



The Real Impact of the Swedish Model on Sex Workers

#2

Impacts of the Sex Purchase Law: Street-Based Sex Work and Levels of Sex Work



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Global Network of Sex Work Projects
Promoting Health and Human Rights

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Introduction

In the first paper of this toolkit, it was described how voices critical of Sweden's sex purchase criminalisation, and critical of the ideas that justify it, have come to be silenced, undermined, and excluded from the debate in Sweden and internationally. It is this silencing process that has facilitated the success of ongoing lobbying in favour of the sex purchase law, alongside claims that the law has been successful and has not had negative impacts on the lives of sex workers.

This paper therefore highlights some of the impacts of the sex purchase law on the lives of sex workers. Street-based sex work is of specific focus, and it is stressed that those sex workers who have come to be most significantly impacted by the sex purchase law are those who are resource-poor and most in need of service provision, protection, and assistance. Instead of support, they have experienced oppression and criminalising legislation. Whether the law has been successful in its aim to abolish (or at least decrease) levels of sex work is also discussed in this paper.¹

This paper serves as a tool with which to challenge those who claim that the sex purchase law has been a success without negative repercussions.

Have there been negative impacts of the sex purchase criminalisation?

One of the most important things to consider in the context of increasing international moves towards an adoption of the Swedish model is whether the law has had negative impacts.

When the law was introduced in 1999, there had been voices in the debate in Sweden that expressed concern that sex work may move underground, and that sex work could become more dangerous. In order to allay such concerns, it was stressed that there would not be negative impacts of the law. In fact, it was emphasised that since the law criminalised only clients, sex workers themselves would be shielded from harm.

This has certainly not been the case. Sex workers and other stakeholders in Sweden note that sex workers face increasing difficulties in a context of increased competition, and that sex workers now have decreased power when negotiating with clients. Concerns voiced prior to the law's introduction have been realised.

THIS PAPER SERVES AS A TOOL WITH WHICH TO CHALLENGE THOSE WHO CLAIM THAT THE SEX PURCHASE LAW HAS BEEN A SUCCESS WITHOUT NEGATIVE REPERCUSSIONS.

¹ The indirect outcomes of the sex purchase law, in terms of the impact that it has had on the views and policies of service and healthcare providers, are discussed in the third paper of this toolkit. Additionally, there are other laws and policies that are used to target sex workers. These are discussed in the fourth paper of this toolkit.

Greater competition in street sex work

In enforcing the sex purchase law, the Swedish police focus heavily on street-based sex work, and suspected sex trafficking (which is often based only on suspicion that a sex worker is ‘foreign’). Since the police focus on street sex work, when the purchase of sex was criminalised in 1999, clients became more nervous about buying sex in public. This resulted in a drop in clients willing to buy sex publicly.²

Given that fewer clients are willing to buy sex on the street due to the fact that police enforce the sex purchase law particularly in terms of street sex work, those sex workers remaining on the street are left with fewer clients to sell sex to. These sex workers, who have not moved to selling sex via mobile phone and the internet, are often those who do not have the resources, the time, and/or the money to establish themselves off-street, and often need the money from their sex work urgently, to support children and/or to buy alcohol/drugs, for example. They continue to sell sex in a context where money can be made immediately.

This therefore leaves these sex workers in a position where services that they may not have provided previously may

now have to be provided in order to make enough money; sex workers are additionally less able to reject clients they would have rejected before, and sex workers are not able to charge the same amount for their work, as summarised by this social worker from the Malmö Prostitution Unit, in the south of Sweden:

“fewer clients on the streets, and the women still need the money to get the heroin, so the customers are able to offer less money for more... no condom, for an example... And if they really do need the money, and they have been standing there the whole night, and they need their fix... then maybe you say ‘Yes’”.

(Interview, 2010, Social Worker, Malmö Prostitution Unit)³

Therefore, the sex purchase law has handed more power to sex workers’ clients, and has disempowered street-based sex workers. And for those sex workers who have moved to selling sex in more hidden spaces in order to continue making money in a context where street sex work is more heavily policed due to the sex purchase law, the hidden nature of this sex work serves to increase the distance of sex workers from health and social service providers and the authorities.

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2 Since the internet and mobile phones became very popular at the same time as the introduction of the sex purchase law, it is likely that levels of street sex work dropped both because of improvements in telecommunications, and the introduction of the law.

3 Levy, J., 2014, *Criminalising the Purchase of Sex – Lessons from Sweden* (Routledge)

Difficulties negotiating with clients

Since clients are criminalised, those who buy sex on the street are now nervous about arrest. What this means for street-based sex workers is that they have less time to negotiate their transactions with clients before getting into a vehicle or leaving the street with the client to avoid police detection. Consequently, sex workers have less time to assess the potential risk of a client, to negotiate which services are to be provided, and to negotiate payment.

...SEX WORKERS HAVE LESS TIME TO ASSESS THE POTENTIAL RISK OF A CLIENT, TO NEGOTIATE WHICH SERVICES ARE TO BE PROVIDED, AND TO NEGOTIATE PAYMENT.

“twenty seconds, one minute, two minutes, you have to decide if you should go into this person’s car... now I guess if I’m standing there, and the guy, he will be really scared to pick me up, and he will wave with his hand ‘Come here, we can go here round the corner, and make up the arrangement’, and that would be much more dangerous”.

(Interview, 2010, Sex Worker [Internet; Escort; Street-Based])⁴

“women says that the law made it more like a client market, because of the law they (have) got to work fast... so if they (the client) open the (car) door and you got to jump in and you never know what really’s going to happen”.

(Interview, 2010, Social Worker, Malmö Prostitution Unit)⁵

In addition to rushed negotiations, fewer clients want to give sex workers identifying information. Such information can act as an insurance for sex workers, since if identifying information has been given, sex workers can report, or threaten to report, clients who are poorly behaved,

abusive, and/or violent. With clients being criminalised, those sex workers who insist on the provision of such identifying information have fewer clients to choose from. Again, those who need income immediately are forced to take greater risks and accept anonymous clients who they would have previously been able to avoid, or face less opportunity to make money:

“I’ve been trying to work more safe, because I don’t want to have any risks, but the clients are so afraid... so they are calling from an anonymous number. And if you take an anonymous number, you can get robbed, so I was very upset the last time I was robbed... So after that I haven’t been taking any clients from anonymous numbers. So now my phone is not ringing so much.”

(Interview, 2009, Sex Worker [Street-Based; Escort; Internet])⁶

With people who buy sex criminalised, concern about being identified and/or being arrested also means that clients who witness abuse of sex workers, as well as clients who witness suspected trafficking, do not report such instances to the authorities. Sex workers and service providers have noted that their clients who buy sex have failed to report such suspicions, despite being concerned. As noted by this client, who had witnessed suspected abuse and trafficking,

“Then (if I reported it to the police) they would ask how I know... I don’t think I can get caught for that, but I will still be in a record somewhere, and then if I pop up again somewhere somehow... Just avoid it. Put a post on it on the forums that says ‘This is trafficking’”.

(Interview, 2011, Sex Worker Client)⁷

4 Levy, J., 2014, *Criminalising the Purchase of Sex – Lessons from Sweden* (Routledge)

5 Levy, J., 2014, *Criminalising the Purchase of Sex – Lessons from Sweden* (Routledge)

6 Levy, J., 2014, *Criminalising the Purchase of Sex – Lessons from Sweden* (Routledge)

7 Levy, J., 2014, *Criminalising the Purchase of Sex – Lessons from Sweden* (Routledge)

Have levels of sex work in Sweden decreased?

It is now so clear that there have been negative impacts of the sex purchase law that even the 2010 Swedish governmental evaluation of the law, which was mandated to make recommendations on how the law could be applied more effectively and not to criticise the law itself, noted that sex workers now feel more persecuted and stressed in the context of their work.⁸ This governmental evaluation stressed that where sex workers may now find life more difficult, this should be looked at in a *positive* light, since it will serve to encourage people to leave the sex industry. This is certainly a very far cry from assurances that there would not be negative outcomes of the law. The argument now seems to be that the harder the lives of sex workers in Sweden become, the more sex workers will leave sex work. It seems that whatever the outcomes of the sex purchase law, it will be claimed that they demonstrate its accomplishment: when it was introduced it was said the law would not be to the detriment of sex workers, and this was hailed as being one of the law's radical advantages over alternative legislation; now that it is clear that sex workers have experienced difficulties as a result of the law, it is paradoxically claimed that this should be seen as a success of the legislation. This is a constant process of 'shifting the goalposts' in order to promote an ideological and detrimental law.

Despite the lives of many sex workers now being more difficult, however, **there is absolutely no convincing evidence demonstrating that overall levels of sex work have decreased in Sweden.**

As noted above, the introduction of the sex purchase law was accompanied by a substantial drop in levels of street sex work.⁹ This reduction in levels of street sex work has been taken by proponents of the Swedish model to be indicative of the law's apparent success in reducing levels of sex work.

However, levels of street sex work in Sweden make up only a small proportion of sex work – as is the case in many contexts in the global north – and so a decline in levels of street sex work should not be taken to be indicative of an overall decrease in levels of sex work. And due to the fact that the majority of sex work in Sweden occurs in off-street spaces, it is nigh-on impossible to make accurate estimates or assertions as to trends, never mind assertions as to causation of trends. As is stressed by the Swedish National Board of Health and Welfare (the *Socialstyrelsen*), it has been impossible to ascertain whether overall levels of sex work have changed following the 1999 law:

“It is... difficult to discern any clear trend of development: has the extent of prostitution increased or decreased? We cannot give any unambiguous answer to that question”.

(*Socialstyrelsen* 2008: 63)¹⁰

In addition to this, it is not even certain that levels of street sex work decreased permanently: fairly soon after the law's 1999 introduction, street sex work levels then increased again. Some stakeholders note that levels today may be in line with those that were recorded previous to 1999. It should also be noted that since some sex workers who had worked on the street began to sell sex indoors when the law was introduced – due to difficulties in selling sex on the street – this displacement is not indicative of a reduction in levels of sex work.

...THERE IS ABSOLUTELY NO CONVINCING EVIDENCE DEMONSTRATING THAT OVERALL LEVELS OF SEX WORK HAVE DECREASED...

8 SOU, 2010:49, *Förbud mot köp av sexuell tjänst. En utvärdering 1999–2008* (Stockholm: Regeringskansliets Förvaltningsavdelning)

9 It should be emphasised that estimates as to specific levels of sex work, as well as increases or decreases, are notoriously unreliable given that sex work takes place in a hidden context due to criminalisation and stigma.

10 *Socialstyrelsen* (Swedish National Board of Health and Welfare), 2008, *Prostitution in Sweden 2007*, available online at: http://www.socialstyrelsen.se/lists/artikelkatalog/attachments/8806/2008-126-65_200812665.pdf (last accessed 30 September 2013)

Summary

The direct negative impacts of the sex purchase law are very much cause-and-effect:

- ▶ The sex purchase law has been used to target public sex work in Sweden.
- ▶ Therefore, fewer clients are willing to buy sex on the street, for fear of arrest.
- ▶ Some sex workers moved off-street to continue working, thereby increasing their distance from service providers and authoritative protection.
- ▶ Sex workers who continue working on the street are often resource-poor and have not been able to establish themselves off-street.
- ▶ These street-based sex workers now have to accept lower incomes and provide more services, as the presence of fewer clients has increased competition and pushed down prices.
- ▶ As clients are fearful of identification and arrest, sex workers on- and off-street have difficulties in negotiating with clients and getting identifying client information.
- ▶ This places sex workers at risk of danger and violence, and concern about arrest also means that clients are disinclined to report suspected abuse and exploitation.
- ▶ The law has therefore given more power to clients and has disempowered sex workers.

The negative impacts of the sex purchase law have perversely been held by some to be indicative of its success, since it is argued that the law therefore promotes stopping sex work in the face of escalating difficulties for sex workers.

Yet despite those seeking to export the law claiming that the law protects sex workers, and despite claims that the law has reduced levels of sex work, there is no evidence that people have stopped buying or selling sex due to the sex purchase law. There is no evidence that levels of sex work have declined as the law intended. Instead, sex work takes place in increasingly clandestine locations, and sex workers who more immediately need the income from their sex work experience greater danger and difficulty in the context of their sex work.

In summary, the Swedish model may be challenged on two key points:

- 1 The Swedish model has failed in its aim to decrease levels of sex work in Sweden.
- 2 The Swedish model has resulted in increased difficulties and danger associated with sex work.

...THERE IS NO EVIDENCE THAT PEOPLE HAVE STOPPED BUYING OR SELLING SEX DUE TO THE SEX PURCHASE LAW.

Further reading on these topics

The four papers of this toolkit stem from research undertaken by the author, Dr Jay Levy, in Sweden between 2008 and 2012. This research is presented in full in:

- Levy, J., 2014, *Criminalising the Purchase of Sex – Lessons from Sweden* (Abingdon: Routledge)

In addition to this book, several key texts provide useful further reading.

For a discussion of levels of sex work in Sweden, and some analysis of the direct outcomes of the Swedish model, see:

- Kulick, D., 2003, “Sex in the New Europe – The Criminalization of Clients and Swedish Fear of Penetration.” *Anthropological Theory* 3: 199–218

- Levy, J. and Jakobsson, P., 2014, “Sweden’s Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and on the Lives of Sweden’s Sex Workers.” *Criminology and Criminal Justice*. doi: 10.1177/1748895814528926
- Östergren, P. and Dodillet, S., 2011, “The Swedish Sex Purchase Act: Claimed Success and Documented Effects.” Presented at *The International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges*. The Hague, 3–4 March
- Östergren, P., 2004, *Sexworkers Critique of Swedish Prostitution Policy*, available online at: http://www.petraostergren.com/pages.aspx?r_id=40716 (last accessed 31 March 2012)



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