prostitution and trafficking 19th of June 2016).

immigration officials to force women to do what they want. According to an earlier study in Finland, buyers who harass people who sell sex know that migrants coming from outside the EU have less protection from the law and are therefore easier to target (Kontula, 2008). The deportability of these migrants puts them at a higher risk of becoming a target of violence and harassment from the clients.

In addition, third-country nationals face serious obstacles if they wish to enter the formal labor market. To work in Finland or Sweden as a third-country national, you need to have a work permit, and in Norway, only skilled workers (up to 3 years of vocational training minimum) can apply for a permit.<sup>9</sup> Lucy, who was the younger of the two Nigerian women, told me that she dreamed of getting papers in Finland to get “normal work” because she was tired of selling sex: “the job, it’s difficult.” Me and Lucy tried together to apply for dozens of cleaning jobs for her and visited a job center but there was nothing available. The employer would have had to apply for a work permit for her, and they were not ready to commit to an employee they had no experience of for at least for the 6 months that the permit requires. In all the three countries, labor market restrictions “trap” third-country-nationals like Lucy to the gray economy of commercial sex in a situation where they would prefer a regular work (Vuolajärvi, 2018). For many, having regular work was important because they perceived selling sex as “hard” and a “dead-end job” as it could not provide any rights or future in the North. Regular work would guarantee a future in a Nordic country in the form of a permanent residence permit, and access to welfare services and a greater degree of stability.

The initial idea behind the Sex Purchase Act was to introduce it as a complement to social interventions. State-organized social services, geared towards motivating exit from commercial sex through counseling, therapy, and support, were supposed to be the backbone of the Swedish prostitution policy (Florin, 2012; Holmström, 2015b). However, this approach to social work fails in a situation where majority of people who sell sex in the Nordic region are irregular migrants: In none of the countries, migrants without a permanent residence permit are entitled to state services like social benefits or public healthcare, and for third-country nationals, it is almost impossible to “exit” and move to formal labor markets, as Lucy’s example demonstrates. One Swedish social worker described the divide between nationals and foreigners in terms of their access to the Swedish state services:

If [a national] wants help, she could get it immediately. A place to stay, food, help with her drug abuse. Everything within the health care, there's a lot more possibilities. We

have nothing for the other ones [foreigners]. If they are lucky we can provide them with a ticket back to Romania. So it's not easy, it's not easy for them.

Social workers in all the countries were constantly frustrated with the institutional obstacles they met in trying to find solutions for their foreign clients. In Norway and Finland, the service providers offer low-threshold health, social, and legal services based on harm-reduction approach. Hence, they can at least respond to the basic health and legal needs of their foreign clients, even if they cannot help with access to the state benefits and have limited resources to assist with labor market access. Harm-reduction is not part of the Swedish social work agenda and focus on motivating exit with therapeutic emphasis especially limited Swedish social workers’ possibilities to meet the needs of their foreign clients, sometimes the only help they could give being an IOM, International Organization of Migration, assisted return—a plane ticket home, “if they are lucky” (see also Holmström, 2015b).

The limitations in rights and services extend to the victims of trafficking (VoTs) in Sweden, as there is no path for VoTs to regularize themselves. All the three countries offer a reflection period, access to welfare services, and a temporary residence permit during the criminal procedure. In Sweden, unlike in Finland and Norway, it is not possible to receive a permanent residence permit based on being a VoT and trafficked persons need to leave the country after the 6-month VoT residence permit has expired (Brunovskis, 2016; Marttila, 2018; Mömer, 2018).<sup>10</sup> The victims can also be deported if they do not cooperate with the officials based on Aliens and Immigration Acts (from Sweden see Polismyndigheten/NOA 2017, p. 61). The differences in service providers’ approaches and the way they can meet the needs of migrants who sell sex shows in the proportion of foreign users in their services: whereas in Norway and Finland foreigners comprise 78–79% of the users (corresponding to the estimates of migrants selling sex in the Nordic region), in Sweden, the percentage is around 30%.<sup>11</sup>

### “They Force You Out”: Third-Party Regulation Criminalizing the Places for Work

Taking into consideration the police activity and difficulties irregular migrants experience finding apartments, one of the biggest problems that the women I met regularly brought up in

<sup>10</sup> In Finland and Norway, receiving a residence permit based on being a victim of human trafficking is not automatic, and residence permit requires a specific “vulnerability” and might need to be applied through the asylum process (see Brunovskis, 2016; Roth, 2010). In all the countries, instances working with VoTs have criticized the fact that the victim protection is tied to the criminal process and police investigation.

<sup>11</sup> Pro Sentret, personal e-mail communication 30th of April 2018; Protukipiste, personal e-mail communication 2nd of May 2018; Mika Mottagningen Gothenburg, personal e-mail communication 4th of May 2018.

<sup>9</sup> Seasonal work up to 6 months is an exception, but a person cannot apply for a permanent residence through this.



all three countries is housing. Third-party regulation is supposed to target pimps and traffickers, but in practice, it makes sellers of sexual services' lives difficult and pushes them out of hotels and official apartment rentals, where women often feel more secure, into more informal housing arrangements that can be exploitative. Third-party laws in these countries criminalize the provision of housing for commercial sex. In Sweden and Norway, a regular landlord renting an apartment or a hotel providing accommodation to a person who sells sex can be accused of pimping, even if they are asking for an average rent and are not aware of the activities taking place in their premises. During my fieldwork in Sweden and Norway, police actively used this law to evict people who sell sex from apartments and hotel rooms. Police have very similar working practices in Sweden and Norway. In Sweden, police working on commercial sex visit the apartments of people who sell sex as part of their client investigations. A police informant told me that when they enter apartments, the police check women's papers and can contact the landlord or send them an information sheet stating that if they do not evict people selling sex from their apartments, they can be accused of pimping. The same goes for Norway (see Jahnsen & Skilbrei, 2017b). In Finland, however, the Supreme Court has ruled that liability requires that the landlord is aware that the apartment is used for sexual commerce or that the rent is paid with money from commercial sex (Kimpimäki, 2009). No "regular" landlord has been convicted of pimping, and the police do not use third-party legislation to evict people from their apartments. So, in this sense, the Finnish application of third-party regulation is less detrimental towards people who sell sex. However, even if police do not evict people from their homes, they still contact women based on their advertisements and check their papers, which can lead to deportation.

Officials and civil society actors have, in Sweden and Norway, developed initiatives to encourage hotels to detect and report commercial sex on their premises, extending their policing to third parties (see also Jahnsen & Skilbrei, 2017b).<sup>12</sup> I am not aware of any cooperation between hotels and the police or civil society actors in Finland. In Sweden and Norway, hotels cooperate with the police and several informants reported hotels keeping (illegal) blacklists of people selling sex that they share among themselves (see also Amnesty, 2016). Lina described her experiences trying to book hotel rooms in Norway as follows:

The hotels know you are selling sex. They have your email or name or something. They tell you straight up at

the reception that you cannot receive guests. Or they make you feel it by taking all the other guests first and saying that you need to wait to be shown to your room. Or they give you a room on the ground floor next to the reception so that they can see who comes in and out.

Some apartment hotels in Norway and Sweden seem to be very active in policing commercial sex and even profit from it. Eliana, a Latin American woman in her 50s, wanted to organize with other women against apartment hotel practices. I was introduced to Eliana by another Latin American woman in January 2017. Eliana had lived and worked in various professions around the Americas and Europe. She had settled in Spain years ago and worked there as an entrepreneur, but after the recession, she needed to return to selling sex, work she had not done since she was in her twenties. Eliana told me that the apartment hotels survey people who sell sex, and if they see clients, they force women to leave by telling them that they broke the contract and by threatening them with police. Women then lose both the rent and the deposit. I met Eliana after her 1-month "tour" of selling sex in different parts of Norway at a tiny rental apartment in the center of Oslo for an interview. She told me that she had been kicked out of apartment hotels twice, losing 2 weeks' rent, and consequently also half of the month's income, because she couldn't sell sex without an apartment. This meant that she had almost nothing to bring back home to pay the rent and the person who takes care of her child when she travels. She was very stressed and while we talked, she took calls from clients and had lowered her prices to quickly make some money to take home. In Lina's opinion, the situation is even worse in Sweden. She had sold sex there several times but said that it is hard "because they cut you out of apartments, you lose your money," via similar techniques.

Particularly in Norway and Sweden, third-party legislation and the active engagement of hotels in the policing of commercial sex has resulted in a dire housing situation and many are exploited in accommodation. Migrants pay three to four times the regular rent or share a small apartment and still pay a relatively high rent. Clara, a Nigerian woman in her thirties who I met at a night café in the street area of Oslo told me how she used to share a room with nine people where they had a sleeping rotation and were forced to stay out all night so that clients could be received in the room. Third-party controls have made getting apartments through regular channels difficult, and many are forced to turn to more informal arrangements where landlords know that they cannot get a flat through regular channels and/or use it to sell sex. While taking on the risk of being accused of pimping, the landlords also demand a higher rent or ask for a daily rent that corresponds to the amount you get from one client (around 150 Euros a day), irrespective of whether women have clients or not. Some women told me about arrangements they had made with their

<sup>12</sup> For example, the County Administrative Board in Stockholm has made an education video for hotels and taxi companies about how to "detect prostitution and human trafficking" on their premises (<https://www.youtube.com/watch?v=j419cBNxj1A&t=27s%29>). NGO Realstars has also launched a project called "fair sex hotels" that raises awareness on trafficking and commercial sex in hotels (see <http://realstars.eu/>).

former clients or current boyfriends to secure housing and stated that they often compensated rent with sexual or other services. For example, Julia, a Bulgarian woman in her forties who has been traveling between her home country and Norway for years, explained to me how she had for many years been living with her old client who had become disabled. She took care of him by washing him, feeding him, and doing the household chores in exchange for a place to live. She complained that now that the man had died, she had lost this arrangement and needed to share a room with seven other women, paying around 350 Euros per month for it. In other words, third-party regulation in Sweden and Norway can actually increase “pimping” when people are pushed to find housing through informal networks, which can lead to exploitative arrangements (see also Skilbrei & Holmström, 2013, p. 126).

In addition to increasing uncertainty and pushing sellers out of regular rental markets, tight formulation of the third-party regulation prevents people from reporting violence out of fear of eviction. This fear was especially prevalent in Norway where police had actively evicted sellers of sexual services under “the Operation Houseless” (see Jahnsen, 2014). Some women were robbed and so badly beaten that they were hospitalized, but they would not report this to the police because they were afraid of losing their apartments. This was the case for both nationals and foreigners. Also in Sweden, sellers of sexual services were afraid to sell from their apartments for fear of losing their home. Third-party regulation combined with the fear of deportation makes third-country nationals especially vulnerable to violence. Lina summarized this well in the quote at the beginning of the findings section, explaining the situation in Norway and Sweden: “Here you cannot call the police if you are in trouble, if somebody is violent, robbing you or something. [...] If you are in a rental apartment, they will ask you to leave. Maybe if you are foreign, the police will put you out of the country.”

The immigration and third-party regulations considerably weaken women’s safety as they prevent them from seeking help from officials in exploitative situations. Third-party regulation pushes them into insecure and possibly exploitative living arrangements that can increase rather than reduce pimping.

## Discussion and Conclusion: Governing in the Name of Caring

When the legislation around commercial sex is examined in action a contradictory image emerges where, instead of the stated aims of the Nordic model to protect women who sell sex, they are in practice controlled and deported, and their conditions are made difficult. Governance within the Nordic model embodies a tension between (1) protecting women (the

Sex Purchase Act/third-party laws), (2) excluding migrants (Aliens Act), and (3) abolishing commercial sex (The Sex Purchase Act/third-party laws). Firstly, even if the selling of sex is not criminalized in these countries, they criminalize it in practice for migrants coming from outside the EU, as countries can prevent their entry at the border, and deport them if met selling sex. I suggest that this *dual regulation* of commercial sex through prostitution and immigration policies, as well as the selective policing of people who sell sex (see also Marttila, 2008; Jahnsen, 2014), marks a shift in the Nordic governance of commercial sex *from prostitution to immigration policies* that leads to a *double standard* within the Nordic model. This double standard is also visible in service provision: Whereas nationals have access to the Nordic welfare state services, like social benefits, housing, and public healthcare, migrants without permanent residence permit are excluded from these services. Despite the ideological background of the Nordic model to provide support for exiting from commercial sex, especially the Swedish service providers struggle to offer anything else than a “ticket home” for migrants who sell sex. In addition, third-country nationals meet institutional barriers trying to find income in the regular job market.

The tension between protecting and abolishing is written into the ideological goal of the Nordic model and becomes visible in the enforcement of third-party regulation. The goal is to abolish commercial sex, as it is considered a manifestation of unequal gendered power relations and hence unsuitable for Nordic societies which strive for equality. To reach this goal, the law-makers aim to create a hostile environment by targeting buyers and third parties. However, as my research findings show, third-party regulation leads to evictions, prevents reporting violence, and pushes people who sell sex into exploitative housing arrangements, and as such can increase—instead of diminishing—the involvement of third parties.

In Sweden, the ideological background to the Nordic model is strongest and demonstrates a determination to abolish commercial sex. Public support for the Sex Purchase Act is high (Kuosmanen, 2011), and multiple social actors, from state agencies to NGOs, hotels, and taxi companies, are involved in the governance of commercial sex. In Norway, we can see a less devoted form of the model as the discourse around commercial sex is more multifaceted and the adaptation was more directly related to anti-immigrant sentiments and black women offering sexual services in the prime commercial area of the capital (Skilbrei, 2009). Still, the abolition of (migrant) commercial sex is prevalent and demonstrated in the broad application of the third-party and immigration regulations (see also Jahnsen, 2014; Jahnsen & Skilbrei, 2017a). When we compare the implementation of prostitution policies in Norway and Sweden to Finland, we notice a difference. In Finland, where only partial criminalization is implemented, the policing of

commercial sex seems to be less repressive, at least for those who sell sex indoors, as the Public Order Act prohibits selling in public spaces (see Vuolajärvi et al. 2017). Client investigations are not used against people who sell sex, and the difference in third-party implementation leads to a more relaxed environment to sell sex. The dual regulation of migrants and nationals, and a shift in governance from prostitution to immigration policies, is visible in Finland as well: third-country nationals can be deported or denied entry if caught or suspected of selling sex. The Finnish national discourse differs from the Swedish and Norwegian ones. The women's movement, political parties, and academic gender studies are increasingly divided on the issue (Vuolajärvi et al. 2017). When the legislation is examined in action, it becomes evident that Finland has not really embraced the spirit of the Nordic model, in the sense that abolition of commercial sex is not the primary goal of prostitution policies, but rather regulation. Controversially, this leads to more secure and protected (indoor) conditions for selling sex than in Sweden and Norway, where the abolition of commercial sex has taken priority in policing and a repressive regime is present, as Östergren (2017b) has noted (see also Jahnsen, 2014).

My fieldwork findings highlight a tension between the feminist-humanitarian ideological aim of the Nordic model to protect and save women, and the practical punitivist governance focused on the abolition of commercial sex. Fassin (2012) and Ticktin (2011) have used the concept of new humanitarianism to refer to the ways in which people who are in precarious situations, whether they are homeless, in exile, poor, or engaging in illicit activities, are increasingly governed in the name of saving and protecting. In these “regimes of care,” the moral imperative to act is often accompanied by practices of surveillance, policing, and violence. The background of the Sex Purchase Act is feminist, focused on advancing gender equality by protecting women from sexual exploitation and educating men out of their patriarchal practices. However, several scholars have argued that the new porosity of borders brought about by the Schengen agreement, anti-immigrant sentiments, and public concern over national societal structures were also crucial in the adaptation of the Sex Purchase Act and the overall formulation of prostitution policies in the countries (Kulick, 2003; Marttila, 2008; Skilbrei, 2009). This tension between protecting and excluding is materialized in the double standards and “selective feminism” of the Nordic model, which creates two distinct categories of people: nationals who are primarily targeted within the welfare system with social policy measures, like social assistance and therapeutic measures, and foreigners who are treated within the criminal policy framework with punitivist measures like deportation and targeted evictions. However, nationals do not escape from the fear of being evicted even if police efforts rarely focus on them. They can also become targets of punitivist social welfare measures

where, for example, their children can be taken into custody if their engagement with commercial sex is exposed,<sup>13</sup> and in general, people who sell sex can perceive social services that focus on exit strategies instead of harm reduction as punitivist (see also Carline & Scoular, 2015). When examined in action the Nordic model is revealed to be a form of humanitarian governance which I name *punitivist humanitarianism*. It operates in the name of gender equality and protection of the vulnerable, but when it is examined in action punitivist and exclusionary practices become visible.

The rise of humanitarian governance is related to the increased spectacle of suffering in the media and the way in which moral sentiments have become an essential force in contemporary politics (Fassin, 2012). Campaigns around human trafficking, or “modern slavery,” rely largely on the spectacle of suffering, the repetition, and circulation of sensation-alist images and narratives of sex trafficking, which compel spectators to take action. In this context, the Nordic model emerges as a perfect tool to bridge the paradoxical desires to protect and exclude. It offers “a fix” to the ethical necessity to act in the face of injustice, without demanding rights for migrants and otherwise marginalized people easily exploited in commercial sex—or challenging the wider structural inequalities related to immigration and the global distribution of wealth that drive people to commercial sex and make their exploitation within the industry possible. Ticktin (2011) has argued that humanitarian discourses of care have a depoliticizing effect: Instead of focusing on enforcing and protecting the rights of vulnerable populations, or challenging the broader social structures that lead to their violation, humanitarianism turns these populations to receivers of help or victims in need of saving. As Etienne Balibar (2014) states: “‘humanitarian’ [...] discourse [...] serves to keep populations or categories of individuals in the condition of recipients of help rather as bearers of equal rights.” Humanitarian discourse displaces claims for rights and wider collective change and in this way end up reproducing racial, gendered, and geopolitical hierarchies (Ticktin, 2011).

I suggest that the Nordic model, with its explicit focus on protecting women, is a form of humanitarian governance. It paradoxically replicates inequalities related to migration and global distribution of wealth in the dual regulation of commercial sex through prostitution and immigration legislation. International debates and research on the Nordic model have focused solely on the humanitarian *face* of the model, which is protecting women from male perpetrators—the sex buyers, the pimps, and the traffickers. This humanitarian face helps us to understand its international appeal. The reality that the

<sup>13</sup> “Barn till prostituerad omhändertas,” *Kristianstadsbladet*, 13th of January 2018, <http://www.kristianstadsbladet.se/ostra-goinge/barn-till-prostituerad-omhandertas/> [Accessed 3rd of May 2018]; Levy, 2015.

regulation of commercial sex is tied up with immigration policy and third-party laws, and its destructive consequences with respect to the safety and integrity of women who sell sex, has been largely overlooked. This article demonstrates that the Nordic model is ultimately a form of punitivist humanitarianism, or governing in the name of caring.

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## Compliance with Ethical Standards

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards. Informed consent was obtained from all individual participants included in the study.

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