

The Real Impact of the Swedish Model on Sex Workers

#4

Impacts of Other Legislation
and Policy – The Danger of
Seeing the Swedish Model
in a Vacuum

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Introduction

In the second paper of this toolkit, the direct impacts of the Swedish model on street-based sex work and on the wider dynamics of sex work were discussed. It was established that the law has failed in its stated mission of reducing levels of sex work in Sweden, and has additionally served to worsen conditions for sex workers, contrary to assertions that the criminalisation of the purchase of sex would not have negative side-effects. The third paper of the toolkit illustrated that the impacts of the Swedish model have not only been direct: the ideas that justify the law have informed the views of service and healthcare providers, and have had negative impacts on targeted service provision for sex workers in Sweden.

Though the law has had negative side-effects on sex workers,¹ the Swedish model itself directly criminalises only people who buy sex. It is claimed that sex workers are therefore legally protected from direct interference from the state and that this is what makes the Swedish model such a progressive and important law. If we are to believe what supporters of the Swedish model say, sex workers are immune from attention of, and persecution from, the police and the state.

Indeed, this was noted by one such supporter of the law – a senior member of the Swedish police – who asserted that the police have no recourse to target sex workers directly:

“the police definitely don’t interfere, I mean because selling is not criminalised. That is not a police issue, if you want to sell it’s okay. We don’t target the women, or the person in prostitution.”

(Interview, 2010, Police [Prostitution and Trafficking])²

This sort of assurance is frequently used as a means with which to promote the Swedish model. It is regularly asserted that this legislation will protect sex workers from the sort of state-sponsored harassment to which they have often been subjected in other states and contexts.

Does the Swedish model protect sex workers from state-sponsored harassment?

No. It needs to be stressed that the Swedish model – the law criminalising the purchase of sex – should not be analysed only in a vacuum. The above assertions that sex workers are not directly harassed and ‘interfered’ with are entirely untrue. This paper demonstrates that the Swedish model has not resulted in an end to sex workers being targeted directly by the state. Sex workers suffer not only displacements from public space – as discussed in this toolkit’s second paper – but also deportations internationally, evictions from private property and their own property, and issues related to child custody.

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1 This would have been fairly easy to predict, given that criminalising legislation frequently has the effect of displacing the activity in question and exacerbating harm and marginalisation. Indeed, concerns that the law would have these impacts were expressed during the legal debate prior to the Swedish model’s introduction in 1999.

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

Laws and policies other than the sex purchase law

Harassment during client arrests

As noted above, the Swedish police have asserted that they do not directly target sex workers themselves, only their criminalised clients. This is misleading, since police need to target sex workers themselves in order to target sex workers' clients. For a successful prosecution, the police would require either testimony from the sex worker in question, from witnesses, or to catch a sex worker and their client 'in the act'. This involves highly invasive raids, during which sex workers have reported that police have refused to allow them to dress, have verbally assaulted them, have recorded their identity, and have documented the events on film. This is a far cry from assertions that sex workers are shielded from authoritative harassment and 'interference'.

Evictions and domestic harassment

Aside from reports of problematic and abusive encounters, sex workers have been targeted when not even seeing clients. It is illegal in Sweden to provide premises for sex work to take place, and it is also the case that "tenancy right is forfeited" if "sexual relations for payment"³ take place. However, as long as one's landlord is unaware of any sex work taking place, no action will be taken. The police have thus been noted to report sex workers to their landlords, which therefore forces the evictions (or the landlords will be prosecuted by the police).

Similarly, police have reported sex workers to hotels and venues, with sex workers then being kicked out and/or barred from returning, which again serves to displace sex workers. Such reporting seems punitive and spiteful, deliberately making sex workers' lives difficult. There was additionally a case of women being denied entry to a venue simply because they were assumed to be sex workers due to their being perceived to be Asian, with the court upholding this decision. Such is the stigma and racialisation of sex work in Sweden that the movements of both sex workers, and other groups of marginalised women, have come to be controlled and delimited:

"In a decision issued earlier this week, the court ruled Harry's [the venue in question] owners had a 'legitimate reason' to stop to women in their efforts to curb suspected prostitution."⁴

Some sex workers may choose to work collectively for reasons that can include safety, protection, and to avoid feeling isolated in their work. Yet these sex workers can also be targeted by the police, charged with pimping one another under pimping legislation, a law that predates the Swedish model. Furthermore, sex workers' partners or adult children can be prosecuted for receiving the income of sex work. It is clear that these laws do not solely serve to protect sex workers from exploitation, and the introduction of the Swedish model was not accompanied by the removal of legislation that is used to directly disrupt the lives of sex workers themselves.

IT IS CLEAR THAT THESE LAWS DO NOT SOLELY SERVE TO PROTECT SEX WORKERS FROM EXPLOITATION, AND THE INTRODUCTION OF THE SWEDISH MODEL WAS NOT ACCOMPANIED BY THE REMOVAL OF LEGISLATION THAT IS USED TO DIRECTLY DISRUPT THE LIVES OF SEX WORKERS THEMSELVES.

³ Jordabalken law, available online at: <https://lagen.nu/1970:994> (last accessed 14 July 2014); author's translation

⁴ See The Local, 2013, Pub Cleared for Rejecting 'Asian Looking' Women, 12 September, available online at: <http://www.thelocal.se/20130912/50200> (last accessed 14 July 2014) for an account of this case.

Further to such legislation, the police have been known to visit sex workers' homes and overtly threaten them with police interference. This is in stark contrast to police assurances that "the police definitely don't interfere" with sex workers:

"they come to my door and, you know, ask for my ID and so forth so it's like harassment ... The third time it's like, 'We know what you're doing, I mean, what you're about. We're going to go after your clients' ... I make a living out of this, so I was really paranoid for a very long time after."

(Interview, 2010, Sex Worker [Internet Escort])⁵

Deportations

In addition to invasions of sex workers' privacy and police deliberately forcing evictions of sex workers from hotels, venues, and from their homes, immigration authorities work to displace sex workers internationally through deportations. These deportations are somewhat at odds with Swedish social constructions of sex work. As was discussed in the first paper of this toolkit, Swedish understanding of sex work draws on abolitionist feminist discourse in constructing sex workers as passive victims who lack agency, arguing that it is impossible to truly consent to sex work or to choose to sell sex. Migrant sex workers and victims of human trafficking are therefore seen as indistinguishable in Sweden. Given this conflation of migrant sex workers and victims of human trafficking, it might be assumed that attitudes towards migrant sex workers (who are assumed, by default, to be exploited and in need of protection and state-sponsored intervention and assistance) may be sympathetic, albeit also disempowering and patronising.

In fact, migrant sex workers and victims of trafficking alike are deported when they come to the attention of the authorities in Sweden. They may remain in the country as long as they testify at a trial (if one is to take place), but once the state has no remaining use for the individual, they are deported. In some circumstances they can apply to remain, though it is rare that these applications are successful. Sweden's posturing as a country that prioritises the welfare of sex workers and victims of trafficking alike is certainly not an accurate indicator of the country continuing to use laws and policies to internationally displace sex workers. One individual, known to Swedish sex worker rights organisation Rose Alliance, was deported with "she has not supported herself in an honest manner" (author's translation) stamped on her deportation order as the reason for her deportation.⁶ This branding of sex workers as immoral and 'dishonest' resonates with historically established stigma, rather than the abolitionist feminist construction of sex workers as victims.

Sweden continues, therefore, to use an array of laws, policies, and perceptions to directly target sex workers themselves: pieces of legislation are used to evict, displace, and deport sex workers, with justifications including victim labelling and historical stigma, which are used interchangeably depending on which happens to best suit the circumstances. The Swedish model claims to target sex workers' clients only, but in actual fact sex workers themselves remain very much the focus of law enforcement and the state, and essentially remain criminalised, marginalised, and subject to gross social exclusion and persecution.

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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); also see Levy, J. and Jakobsson, P., 2013, *Abolitionist Feminism as Patriarchal Control – Swedish Understandings of Prostitution and Trafficking*, *Dialectical Anthropology* 37, 2: 333–340

Child Custody

Additional to these direct harassments and prosecutions of sex workers by the Swedish authorities is the fact that sex workers in Sweden have difficulties with social services in terms of child custody. Sex workers report losing custody of their children, with their sex work being cited as the reason for such interventions.

To understand how the state justifies this, we should bear in mind how sex work and how sex workers have come to be understood in Sweden: sex workers are seen as traumatised, abused, vulnerable, disempowered victims, unable to exercise choice and agency in decisions to sell sex. Sex work is asserted to be undertaken as a result of trauma, and is seen to result in further traumatisation.

Since sex workers are therefore viewed as unstable victims, they are not seen by some stakeholders in Sweden as being capable parents. Not only this, but with ‘false consciousness’ used as a means to silence the voices of some sex workers, this same narrative is seemingly used to undermine the testimony of sex workers who do not problematise their sex work, legitimising a removal of child custody. In short, if a sex worker is seen to be unable to engage with their reality ‘objectively’ (i.e. in terms of how sex work has been constructed in Sweden and in abolitionist feminist discourse), they are seen to be unable to take care of their children.

The case of Petite Jasmine illustrates how the understandings of sex work that justify the Swedish model, as outlined above, are used to justify the removal of sex workers’ children, and can result in enormous harm and danger to sex workers (beyond that of losing child custody). Jasmine was a member of Swedish sex worker rights organisation Rose Alliance, and was

an outspoken critic of the Swedish model. When the state removed her children from her custody, one key motivator was that she was ‘romanticising prostitution’, in that she refused to condemn sex work, to define it as damaging, and to identify as a victim in line with dominant Swedish understanding:

“Social Services made an emergency recovery of the kids, dragging them from her arms... and then started an investigation. They placed them with the father straight away. During the investigation regarding her parental skills, they told her she was lacking insight into the damage her sex work caused.”

(Pye Jakobsson interviewed by Caty Simon for *Tits and Sass*, 2013)⁷

Jasmine’s children were taken from her and placed with her ex-partner; this man had a history of recorded abuse, and it seems that the authorities were aware that his abusive behaviour and that his stalking had continued after the state removed the children from Jasmine. It therefore appears that Swedish social services feel that abusive men are better equipped as parents than people who sell sex. This is due to how sex workers have come to be perceived in Sweden, understood as incapable and lacking in self-awareness.⁸

Following the removal of Jasmine’s children from her and award of their custody to her violent ex-partner, this same partner was arrested by the Swedish police in the summer of 2013, and charged with stabbing Jasmine to death at their meeting with social services. The title of a *Tits and Sass* interview with Rose Alliance founder and friend of Jasmine’s, Pye Jakobsson, after Jasmine’s death sums up Sweden’s complicity in Jasmine’s murder: “*The Bloody State Gave Him the Power*”.

IT THEREFORE APPEARS THAT SWEDISH SOCIAL SERVICES FEEL THAT ABUSIVE MEN ARE BETTER EQUIPPED AS PARENTS THAN PEOPLE WHO SELL SEX.

7 Simon, C., 2013, “The Bloody State Gave Him The Power: A Swedish Sex Worker’s Murder”, *Tits and Sass*, 16 July, available online at: <http://titsandsass.com/the-bloody-state-gave-him-the-power-a-swedish-sex-workers-murder/> (last accessed 23 June 2014)

8 Such issues with child custody are not peculiar to Sweden or, indeed, the global North. As one sex worker rights activist noted, “The case of the late Petite Jasmine of Rose Alliance follows a beaten path in Africa where sex workers are regarded as bad parents. Sex workers in Africa hardly receive any support towards raising of their children even when the fathers of their children [are] able but in the event that the man decides that he wants his children the mother, especially if she is identified as a sex worker, will have no say in the matter.”

Summary

In support of the Swedish model, it is argued that only sex workers' clients are criminalised and are subject to the attention of the authorities and the police. As this paper of the toolkit has highlighted, this is clearly untrue in the context of sex workers' lives and realities in Sweden. Social constructions of sex workers have come to justify deportations and sex workers losing custody of their children. As with the second paper in this toolkit, these processes are very much cause and effect, and derive from the narratives that justify the sex purchase law:

- ▶ The Swedish model is justified by a construction of sex work as a form of violence. Sex workers are seen to be passive victims who are unable to exercise 'true' choice and consent due to the asserted traumatisation of sex work, and the traumatisation that is argued to act as a precursor to sex work.
- ▶ Since sex workers are seen to be incapable of making decisions about even their own lives, they are seen to be incapable of looking after their children appropriately.
- ▶ Those sex workers who refuse to identify with these mainstream perceptions of sex work risk losing custody of their children. Their refusal to identify as such is not seen to be indicative of their 'objective' situation: it is seen to derive from their 'false consciousness', as discussed in this toolkit's first paper.

In addition to difficulties with child custody, several pieces of legislation – older legislation than the sex purchase law itself – have remained in place, and are used to directly target sex workers themselves, to evict sex workers from homes, and to remove sex workers from hotels and venues. Such is the array of legislation that is used to directly target sex workers in Sweden that the only ways a sex worker can work and only be affected by the Swedish model itself are 1: by selling sex in the street, or 2: going to clients' homes. Sweden's laws and policies therefore exacerbate danger, serving to push sex workers to work in ways that can be less safe.

In opposing the Swedish model, it is important to not only focus on the direct and indirect outcomes of the law itself (see, respectively, papers 2 and 3 of this toolkit), but to remember that the law is something of a smokescreen that masks the wider impacts of laws and policies upon the lives of sex workers in Sweden. It conceals the fact that, for all intents and purposes, sex workers themselves remain persecuted and criminalised in Sweden. The assertion that sex workers are legally protected and decriminalised by the Swedish model is a false one.

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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 some discussion of how legislation other than the sex purchase law is used to destabilise the lives of sex workers directly, see:

- 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

For an overview of how trafficking is constructed (and conflated with sex work) in abolitionist fundamentalist feminism, how Sweden constructs issues surrounding human trafficking, and for discussion of the deportation of sex workers and victims of human trafficking, see:

- Agustín, L., 2005, “Migrants in the Mistress’s House: Other Voices in the ‘Trafficking’ Debate”, *Social Politics* 12, 1: 96–117
- Doezema, J., 2010, *Sex Slaves and Discourse Masters – The Construction of Trafficking* (London: Zed Books)
- Levy, J. and Jakobsson, P., 2013, “Abolitionist Feminism as Patriarchal Control – Swedish Understandings of Prostitution and Trafficking”, *Dialectical Anthropology* 37, 2: 333–340
- Regeringskansliet, 2008, *Action Plan against Prostitution and Human Trafficking for Sexual Purposes* (Stockholm: Ministry of Integration and Gender Equality Sweden), available online at: http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/Sweden_Infosheet_National_Action_Plan_Against_Human_Trafficking_en.pdf (last accessed 9 November 2013)
- Weitzer, R., 2007, “The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade”, *Politics and Society* 35, 3: 447–475



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