

Jay Levy, University of Cambridge

**Impacts of the Swedish Criminalisation of the Purchase of Sex on Service
Provision for Sex Workers**

Presented at the Correlation Final Conference,

Ljubljana, 14th December 2011

<u>INTRODUCTION.....</u>	<u>2</u>
<u>HARM REDUCTION.....</u>	<u>2</u>
<u>Overview.....</u>	<u>2</u>
<u>Condom Provision.....</u>	<u>3</u>
<i>Condom Provision for Sex Workers.....</i>	<i>3</i>
<i>Condom Provision for Sex Buyers.....</i>	<i>4</i>
<u>Information on safer sex selling.....</u>	<u>5</u>
<u>Drug Use.....</u>	<u>6</u>
<u>CONDITIONALITY.....</u>	<u>7</u>
<u>Selective Service Provision.....</u>	<u>7</u>
<u>Conditionality – Stop Selling Sex.....</u>	<u>8</u>
<u>Do Sex Workers Seek Assistance and Service Provision?.....</u>	<u>9</u>
<u>THE AUTHORITIES AND POLICE.....</u>	<u>10</u>
<u>CONCLUSIONS</u>	<u>12</u>

Introduction

Today, I will discuss how abolitionist discourses along with legislation criminalising the purchase of sex have come to impact service provision and ideas surrounding harm reduction in Sweden. I'll focus in particular upon the policies and ideas of Sweden's Prostitution Units, state funded organisations in Stockholm, Gothenburg and Malmö, designed to decrease levels of sex work. I'll also explore how Swedish constructions of sex work have affected experiences with Swedish authorities and the police.

This paper draws on research I have conducted in Sweden over the last three years, during which I investigated the outcomes of the Swedish *sexköpslagen*, the 1999 law criminalising the purchase of sex.

“In Sweden, prostitution is regarded as an aspect of male violence against women and children... Since January 1, 1999, purchasing – or attempting to purchase – sexual services has constituted a criminal offence... The women and children who are victims of prostitution and trafficking do not risk any legal repercussions.”
(Swedish Ministry of Industry, Employment and Communications 2005: 1)

Sweden was the first ever state to adopt such legislation, discursively framed by a radical feminist construction of sex work as a form of gendered patriarchal violence against women. Respondents of ongoing research include sex workers, politicians, NGO workers, spokespeople for lobby and activist groups, police, healthcare providers and social workers.

Harm Reduction

Overview

In Sweden, harm reduction is seen to be juxtaposed to abolitionist ambitions, where harm reduction initiatives are seen to legitimise and endorse the unwanted phenomenon of sex work.

Jay Levy, University of Cambridge
J1390@cam.ac.uk

Harm reduction is therefore seen to undermine stated abolitionist ambition and additionally to encourage and facilitate people in continuing their sex selling where they otherwise may have stopped.

“harm reduction... tends to keep people in the problem, instead of helping them to leave (sex work)”.

(Interview, 2009, Social Worker, Stockholm Prostitution Unit)

Condom Provision

Condom Provision for Sex Workers

In spite of available resources, and the fact that people who sell and buy sex are specified as a target group for the National Board of Health and Welfare’s HIV prevention policy, provision of condoms to sex workers is not seen to be the state’s responsibility. Indeed it appears that sex workers are expected to buy condoms themselves:

“If they make so much money maybe they could buy their own condoms.”

(Interview, 2009, National Coordinator Against Trafficking and Prostitution)

Condoms are not provided during the Stockholm or Gothenburg Unit’s outreach work, with a provision of condoms to street sex workers seen to facilitate their sex selling. The only legitimate reason for condom provision is seemingly understood to be the recruitment of new clients to Prostitution Units’ offices.

“we don’t hand out condoms, out in the street... People are welcome to come here, because we want to... try and, you know, catch the person”.

(Interview, 2009, Social Worker, Stockholm Prostitution Unit)

For street working sex workers, access to condoms at the Stockholm Prostitution Unit is somewhat problematic. The Stockholm Unit’s offices are closed at night when street sex work levels are highest, and are located on Södermalm, at least a half hour

Jay Levy, University of Cambridge
J1390@cam.ac.uk

walk from street sex work areas. With such negligible effort of service providers to distribute condoms to sex workers in situ in all of Sweden except Malmö, street working sex workers have to provide each other with condoms.

“every time I’m on the street, the girls are coming to me asking for condoms.... When I was working before, regularly (on the street)... girls were shoplifting condoms. And now I don’t know what they do.”

(Lisa, Interview, 2009, Sex Worker [Street, Escort, Internet])

There are additional reports of shoplifting for condoms around Malmskillnadsgatan, Stockholm’s street sex work area. As a result, women thought to be selling sex have been barred from entering some shops in the vicinity. The lack of free condom provision therefore seems to serve to increase stigma and social marginalisation.

Condom Provision for Sex Buyers

Where provision of condoms to sex buyers is legal in Sweden, this is not reflected in policy. During fieldwork it became apparent that the Malmö Prostitution Unit diverged considerably from Stockholm and Gothenburg, and additionally from mainstream feminist and abolitionist discourse, both in terms of ideology, and in terms of on-the-ground service provision. However, the Malmö Prostitution Unit’s attempt to give condoms to buyers of sex in 2010 met with national outcry amongst politicians and in the Swedish media.

“We tried with condoms, and it became a national issue. Not a local, but a national issue. It is very funny if you think about it, caus we, you gotta remember, we gave out how many condoms?... Eight condoms. And it became a national issue.”

(Interview, 2010, Social Workers, Malmö Prostitution Unit KAST)

With the purchase of sex criminalised and constructed as an act of gendered assault, providing condoms to those buying sex is compared to facilitating or encouraging a violent crime. Again, condom provision is not seen to be the state’s responsibility, where

“if you can afford to buy sex, you can absolutely try to buy a condom. Because it’s as simple as that I think, if you meet someone, a burglar, you don’t provide him with instruments to get in”.

(Interview, 2009, Stockholm Prostitution Unit [Working with Sex Buyers])

Following this uproar in relation to Malmö’s outreach work, staff of the Malmö Unit were disheartened, their clients also disconcerted due to the extensive media coverage. As a result, outreach for sex buyers was temporarily suspended.

Information on safer sex selling

In addition to condom provision during outreach and attempts to provide sex buyers with condoms, the Malmö Prostitution Unit hand out a harm reduction pack containing, amongst other things, a safer sex selling guide, a rape alarm, condoms, and lubricant. With the purchase of sex criminalised, providing information vis-à-vis how to safely sell sex is seen to be ‘very strange’, with additional concern that safer sex selling guides may even encourage non-sex workers to begin to sell sex:

“maybe some young girls who is not in the prostitution for the moment, they find this on the internet, and say ‘ah, maybe it could be really safe, because I have this handbook, and I have these things, so nothing could happen’”.

(Interview, 2009, National Coordinator Against Trafficking and Prostitution)

“(it) becomes very strange if you are informing of something that not legal in Sweden, it would be the same thing as (if) you would inform of buying and selling drugs”.

(Interview, 2010, Inger Segelström, Politician – Social Democrats)

Additionally, with sex work seen to be necessarily harmful and fatalistically surrounded by violence according to the radical feminist discourse, providing information on how to avoid danger when selling sex is seen to be futile:

“prostitution in itself attracts strange people, and I think prostitution has always been, and always will be really, really dangerous...”

“since my knowledge tells me that prostitution is harmful, it would feel strange to hand out a kit with an alarm... you go off with clients, you know, to, I mean, people get raped anyway”.

(Interview, 2009, Social Worker, Stockholm Prostitution Unit)

With next to no information regarding safer sex selling being readily available in much of Sweden, many sex workers starting out in the industry are incredibly vulnerable. Where the Stockholm Prostitution Unit assert that sex workers know more about safer sex selling than they do, it seems that sex workers either have to educate themselves, or come to know what to avoid from having experienced difficulties personally.

Drug Use

Abolitionist discourse and Sweden’s aspiration for a drug-free society additionally impacts drug-related harm reduction strategies. Swedish drug policies further come to impact sex workers, in particular with high levels of intravenous heroin and amphetamine use reported amongst street sex workers. Running parallel to views on harm reduction packs for sex workers, provision of clean needles to drug users is thought to essentially legitimise and endorse drug use through the provision of tools with which to use drugs safely. Indeed, needle exchange and provision are thought to allow and encourage drug users to continue in their drug use:

“say that if you give free needles, you also says it’s okay, you can go on and take drugs. So instead, you need to help them, take them from the drugs instead”.

(Interview, 2009, Politician – Social Democrats)

Like giving condoms to the clients of sex workers, giving drug users needles is seen to facilitate an activity that has been criminalised.

“if you have a drug-free society as an overall objective... on one hand say that you shouldn't use drugs, on the other hand you give the equipment necessary to use drugs. That's not logical, connected”.

(Interview, 2009, Senior Advisor – Ministry of Social Affairs)

There are only two needle exchanges nationally, and it is illegal for IDUs to buy needles from pharmacies or shops. Drug users report buying needles at extortionate rates from drug dealers, from friends, from pharmacies in Denmark, and on the black market. Other needles are stolen from veterinary hospitals or doctors' surgeries.

“I saved my own. Months and months and months, I think for years sometimes... And you share with friends. There is a black market for used needles in Sweden”.

(Interview, 2009, Svenskabrufkarforeningen Stockholm Coordinator; previous-IDU)

There additionally appears to be a black market for buying *used* needles in Sweden, really highlighting the difficulties faced by some drug users in obtaining injection kit. Unable to acquire new or sterile needles with ease, people use and reuse their needles for long periods, causing vascular and cosmetic damage, as well as infections.

Conditionality

Selective Service Provision

In addition to such limited harm reduction initiatives, services at Prostitution Units may be actively withheld from those who fail to comply with normative models of behaviour or identity. Firstly, with sex work constructed as a form of violence perpetrated by men against women, few tailored services are provided by the Stockholm Prostitution Unit for non-female and LGBT sex workers. Radical feminist ideology seems to serve to exclude non-heteronormative sex workers from service provision here. Additionally, sex workers who are not experiencing difficulties or do not wish to cease sex selling are excluded from services at the Stockholm Unit, not seen to be the Unit's responsibility or an area of concern. They are considered to be an overrepresented minority, not deserving of the 'energy' of targeted authoritative

Jay Levy, University of Cambridge
J1390@cam.ac.uk

attention. Services are available only for women who want to leave sex work, or for whom sex work is or has become problematic.

“We are not here for people who feel good. We’re here for the people who experience problems with (prostitution)”.

(Interview, 2009, Social Worker, Stockholm Prostitution Unit)

“I think these people are very few... as far as they feel well, and like to be in this situation, fine with me, I mean, the day when they don’t like it anymore, they can come to me. So I don’t spend my energy on this group of people”.

(Interview, 2009, National Coordinator Against Trafficking and Prostitution)

Sex workers whose narratives diverge from a radical feminist construction of prostitution as a form of abusive violence will either assumedly be turned away, or would not feel welcome at an organisation that does not cater for their needs.

Conditionality – Stop Selling Sex

Furthermore, there appear to be instances where specific conditions have been imposed by the Unit in exchange for assistance. Lisa, for example, was told by social services at the Unit that they would not correspond with her doctor in helping her get a sick note unless she ceased her sex selling for three months.

Klara had also experienced judgemental response from the Unit when seeking assistance.

“I was going to talk to them for some months, and she (Stockholm Prostitution Unit Social Worker) also told me that if she was going to help me, to write a paper, that I needed to *sjukskrivning* (sick note)... because I have been waiting for three years... so she said ‘if you are stopping prostitution for three months... then I will write that paper’... So I was angry, because if you are not working in sex work, what (how) am I going to (do to) get the money?”.

(Lisa, Interview, 2009, Sex Worker [Street, Escort, Internet])

“they were very judging (of) me... I was very young, and they were all the time pushing me. ‘You have so much to give, you should do something else. Go study’. And I was studying... And they were not talking about the good things, they were only doing (making) things worse. So when I go home from them, I was crying, and I was feeling like, ‘oh my god, what a bad dirty people (person) I am’... I’m not a bad person, I just needed some help”.

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

Lisa was additionally threatened with compulsory treatment for addiction by staff at the Unit, where tiredness during a consultation was mistaken for nonmedical drug intoxication. Lisa eventually resorted to calling the Malmö Unit for assistance. Conditionality of service provision for sex workers does not appear to be limited to Prostitution Units. One respondent was told she would be eligible for social welfare only on condition that she ceased her work as a stripper. Having refused to do so, she was refused assistance, and as a result had to give up custody of her son who she could no longer afford to support:

“They always want to save girls from the business. Now they saw the chance... ‘you have to quit first. If you don’t quit they’re not gonna help you at all’”.

(Selina, Interview, 2009, Sex Worker [Stripping])

Do Sex Workers Seek Assistance and Service Provision?

The Stockholm Unit’s reputation results in some sex workers being reluctant to visit the Unit in the first place, and indeed may act as deterrent to seek *any* form of service provision or assistance. Two respondents were disinclined to discuss their sex work with any authoritative groups, having heard that the Stockholm Unit had problematic attitudes towards sex workers.

“I’m scared of talking too much to people, because I don’t want them to know that I’m a prostitute and then just going to come after me and say that I have to quit... I’m scared that they’re going to tell me that what I’m doing is wrong, and going to tell me

that ‘you really are a victim, you don’t know it, but it’s like this’, because I read in the papers how they talk to girls”.

(Anna, Interview, 2010, Sex Worker [Internet Escort; Previously Stripping & Phone Sex])

The Authorities and Police

With abolitionist narrative informing service provision and ideology, sex workers report harassment and difficulties with the police and other state authorities. Legislation and surrounding discourse may well have the purported ambition of shielding sex workers from negative authoritative attention and criminalisation. Seemingly, however, those charged with enforcing legislation and protecting said sex workers from apparent abuse are at times the perpetrators themselves. As with conditionality surrounding service provision and healthcare, sex workers may have to conform to a model of exploitation and victimisation, thus placing themselves within a Swedish understanding of prostitution as a form of patriarchal abuse, in order to be tolerated and respected during interactions with the police.

“there’s less tolerance... if you working consensually, I mean (it is thought) you’re involved in a moral bad thing. Whereas if you are a victim of trafficking, you are a victim”.

(Interview, 2010, Gender Consultant; Previously Kvinnoforum)

Reports of police harassment of sex workers or of unprofessional police conduct were fairly commonplace during fieldwork. These included stories of harassment of sex workers in the street, the police announcing a sex worker’s name from a patrol car, and a sex worker being raped in a police van.

“she was moving then (away from the street), and then they were following her. They just did it (announced her name from the patrol van) because they wanted to be bad. And then I heard about another girl who was raped really terrible, about many guys in a *piketbuss* (police patrol van)... she had problems with her body after that”.

(Annabel, Interview, 2010, Sex Worker [Internet; Escort; Street])

Sex workers additionally experience difficulties when attempting to report violent crime and rape, in the context of their sex work, to the police. An idea held by some police officers, that sex workers cannot be raped, was mentioned by several respondents as being the justification for such difficulties.

“one police (officer) wouldn’t take my *anmälan* (statement / report) because he said ‘you’re a prostitute, and a prostitute can’t be raped, because you get money’”.

(Lisa, Interview, 2009, Sex Worker [Street, Escort, Internet])

“we hear horrible stories all the time... they (the police) still have this old thing like you know ‘whores can’t be raped’”.

(Interview, 2011, Pye Jakobsson, Founder of Rose Alliance; Sex Worker)

In spite of the apparent immunity of sex workers from authoritative harassment in the context of the *sexköpslagen*, the law has been used to directly destabilise some sex work. Police have been noted to report sex workers to hotels or venues, with the sex worker then barred from returning. Police have additionally been noted to inform sex workers’ landlords that their tenant sells sex, thus forcing the landlord to evict the sex worker.

In spite of some instances of formal complaints being lodged, and disciplinary proceedings being taken, the national rapporteur for trafficking and prostitution of the National Police was surprisingly unaware of any harassment of sex workers in Stockholm or Sweden:

“No. Definitely not. No. Actually this is the first time I have ever heard that it could be actually a problem... but of course there is always, you know, could be police officers behaving badly from time to time, but it could be very much an exception”.

(Interview, 2010, Police [National Rapporteur for Prostitution and Trafficking])

Conclusions

It seems that where laws have been introduced as part of an effort to create a sex work-free Sweden, there has not been evidence demonstrating that levels have declined since the introduction of the *sexköpslagen* in 1999. In spite of the fact that sex work cannot be said to have decreased, laws are advocated as successes to be exported to other states.

“this is the one purpose of the law that the government has fulfilled... that the law should be exported to other countries... irrespective of the fact that the knowledge base was so poor... on the actual sex trade in Sweden”.

(Interview, 2010, Senior Advisor Regarding Prostitution - National Board of Health and Welfare)

“I’ve had contacts with the UK government too, and I think that sooner or later they will get a Swedish legislation... when I’m meeting people from all over the world, I’m saying ‘this is how we solved it’”

(Interview, 2010, Inger Segelström, Politician – Social Democrats)

Legislation simplistically being touted as having “solved” the constructed problem of prostitution is disconcerting given that measurable outcomes of laws and discourse seem disruptive, feeding detrimentally into service provision and authoritative attention. Those that diverge from normative social constructions are simply excluded from debate and indeed from access to services, resources, and healthcare provision.

“you cannot take away someone’s right to information or right to health. But that’s what is done in Sweden”.

(Interview, 2010, RFSL LGBT organisation [II])

Inclusion of such marginalised groups in evaluation and political process seems to be of great importance where the very groups legislation and policy pertains to continue to experience authoritative abuses and denial of services.