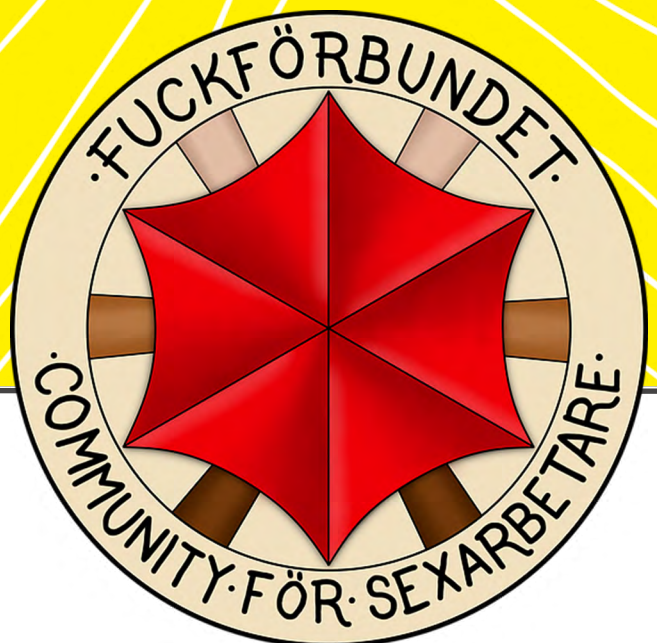


TWENTY YEARS OF FAILING SEX WORKERS

**A community report on
the impact of the 1999
Swedish Sex Purchase Act**



**FUCKFÖRBUNDET
2019**

Contents

INTRODUCTION	3
STRUCTURAL VIOLENCE AGAINST SEX WORKERS: INCREASING STIGMA, EXCLUSION & DISCRIMINATION	6
Media depictions of sex workers in Sweden	9
Exclusion from feminist & LGBTQ/queer organising	13
Governmental discourses conflating trafficking for sexual exploitation & sex work	15
UNRECOGNISED & UNPUNISHED: INTERPERSONAL VIOLENCE AGAINST SEX WORKERS	17
State-sponsored violence: the role of police and immigration authorities	20
Exploitation & violence by non-state actors	28
SEX WORKERS' RIGHT TO HEALTH IMPEDED: ABOLITION AS A HEALTHCARE SOLUTION	30
Services for sex workers: lack of non-judgemental, low threshold provision	33
Intersecting stigma & discrimination: barriers to healthcare for sex workers who are migrant, LGBT and/or use drugs	37
CLIENT CRIMINALISATION BEYOND SWEDEN: DETRIMENTAL EFFECTS OF A POLICY EXPORT	40
POLICY RECOMMENDATIONS	43

Introduction

In 1999, Sweden introduced the Sex Purchase Act ('Sexköpslagen')¹ and became the first country in the world to criminalise the purchase of sexual services and clients of sex workers using a feminist argumentation. Ever since, the Swedish model has been extensively promoted as a key achievement of Swedish state feminism and gender equality policy by Swedish governments and policy makers.² Currently, the Swedish model is implemented in Norway, Iceland, France, Ireland, Northern Ireland and Canada and has inspired policy recommendations of the European Union and the Council of Europe.³

The authors of this community report - sex workers having worked or currently working in the Swedish sex industry - argue that the law greatly contributed to the stigmatisation and increasing vulnerabilities of women (and people of other genders) who sell sex, contradicting the proclaimed feminist-humanitarian principles of the lawmakers. Since 1999, sex workers' living and working conditions considerably worsened due to comprehensive attempts to eradicate the sex industry, the ultimate goal of the legislators. This trend is largely due to the lack of available low-threshold harm reduction, non-judgemental social and health interventions targeting sex workers; hostile policing of the community, especially those who are undocumented/irregular migrants⁴ and women of colour; and the Swedish model's multiplier effect on stigmatisation and precarisation of workers in the criminalised sex industry. The latter, the increasingly negative attitudes of the mainstream Swedish population towards sex work and sex workers, is considered by Swedish authorities to also be a success as it is seen as a necessary step towards a prostitution-free society.

1. Ministry of Justice Sweden (2009). Penal Code. Available: <https://lagen.nu/1962:700>

2. On the international exporting of the Swedish model, see: Kingston, S. and Thomas, T. (2019). No model in practice: a 'Nordic model' to respond to prostitution? Crime Law Soc Change (2019) 71: 423. Available: <https://doi.org/10.1007/s10611-018-9795-6>

3. Neither the European Union, nor the Council of Europe has legally binding laws on sex work. Both have issued policy recommendations to States: See the European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality. Available: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0162+0+DOC+XML+V0//EN>

See the Parliamentary Assembly of the Council of Europe (PACE) resolution entitled "Prostitution, trafficking and modern slavery in Europe". Available: <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=20559&wrqid=0&wrqref=&ref=1&lang=EN>

4. Undocumented or irregular migrants are those migrants who, for various reasons, do not have a valid permit to stay in the country in which they live or work. They are also described as migrants in irregular situations or migrants of irregular status.

Sex work in Sweden has always been considered as a social phenomenon for the state to control.⁵ Before the 19th century, no specific law regulated sex work, however, having sex outside marriage was legally punishable, which affected both sex sellers and buyers. Women's sexual behaviour was primarily controlled by Christian morality codes and patriarchal interpretations of the Bible. From 1724 on, unmarried women who could not prove their source of income could be detained in a women's prison to prevent them from 'immorality', i.e. selling sex.

In the 19th century, the discourse on restraining women's sexuality shifted from one about religious values to one about morality and health. As syphilis was one of the largest public health concerns, a new law was set up to enforce health examinations of the working class. Sex workers were also harshly affected by 'Reglementeringen', the reglementation law, which required them to undergo health examinations several times a week and set criteria for their movement and visibility within the city. The law however did not prove effective in preventing STIs and was consequently overturned in 1918.

Between 1918 and 1964, the vagrancy law served as the key legal tool to punish women selling sex along with other groups which were considered to be asocial. Sex workers could also be sentenced with the penal code's 'crime against the public order' category. In the 1960s, with a shift in approaching sexuality and growing popularity of Marxism and left-wing economic analyses, sex work was seen as a symptom of capitalism, in which both the seller and the buyer were seen as victims in a capitalist structure. From this period on, the women's liberation movement started to promote a discourse that increasingly described sex workers as victims. By the 1980s, prostitution and porn became key topics of concern and a crucial symbol of sexual violence against women within Swedish feminism. An increasingly globalised world and sex industry, due to availability of low-cost travel and Sweden's 1995 membership in the EU, led to fears of a sudden influx of foreign sex workers as well as of liberal European politics potentially destroying the foundation of Swedish 'Folkhemmet', the concept of the country as a safe and caring home for the people. These societal changes led to the prohibition of the purchase of sexual services in 1999, and thus sex work was again reframed from a social policy to a criminal justice issue.⁶

5. On the history of sex work in Sweden we rely on the following: Dodillet, S. (2009). *Är sex arbete? Svensk och tysk prostitutionspolitik sedan 1970-talet*. Doctoral thesis. University of Gothenburg. Faculty of Arts. Available: <https://gupea.ub.gu.se/handle/2077/19349>
6. Kulick, D. (2003). Sex in the new Europe: the criminalization of clients and Swedish fear of penetration. *Anthropological Theory*, 3(2), 199-218.

Despite the governmental rhetoric that states that the Swedish model has been effective in reducing the demand for prostitution, deterring women from engaging in sex work and making it easier for 'victims' of prostitution to leave the sex industry, the criminalisation of clients has not been proven to achieve these aims.⁷ While the proponents of the model underline that selling sex is not legally punishable in Sweden, in practice, migrants coming from outside the EU, who constitute a major part of sex work population in Sweden, can be denied entry and deported if suspected of engaging in sex work due to the 'dual regulation'⁸ of the sex industry through prostitution and immigration policies.

The following chapters will demonstrate how sex workers' living and working conditions are impacted by the client criminalisation regime. As very few studies focus on this increasingly clandestine population in Sweden, the analysis mainly relies on case descriptions, media articles and research reports that might not be widely known to audiences outside of Sweden. With this report, the authors also wish to open a debate in Sweden, centring the experiences of people of all genders and social backgrounds selling sex and critically looking at the (lack of) evidence on the impact of this legislation on sex workers' lives.

7. Holmström, Ch. and Skilbrei, M-L. (2017). The Swedish Sex Purchase Act: Where Does it Stand? *Oslo Law Review* 02/2017 (Volum 4). Available: https://www.idunn.no/oslo_law_review/2017/02/the_swedish_sex_purchase_act_where_does_it_stand

8. 'Dual regulation' is used to describe the Swedish sex work policy in: Vuolajärvi, N. (2018). *Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex*. *Sexuality Research and Social Policy*. 16.

Structural violence against sex workers: increasing stigma, exclusion & discrimination

The most commonly reported negative effect of the Swedish model is the increased stigmatisation that sex workers have experienced after the introduction of the Sex Purchase Act.⁹ The governmental evaluation of the law admits that “the people who are exploited in prostitution report that criminalisation has reinforced the stigma of selling sex. They explain that they have chosen to prostitute themselves and feel they are not being involuntarily exposed to anything. Although it is not illegal to sell sex they perceive themselves to be hunted by the police. They perceive themselves to be dis-empowered in that their actions are tolerated but their will and choice are not respected.”¹⁰ The report concludes that these negative effects “must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution.”

Increasing stigma - by attaching a degrading identity to sex workers in order to symbolically separate them from the rest of society - is part of a broader framework of structural violence against sex workers.¹¹ Structural violence might not be a direct and intentional use of power, but it is related to those situations in which some individuals or groups are harmed and their needs are dismissed due to the oppressive and unjust social conditions in which they live. Structural violence constrains the agency of those who are less socially valued. Although it manifests itself in all fields of social situations, including discriminatory laws, exploitative economic conditions, repressive institutional practices, and prejudices - unlike direct violence - it often remains invisible and unquestioned.

9. Dodillet S. and Östergren P. (2011). The Swedish Sex Purchase Act: Claimed Success and Documented Effects. Conference paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. The Hague, March 3 and 4, 2011.

Available: <http://www.petraostergren.com/upl/files/54259.pdf>

Levy, J. and Jakobsson, P. (2013). Sweden's abolitionist discourse and law: effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers. *Criminology & Criminal Justice*, 14(5), 593-607.

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

10. Statens Offentliga Utredningar (2010). *Förbud mot köp av sexuell tjänst - en utvärdering 1999-2008*. Available: <https://www.regeringen.se/contentassets/2ff955c847ed4278918f111ccca880dd/forbud-mot-kop-av-sexuell-tjanst-en-utvardering-1999-2008-sou-201049>

11. International Committee on the Rights of Sex Workers in Europe (ICRSE) (2015). *Structural violence: Social and institutional oppression experienced by sex workers in Europe*. Available: <https://www.sexworkeurope.org/resources/community-guide-structural-violence-2015>

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Stigma effects the ways clients treat me. How? Well, there are the clients who are so scared that I as a sex worker can't consent for real, so to make sure my consent is real they require a lower price as proof that I think they are special enough to consent for real. Also, there are many clients who are really nice and respectful who have told me they would never dare to see a sex worker who wasn't Swedish because there is a higher risk of being caught of the police then. I have no idea what it's like to be a sex worker from another country, and what clients they have, but it's a pity many good clients don't dare to go to sex workers from other countries.

[A SEX WORKER MEMBER OF FUCKFÖRBUNDET]

In Sweden, sex workers are systematically denied voice and power to decide over their own lives, are policed and controlled, discriminated against, and mistreated. Structural violence becomes incorporated into their everyday experiences and day-to-day interactions and is further exacerbated by biased media portrayals, exclusionary feminist discussions, and governmental discourses.

Media depictions of sex workers in Sweden

Over centuries, sex workers have been systematically portrayed as evil or corrupted and 'othered' as morally, socially and economically inferior. Since the Middle Ages women selling sex have already been described as sinners (like those who engaged in sex outside of marriage) who offended religious and family values and challenged public morality. In the 1700s, unmarried women without a personal fortune, an official sponsor or a trade, could be locked up in the Långholmens Spinnhus in Stockholm, a workhouse and prison for women, to prevent them from supporting themselves 'in an indecent way'.¹² Furthermore, female staff of coffee houses, suspected of being brothels as well as bars and pubs, were sometimes subjected to forced medical examinations to prevent the spread of sexual diseases.

Throughout the modern era, the depiction of sex workers as 'pools of contagion' and a threat to public health continued, for they were blamed for the spread of sexually transmitted diseases and - since the 1980s - HIV/AIDS. In Sweden, the pathologisation of sex workers remained a key approach to controlling this population in the 20th century. After 1918, Lex Veneris, which dealt with spreading venereal disease, and the vagrancy law were used to control the 'problem' of female prostitution and led to the detention of sex workers. Women who sold sex were seen as immoral, being 'sexually unreliable and imbecile', and as bad mothers whose children were destined to end up in crime or prostitution. Forced sterilisation was carried out from 1934 to 1975 through sterilisation laws put in place to ensure 'folkhälsa' (population health). The aim was to prevent anti-social individuals, such as 'promiscuous' women, including sex workers, physically or mentally ill and disabled people, as well as Roma and Travellers from having children.¹³ From the 1950s onwards, sex workers' stigmatisation continued from the perspective of a new discipline, psychiatry, which described women selling sex as 'imbecile, or at least feeble-minded or in some other way psychologically abnormal, hysterical'.¹⁴

12. Svanström, Y. (2006). Offentliga kvinnor: prostitution i Sverige 1812-1918 [Public Women: Prostitution in Sweden 1812-1918]. Ordfront, Stockholm

13. See more about sterilisation: <https://www.regeringen.se/49b6c6/contentassets/68b217b7f8e746a799536f3ad851c05e/steriliseringssfragan-i-sverige-1935---1975>

14. Cited in Svanström (2006). p. 153.

In the current abolitionist feminist thinking since the 1970s, sex workers are no longer considered offenders but victims of the patriarchal system, coerced into economic and sexual dependency on men, with their social value reduced to sexual attractiveness. In mainstream Swedish feminist discussions and media, sex workers are frequently treated as voiceless victims, referring to them with demeaning and misogynistic terms, such as 'cheap pussy' and 'bodies for sale'. Sex workers' rights organisations who speak publicly are often refuted as 'pimps', 'sex industry lobbyists' and 'defenders of paid rape'. Even the term 'sex worker', which has been used in organising for the rights of people who sell sexual services since the 1970s and is mainstreamed across United Nations entities, is described as controversial in Swedish media since it describes prostitution as work instead of referring to it as 'exploitation' or as the 'purchase of bodies'.

Lately, a new definition of sex work has become popular in the public discourse and in the communication materials from social service units and NGO programmes offering specialised care for sex workers: 'persons who harm themselves by selling sex'. The recent strengthening of this narrative that equals selling sex with self-harming might be tied to the #intedinhora (#not your whore) movement, which emerged from the global #metoo movement in Sweden. Those who initiated the campaign and have been representing their cause in the media are mainly a group of young Swedish national women who suffered violence while selling sex, many of them under-age. Despite most sex workers in Sweden being foreign nationals who sell sex to financially support themselves, the approach of Swedish service provision, media reporting and public discourse now seem to be shifting towards representing and serving the needs of a group of Swedish young women who have been abused while selling sex. This further distorts the image of the sex worker community in the public imagination and invisibilises the concerns of the majority of people selling sex in the country, migrant women.

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Prostitution, what we see in most of our clients is... a form of self-destructiveness actually, it's a way to really harm yourself.

[STAFF MEMBER OF THE STOCKHOLM PROSTITUTION UNIT]¹⁵

In media coverage addressing sex work, the most featured experts are non-sex workers, mainly feminists, academics and government affiliates, including representatives of the police and social services. In 2016, the launch of Amnesty International's (AI) sex work decriminalisation policy¹⁶ was heavily mediated in Sweden, with the Swedish chapter of AI distancing itself from the global set of recommendations.¹⁷ Feminist commentators on the policy once again missed the chance to involve sex workers in the discussions following the adoption of AI's ground-breaking report, instead many accused sex workers and their organisations of lobbying for their vested interest in the sex industry. Swedish feminist Kajsa Ekis Ekman for instance wrote in an article: "If you read the documents on which the decisions of Amnesty International are based, you will see that they have actually been listening to lobbyists for the sex industry, which is hair-raising."¹⁸

It is commonplace in articles on sex work to ignore sex workers' realities and work arrangements by describing their labour as 'sale of women, of bodies, and of body parts', instead of referring to sex work as selling of sexual services. Authors with this approach often rely on highly graphic and misogynistic language. In 2016, in a statement against LGBT activists supporting sex workers' rights, Kajsa Ekis Ekman once again demonstrated how little respect she thinks sex workers deserve: "Most sad of all I find these queer activists who do the job for 53-year-old IT bosses who travel to Thailand for cheap cunt", a statement which prompted Empower Foundation, a sex-worker led group from Thailand to respond with an open letter questioning her dehumanising language:

15. Levy, J. (2014).

16. See more on the Amnesty International policy:

<https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>

17. <https://www.amnesty.se/om-amnesty/amnesty-international-sverige/uttalanden-och-remissvar/uttalande-om-amnesty-international-s-policy-om-staters-ansvar-att-respektera-skydda-och-uppfylla-manskliga-rattigheter-dem-som-saljer-sex/>

18. <https://www.ottar.se/artiklar/sexarbete-eller-prostitution>



Kajsa Ekis Ekman, we understand you do not know us at all. We know you only have weak second or third hand knowledge of our lives as sex workers. Perhaps you don't know that sex workers in Thailand are mothers and family providers? Is this how you talk about mothers and family providers in Sweden? Perhaps you don't know that most of our customers do not use revolting language like this to talk about us? Is this how women commonly refer to each other in Sweden? Perhaps you have never considered that a Swedish academic feminist has a responsibility to speak with respect about other women? Or is 'cheap pussy' accepted by Swedish feminists and journalists as a way to refer to Thai women?

In another article on metro.se,¹⁹ criminologist Nina Rung describes commercial sex as "an already vulnerable woman having no choice but to let her body be used three, five, or ten times by different men every single day." She writes, "the Sexköpslagen doesn't only focus on the incredible dodginess of older, richer men buying their right to ejaculation by younger, vulnerable women." Sex work, trafficking and sexual abuse of minors are often conflated in the mainstream media. The bodies and body parts of sex workers are described obsessively as commodities, such as drawing parallels between buying sexual services and a 'kilo of pork',²⁰ while exploitation and violence that sex workers have faced is often described with almost pornographic details in newspapers, and even by leading politicians.



To buy sex is to masturbate in a woman's body.

[KAJSA WAHLBERG, NATIONAL RAPPORTEUR ON TRAFFICKING IN HUMAN BEINGS]²¹

19. <https://www.metro.se/asikt/darfor-ska-vi-vara-stolta-over-sexkopslagen-w3mTV3JoOXH>

20. https://24kalmar.se/darfor-koper-svenskar-sex-pa-semestern-som-att-kopa-ett-kilo-flaskkott_5f47e3f5

21. Quote from: Haggström, S. (2016.). Shadow's Law: The True Story of a Swedish Detective Inspector Fighting Prostitution. Bullet Point Publishing

Exclusion from feminist & LGBTQ/queer organising

The voices of sex workers and sex worker rights organisations have been consistently and systematically silenced in the debate concerning the Swedish model, both in Sweden and internationally. To date, several tactics have been used to sideline sex worker opinions, such as arguing that sex workers are speaking from a position of false consciousness and are self-harming individuals traumatised from their work and previous abuse, and are not able to recognise their own oppression as they have been conditioned under patriarchy.²²

In Sweden, the feminist debate around sex work is often framed using the concept of the 'right to sex', focusing on men buying sexual services and their patriarchal sense of entitlement instead of centring the needs and demands of sex workers. Those organisations that challenge the Swedish model are often accused of protecting men's right to sex, such as in the case of Swedish National Association for Sexual Education (RFSU) that spoke out against the law publicly.²³ The Swedish Feminist Party, Feministiskt Initiativ uses a similar argumentation in their communication: "But I refuse to view the body as a commodity. I don't want it to be for sale, neither whole nor in parts. I don't believe in the business idea of making household services out of our erogenous zones. I believe sexuality, as a part of our human identity, should be protected from commercial exploitation."

22. Global Network of Sex Work Projects (NSWP) (2015). Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers.

Available: <https://www.nswp.org/resource/the-real-impact-the-swedish-model-sex-workers-advocacy-toolkit>

23. <https://www.svd.se/rfsu-varnar-vuxna-mans-sexuella-frihet>

Fuckförbundet excluded from Anarchist Bookfair

In 2018, the Stockholm Anarchist Bookfair invited sociologist Niina Vuolajärvi to hold a workshop entitled 'Women-friendly policies or carceral feminism? Sex work in Sweden', together with members from Fuckförbundet. The Anarchist Bookfair received critical emails about the workshop, from a women's organisation and an anarchist group, claiming that the discussion would be too biased not providing space for those who have a different political opinion on sex work than sex workers. In conjunction with this, a storm of criticism was started on the bookfair's facebook page with hundreds of comments, demanding the workshop to be cancelled, insulting the organisers and referring to Fuckförbundet as a 'lobby group for johns and pimps'. The commentators claimed that the group actually consisted of clients and pimps, personally attacking members and accusing them of supporting 'paid rape'.

The book fair arranged a meeting with Vuolajärvi and one of the members of Fuckförbundet to discuss the criticism and the boycott threats that they had received. It was decided that abolitionists would also be invited to hold a workshop. After Vuolajärvi and Fuckförbundet had left the meeting, the organisers came to a decision that Fuckförbundet would not be officially allowed to participate in the workshop under their name, but that the members could still come and talk about their experiences, while the abolitionist organisation would participate officially with their organisational name. The demand to censor their participation led Fuckförbundet to decline to participate under these conditions, and finally, the Stockholm Anarchist Bookfair cancelled the whole event.

Controversy following sex worker presence at Stockholm Pride

Unlike in many other countries, sex workers are often excluded from queer events and spaces in Sweden or their participation is heavily questioned. In 2017, Fuckförbundet participated in Stockholm Pride, which was met by controversy. In a debate article in ETC, entitled 'Pride shouldn't run the errands of the pimp lobby',²⁴ Helena Brors describes Fuckförbundet as a 'pimp lobby' and writes: "Like the rest of the international pimp lobby, they use the word 'sex worker', partly to blur the lines between prostitution and trafficking/pimping, partly to make prostitution seem like a legitimate occupation."

24. The article can be read here:

kvinnofronten.nu/Nyhetsbrev/debatt-etc-pride-prostitution.php?fbclid=IwAR0tcXcoUKpXfEeMjg7Xb5JkXEXtVvFWFC5VGEkNK6UiPYtAGS1QOWiYK3E

Governmental discourses conflating trafficking for sexual exploitation & sex work

The claimed goal of the Sex Purchase Act has been to eradicate prostitution in order to end gender inequalities and fight trafficking for sexual exploitation. In the government's evaluation of the Sex Purchase Act,²⁵ it is stated that people who sell sex report that criminalisation has increased the social stigma linked to sex work, which should be considered as a positive consequence of the law leading to less acceptance of prostitution.

“It should be difficult to be a prostitute in our society - so even though we don't put prostitutes in jail, we make life difficult for them.”

[DETECTIVE SUPERINTENDENT JONAS TOLLE IN A BBC INTERVIEW]²⁶

The analysis of governmental and policy documents, reports from the Swedish National Police, and reports from the Swedish National Council for Crime Prevention between 2007 and 2017 provides a general overview of proposed solutions to combat sex trafficking and sex work, which are conflated systematically across documents.²⁷ Police proposals emphasise that it is important that suspected cases of sex trafficking are reported and argue that it is not only sex trafficking that needs to be reported, but also the purchase of sexual services, since this will enable law enforcement to detect sex trafficking. Investigating sex trafficking and sex purchase are thus used to legitimise additional resources for the police.

25. Statens Offentliga Utredningar SOU 2010:49 Förbud mot köp av sexuell tjänst En utvärdering 1999-2008.

Available: <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2010/07/sou-201049/>

26. <https://www.bbc.com/news/world-europe-11437499>

27. Heber, A. (2018). The hunt for an elusive crime - an analysis of Swedish measures to combat sex trafficking. Journal of Scandinavian Studies in Criminology and Crime Prevention, 19:1, 3-21. Available: <https://www.tandfonline.com/doi/full/10.1080/14043858.2018.1459359>

“ In Sweden, most of the time we don’t make that distinction, we speak about prostitution and trafficking, as almost the same thing... The sex buyers - they are the same. And... that is what trafficking and prostitution has in common.

[STAFF MEMBER OF THE STOCKHOLM PROSTITUTION UNIT]²⁸

While support and protection of victims of sex trafficking and prostitution are emphasised across all policy documents, there is an implicit assumption that those victims who are from foreign countries should not be reintegrated into society in Sweden, but rather in their country of origin. Legislative proposals from the last two decades also suggest the expansion of the definition of sex trafficking, with the offender being made punishable for more types of acts or in more situations, i.e. classifying trafficking as a crime that consist of only one criterion of the three elements of the current trafficking definition (unlawful coercion, deceit and exploitation). Another proposal that has been made several times is the expansion of the client criminalisation law to criminalise those Swedish nationals who pay for sexual services outside of Sweden.²⁹

The governmental discourse around sex work and the introduction and implementation of the 1999 Sex Purchase Act not only aimed to reduce demand for sexual services, but on the long term, also to change norms by making people see prostitution as a matter of gender equality and to shift the stigma of prostitution from those selling sex to the client. While several studies confirm that the law is significantly supported especially among women, various studies also highlight that the law increased support in the population for banning not only buying but also selling sexual services.³⁰

28. Levy, J. (2014).

29. See more on the proposal: https://www.riksdagen.se/sv/dokument-lagar/dokument/motion/kriminalisera-sexkop-utomlands_H6021044
<https://www.regeringen.se/pressmeddelanden/2017/12/sexkop-utomlands-ska-kunna-lagforas-i-sverige-oavsett-var-de-har-begatts/>

30. Holmström, Ch. and Skilbrei, M-L. (2017).

Unrecognised & unpunished: interpersonal violence against sex workers

For abolitionist feminist activists, globally and in Sweden, sex work is considered to be a form of sexual violence. They unequivocally state that it is impossible to give consent within sex work. Claiming that clients buy sex workers' bodies and consent has dangerous consequences for sex workers: by defining all sex work as violence, the concrete physical and sexual violence committed against sex workers remains invisible.

Remarkably, there is an immense lack of reliable data concerning violence targeted at sex workers since the Sex Purchase Act was introduced, despite the legislation's proclaimed aim of reducing gender-based violence. Contrary to the approach of other government-commissioned evaluations of the Swedish model, such as in Norway,³¹ Swedish reports did not question the basic premises of the legislation and did not investigate its impact on sex workers' health, safety and wellbeing but rather focused on the changes in the size of the sex industry and general conditions of people selling sex, relying on the insights of police and social workers who are in contact with sex workers. Despite considerable governmental efforts invested in assessing the impact of the law, no systematic attempt has been made to address the dynamics and determinants of violence and its manifold forms against sex workers.

Nonetheless, several inquiries³² into the impact of the Swedish model acknowledge that policing of sex workers and their clients under the Swedish model increases sex workers' economic insecurity and precariousness, resulting in limited bargaining power when it comes to negotiation with clients. Another major consequence of police harassment of sex workers and/or their clients is the displacement of sex workers to more dangerous areas. As police repression and brothel-keeping laws prevent sex workers from working in groups and having opportunities for assessing clients, sex workers are pushed to more dangerous working environments, such as clandestine street locations and accepting more 'outcalls' (visiting clients at their location), situations in which their safety is under threat. They are also less likely to be reached by health and harm reduction services.

31. Rasmussen I. et. al. (2014). Evaluering av forbudet mot kjøp av seksuelle tjenester, English Summary document. Available: https://www.regjeringen.no/contentassets/0823f01fb3d646328f20465a2afa9477/evaluating_sexkjoeplsloven_2014.pdf

32. Global Network of Sex Work Projects (NSWP) (2015), Levy, J. and Jakobsson, P. (2013), Vuolajärvi, N. (2018).

“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.”

[STREET-BASED SEX WORKER AND ESCORT]³³

As sex worker writers of this report, we reason that sex work does not fundamentally, always and already involve violence. Instead, in this chapter we aim to outline the ways in which sex workers are exposed to various forms of violence due to criminalisation and intersecting oppressions such as sexism, whorephobia, homophobia, transphobia, racism and classism. Sex workers are not only vulnerable to violence by clients or people posing as clients as the public imagination holds, but often more so from private individuals, the police, immigration officials and the judiciary.

In the absence of in-depth studies on sex workers' victimisation and its root causes, in the following we present evidence based on Swedish newspaper articles and personal testimonies. It needs to be noted that there have been documented cases of crime sprees against sex workers, for example clients returning to the hotel rooms of escorts, often with one or several accomplices, to abuse and rob them of money and valuables. In several cases, the police has not seen any connection between these cases, even when they have been committed within a short timespan in the same area.

33. Levy, J. (2014).

State-sponsored violence: the role of police and immigration authorities

Violence by state authorities is one of the most pressing concerns for sex workers globally. In Europe, sex workers report alarmingly high levels of physical or sexual violence from police officers. In a research study by the Sex Workers' Rights Advocacy Network (SWAN), 41.7 percent of sex worker respondents reported having experienced physical violence by police in the year before the survey and 36.5 percent reported having experienced sexual violence from police in the same time span. Police often use arrests and detentions as a tool to control sex workers³⁴ or retaliate against sex workers who resist their abuse. The targeting of sex workers not only occurs at their workplaces, but also outside of them, manifesting itself in gender and racial profiling. Sex workers from Central-Eastern Europe and Central-Asia report that they are policed even when they are not working. Roma cis-women for instance, report facing constant harassment from the police in their daily lives in the region, while in Western-Europe, similar actions have been recorded targeting undocumented migrant sex workers based on their race/ethnicity and gender.

Racial profiling is common in Sweden. According to a research report, 51 percent of Afro-Swedish and 31 percent of Turk-Swedish Muslims thought they were stopped by police because of their ethnic or immigrant background,³⁵ while a new report claims that being singled out by the police is a common experience for people in the Afro-Swedish, Roma and Muslim communities.³⁶ Racial profiling is a humiliating, and even traumatising experience that leads to those affected losing trust in law enforcement agencies, which negatively affects police-community relations.

34. Sex Workers' Rights Advocacy Network (SWAN) (2009). Arrest the Violence: Human Rights Abuses against Sex Workers in Central and Eastern Europe and Central Asia. Budapest: Sex Workers' Rights Advocacy Network (SWAN).

Available: http://swannet.org/files/swannet/File/Documents/Arrest_the_Violence_SWAN_Report_Nov2009_eng.pdf

35. FRA, Second European Union Minorities and Discrimination Survey, Luxembourg; <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey>.

36. Schclarek Mulinari, L. (2017). Slumpvis utvald. Ras-/etnisk profilering i Sverige. Stockholm: Civil Rights Defenders.

In this context, the exposure of sex workers, especially sex workers of colour and (undocumented) migrant women, to contact with law enforcement authorities is heightened by frequent police operations that seek to crack down on sex work venues to target clients. Sex workers provide accounts of being constantly monitored by police for the purpose of identifying their clients, often catching them when leaving the apartment, but it has also been documented that they entered their workplace during raids.³⁷

“Around lunch time at the end of April, the police were carrying out surveillance work at the hotel. The boss [client] was in one of the rooms with a woman, and in the next room police officers waited with an interpreter. When they heard moans from the woman, they stormed the room. The man and the woman were caught, literally, in the act.”

[ANONYMOUS SEX WORKER]

“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 (by) many guys in a piketbuss (police patrol van)... she had problems with her body after that.”

[STREET BASED SEX WORKER AND ESCORT]³⁸

37. <https://www.aftonbladet.se/a/kao6Vv/sexkopare-greps-efter-7-minuter>

<https://www.aftonbladet.se/a/m699ag/14-sexkopare-gripna-pa-en-vecka>
38. Levy, J. (2014).

Thai massage parlours have been specifically in the focus of police raids, resulting in Thai women imprisoned due to pimping laws prohibiting working together as well as losing their workplaces and income. The 'efficiency' of these operations is however questionable, for instance in a police operation targeting a Stockholm suburb, 20 officers found only two cases of sex purchasing over the course of 5 months, with no suspected cases of pimping. A local police officer explained in an interview that if the police identified sex workers having offered sexual services more than 3 times, they would contact the landlord and threaten them with pimping³⁹ charges if they do not evict the sex workers.⁴⁰ This surveillance and eviction tactic has been widely documented across Sweden.⁴¹

Police usually operate by pretending to be clients, asking for an address or hotel room, and when given enough information, they simply wait outside to catch the presumed buyers. As some organisations and state bodies, such as Länsstyrelsen units (Country Administrative Boards) are specialising in educating hotel staff on how to identify victims and occurrences of trafficking, it becomes harder and harder to work from hotels for migrant and local sex workers in Sweden. A Swedish sex worker told the writers of this report about the overwhelming stress of feeling harassed and waiting for police to bust through the doors when working from local hotels, which makes them off-guard towards clients, causing additional stress. Staff have come knocking on the door shortly after arrival with the client, asking if room service is needed and the worker in question felt that only due to them being able to present as Swedish national, the staff have not pursued any further actions.

Another sex worker reports being suspiciously placed on the ground floor by the reception, and after accepting clients they had staff and police come knocking on the door asking to be let in. They were also asked to hand over their computer and phone, and as they refused because they had not committed anything illegal, they were asked to leave the hotel.

39. https://www.aftonbladet.se/nyheter/a/pLVpkw/polisen-larmar-utbredd-prostitution-pa-massagesalonger?fbclid=IwAR2StYW30tjt2Uuhx_Byyo-i_M_pJJDny163FVNfX4HNxyOWRC3ILCQ38

40. <https://www.svt.se/nyheter/lokalt/sodertalje/prostitution-pa-flera-massagesalonger-i-sodertalje>

41. See for instance: <https://www.dn.se/ekonomi/polis-sexhandel-och-skattefusk-pa-vanliga-massagesalonger/?forceScript=1&variantType=large>
For more cases see: Levy, J. (2014).

As there is no clear common understanding of what makes someone a trafficking victim, simply being a migrant traveling to Sweden from a non-Scandinavian country seems to be sufficient ground to be identified as such according to media and government reports. Being apprehended in the middle of a sexual act, or undressed, is a deeply humiliating experience for the sex workers involved. This is acknowledged by police officer Simon Häggström, the head of the National Operations Department that works with crimes related to prostitution and trafficking in human beings, previously an officer at the Stockholm Prostitution Unit, who repeatedly describes following, stalking, spying on sex workers having sex and finally catching them and their clients in the act:

“To have consensual sex is probably the most private act two people can engage in with each other. To then have public servants walk in on this intimate act and not only interrupt it, but also declare that it is illegal is a great violation of the integrity of the people involved.”

“I walk slowly, as quietly as possible, through the dreary hallway all the way up to the woman's front door, carefully opening the letter slot. Male and female moaning is heard from inside the flat, and the distinct sound of skin slapping against skin. 'Ah! I'm going to come! I'm going to come! Now!' The man sounds ecstatic and groans in arousal. If only he knew the police were waiting outside, listening to every word he says.”

[SIMON HÄGGSTRÖM, HEAD OF THE NATIONAL OPERATIONS DEPARTMENT THAT WORKS WITH CRIMES RELATED TO PROSTITUTION AND TRAFFICKING]⁴²

42. Häggström, S. (2016).

In this context of police surveillance and abusive identification practices targeting clients, sex workers feel that they cannot rely on police assistance in the event of a violent incident. This notion is often based on real-life experiences of suffering abuse and violence and encountering apathetic, diminishing or victim-blaming attitudes from front-line officers. Legal consequences such as evictions, deportations, child custody loss, police tracking or raids, and outing to one's immediate environment hinder sex workers from seeking help from the police.

Several instances are known when police refused to deal with reports about violence committed against sex workers, as in the case of a 20-year-old Romanian sex worker who went missing in Malmö in 2016. She was reported missing by the organisation Noomi, which had collected evidence of the woman's disappearance from other sex workers who knew her, providing the police with the location of an illegal club, as well as the name and contact details of a suspect. The woman had also been involved in another police investigation previously, providing the police with valuable information. The police continually refused to take in the report about her disappearance, leaving those around her with questions about whether she had been kidnapped, trafficked or murdered.⁴³

I don't think they will (go to the police to report rape). If you sell sex, how the hell can you be raped?

[INTERNET ESCORT]⁴⁴

43. <https://www.sydsvenskan.se/2016-08-11/polisen-vagr-ar-utreda-forsvunnen-prostituerad>

44. Levy, J. (2014).

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, LATIN-AMERICAN TRANS WOMAN SEX WORKER]⁴⁵

A female sex worker recounts her experience after reporting rape by a man who hacked into her computer. The police initially responded with sympathy, but after finding out about her profession, they confiscated her computer:

They wanted... I think that when they get a chance to get into someone's apartment they look for anything that they can use against you. They found an illegal pepper spray that somebody had given me years ago, I had forgotten that I even had it. They wanted to charge me with possession of illegal weapon and then the rape charges were dropped two weeks later because of lack of evidence. The hacking of my computer charge was dropped after three and a half months since I refused to give them my clients. I told them that - If I give you my clients, that will get out and I will never again be able to do anything, I will be destroyed, my job, my reputation and everything. They were like - Well if you don't help us, we won't do anything for you. And then they totally harassed me, they had me under surveillance to try to get to clients and I was like - Okay, did you see who was banging on my door today and threw things on my window? And they were like - We don't have you under surveillance. So I had to terminate my first hand contract and I'm still moving around because I'm scared.

[JENNA, SWEDISH NATIONAL SEX WORKER]⁴⁶

45. Vuolajärvi, N. (2018). p. 6.

46. Hulusjö, A. The Multiplicities of Prostitution Experience: Narratives about power and resistance. Available: http://muep.mau.se/bitstream/handle/2043/16013/2043_16013%20Hulusj%C3%B6%20MUEP.pdf

Migrant sex workers and women of colour carry the heaviest burden of state-sponsored violence. It is estimated that 70-80% of Sweden's sex worker population are non-Swedish citizens,⁴⁷ who face a high likelihood of deportation back to their home country or the country where they hold a residence permit if they should come into contact with police. As sex work is not considered a legitimate work by law, Sweden practically criminalises the selling of sex from people coming from outside the EU or EEA (third-country nationals). In the Swedish Alien Act, assumption that the migrant person in question will not support themselves by 'honest means' (Swedish Alien Act, 2005),⁴⁸ meaning by selling sex, is a ground for deportation and denial of entry even if the person would be in the country legally or would otherwise have the right to travel to and seek employment in the country.

The Swedish border police, especially in the West of the country are known to deport sex workers and people suspected of being victims of human trafficking. To date, none of these border police agencies have worked together with other government bodies to ensure that sex workers get the support they should be entitled to by the state, for example a 30 day reflection period, during which they can recover, access legal support, information on their rights and consider if they wish to contribute to the criminal investigations against their perpetrators. The border police instead locks up suspected sex workers and treats them as criminals, even though no crime has been committed. Workers are then deported from Sweden as soon as a few days after detainment, in line with the proposals of several state-issued policies.

Migrant sex workers are often kept in poor conditions in holding cells and are subject to extreme psychological distress. These dehumanising conditions only add to the stress of the potential confiscation of their earnings and deportation.

47. Vuolajärvi, N. (2018).

48. Available: https://www.government.se/contentassets/784b3d7be3a54a0185f284bbb2683055/aliens-act-2005_716.pdf

One migrant sex worker who was suspected of being a victim of trafficking describes being denied access to menstrual products and painkillers for 24 hours while locked in a detention cell waiting to be deported. Another migrant transgender sex worker held in detention repeatedly asked police for hormones. Despite begging to be deported earlier to get access to her medication, no answer was given until two weeks later as it was holiday season. Another migrant sex worker who was caught during a hotel raid was placed in detention despite being in an advanced stage of pregnancy.⁴⁹

49. <https://www.dn.se/nyheter/polisen-jagar-prostituerade-vi-jobbar-med-att-ta-bort-varan/>

Exploitation & violence by non-state actors

As a consequence of the decrease in the number of clients, sex workers find themselves having to rely on third parties who facilitate their labour, such as managers, landlords and venue owners. Additionally, because the pimping law also leads to sex workers' eviction from their flats and landlords being potentially charged with pimping offenses, and with hotels actively working to identify and ban sex workers from their premises, it is very difficult to find a secure place to work. This is fertile ground for exploiters to abuse the most vulnerable in the industry, offering them clients or a place to work under precarious circumstances, in return for money and sexual services.

“The guy who I rent it from, he is (legally) my pimp... So if he would find out, he'd have to kick me out really fast... it would be a catastrophe, because if I doesn't have the apartment, I don't know how in the hell I should work

[INTERNET ESCORT]⁵⁰

This effect has also been acknowledged by the Swedish National Board of Health and Welfare, which reported in 2008 that “according to one informant in Göteborg, there are probably more pimps involved in prostitution nowadays.”⁵¹ The informant says the law against purchasing sexual services has resulted in a larger role and market for pimps, since prostitution cannot take place as openly. A woman engaged in indoor prostitution in Göteborg relates that when the law took effect in 1999, about ten women engaged in prostitution from various Eastern European countries approached her business because they wanted to hide indoors. Informants from the Stockholm Prostitution Centre also mention that the law has opened the door to third parties, because it has become more difficult for sellers and buyers of sexual services to make direct contact with one another.”⁵²

50. Levy, J. (2014).

51. Socialstyrelsen (2008). Prostitution in Sweden 2007. p. 47-48. Available: https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2008-126-65_200812665.pdf

52. Ibid.

In 2013, a board member and activist of Rose Alliance (a Swedish sex worker organisation), was brutally murdered. Several years prior to her murder, she lost custody of her children as she was considered to be an unfit parent due to being a sex worker, which placed her ex-partner in a position of power. The children were placed with their father regardless of his prior abuse towards Jasmine. Social services told her she did not know what was good for her and that she was “romanticising” prostitution, they said she lacked insight and did not realise sex work was a form of self-harm. Jasmine's ex-partner threatened and stalked her on numerous occasions. She was never offered any protection. She fought the system through four trials and had finally started seeing her children again. In a social worker's office, during the first visit she had with her son in over a year, Jasmine's ex-husband stabbed her to death (the attending social worker was also stabbed, but survived).⁵³

53. See more on the case:

<http://titsandsass.com/the-bloody-state-gave-him-the-power-a-swedish-sex-workers-murder/>

Sex workers' right to health impeded: abolition as a healthcare solution

Sex work in Sweden is highly stigmatised as illustrated in the chapter on structural violence against sex workers. Since the goal of the Swedish model is to eliminate sex work, research on sex workers' health and specialised healthcare provision are not prioritised in public health policies and funding. Although it is generally assumed that sex workers have worse mental and physical health than the general population, no government-funded studies on sex workers' health have been conducted since the introduction of the Swedish model, and neither have specialised or low threshold services been set up. Various sub-groups, such as migrant and mobile sex workers, LGBT sex workers or sex workers who use drugs face extreme barriers to accessing care.

Harm reduction strategies, which are common in other countries in Europe, are not broadly implemented in Sweden since providing condoms, free anonymous health checks and testing for sex workers are seen as 'encouraging prostitution'. Community empowerment and community-led clinical and support services and programmes aimed at addressing violence against sex workers, such as sharing safety and health advice, are actively discouraged as they are seen to normalise sex work. These healthcare approaches are in stark contradiction with international recommendations and guidelines, such as the Sex Worker Implementation Tool (SWIT) of the World Health Organization.⁵⁴

“Harm reduction is many times a way of, I mean it, it tends to keep people in the problem, instead of helping them to leave.”

[STAFF MEMBER OF THE STOCKHOLM PROSTITUTION UNIT]⁵⁵

54. HO, UNFPA, UNAIDS, NSWP (2012). Prevention and Treatment of HIV and Other Sexually Transmitted Infections for Sex Workers in Low- and Middle-Income Countries: Recommendations for a Public Health Approach, Geneva: WHO.

Available: https://www.who.int/hiv/pub/sti/sex_worker_implementation/en/
55. Levy, J. (2014).

In many countries around the world, police confiscate condoms found in sex workers' possession. Often, possession of condoms has been used by prosecutors as evidence of prostitution. This police practice compromises sex workers' health and safety and increases their vulnerability to HIV as it forces sex workers to make a choice between safeguarding their health and staying safe from police harassment. In Sweden, numerous cases have been documented when condoms were treated as proof of sex work by police and prosecution.⁵⁶

Sweden has a long history of controlling its population by means of registration. Since the 1600s, Swedish churches listed births, deaths, relationships, crimes and people's movements. The church was in charge of this 'Folkbokföring' (population registration) until 1991. Today, every citizen's 'personnummer' - similar to social security numbers elsewhere - are linked to databases containing information about all social and economic aspects of one's life, such as health problems, tax-paying, use of social services or marital status.⁵⁷ This not only poses privacy questions as government employees and healthcare workers can access a lot of one's personal information, but also excludes those who do not possess the 'personnummer', including undocumented migrants. For sex workers, it is very challenging to remain anonymous and it can have catastrophic consequences if one's 'personnummer' is linked to stigmatising information, such as engagement in sex work. Although the government denies that registers keeping data on sex workers exist, recent revealings of the illegal registration of thousands of Roma people⁵⁸ might indicate that such listings are likely to be in place.

56. See media reports on this practice:

<https://www.dn.se/ekonomi/polis-sexhandel-och-skattefusk-pa-vanliga-massagesalonger/>
<https://www.aftonbladet.se/nyheter/a/xRVydg/bordell-avslojad-av-anvanda-kondomer>
<https://mitti.se/nyheter/prostituerade-kvinna-koppleri/?omrade=jarfalla>
<https://www.kkuriren.se/nyheter/eskilstuna/prostitution-allt-vanligare-pa-eskilstunas-hotell-sm4705773.aspx>
<https://www.dn.se/nyheter/polisen-jagar-prostituerade-vi-jobbar-med-att-ta-bort-varan/>
<https://www.vlt.se/artikel/eskilstunabo-kopte-sex-pa-hotell-i-vasteras-var-nyfiken>
<https://www.facebook.com/sjostadsbladet/posts/1669445809806166/>
<https://www.expressen.se/nyheter/brottscentralen/polisen-misstanker-kvinnan-drev-bordeller-i-thaimassagesalonger/>
<https://www.svd.se/alla-utom-en-hade-utsatts-for-overgrepp>
<https://mitti.se/nyheter/gjordes-sexkop-agarinnan/?omrade=vasastan>
57. <https://www.skatteverket.se/privat/folkbokforing/attvarafolkbokford/folkbokforingenshistoria.4.18e1b10334ebe8bc80003006.html>
<http://www.goteborgsfria.se/artikel/114831>
58. <https://www.liberties.eu/en/news/roma-register-state-guilty-of-ethnic-profiling-court-of-appeal-confirms-district-courts-judgment/11847>

Services for sex workers: lack of non-judgemental, low threshold provision

When the Sex Purchase Act was introduced in 1999, the criminalisation of clients was claimed to be one of the primary strategies to eradicate sex work in Sweden, to be complemented by a number of additional 'social interventions'. Despite this initial intention, the government have not scaled up funding for the operation of the three already existing prostitution units in charge of providing social services to sex workers and to specialised health services.⁵⁹ Instead, they channeled 7 million SEK for additional enforcement to the National Police Board⁶⁰ while in 2018 the prostitution unit in Stockholm, Mikamottagningen faced significant cuts in its public funding. As a result, the age limit for service users was raised from 16 to 18 and it became no longer possible to visit the unit anonymously.

In the absence of systemic state funding, private initiatives and projects emerged to fill the gaps in health service provision. Currently, there are two clinics offering healthcare services to sex workers, SMC-Pilen in Gothenburg, funded by the state since 2015 and Mika hälsa in Stockholm. The latter developed from Spiralprojektet, an outreach initiative which focused on women who use drugs and street-based sex workers. These two clinics offer counselling on contraceptive methods, abortions, pregnancy, STI (but not HIV) testing and free vaccinations against HPV and Hepatitis A and B. These services can be classified as high threshold as they require pre-arranged appointments, health insurance and often willingness to work towards quitting sex work. Furthermore, information available about these services is mainly in Swedish. Their focus is on long-term help with repeated visits, trauma therapy and the end goal being the exit from sex work. As a result, migrant and mobile sex workers hardly use their services: 70% of sex workers who visit service providers are Swedish nationals. In contrast, in Norway and Finland the percentage of migrant sex workers using such services is 78-79%, a proportion corresponding to the estimates of migrants selling sex in these countries.⁶¹

59. Levy, J. (2014).

60. <https://www.bra.se/publikationer/arkiv/publikationer/2000-05-04-forbud-mot-kop-av-sexuella-tjanster.html>

61. Vuolajärvi, N. (2018).

Since there are very few services available - and only in two larger cities - that are dedicated to improving the physical and mental health of sex workers, it can be assumed that the majority of sex workers with insurance instead turn to their local health care providers. This might be problematic for many sex workers in smaller towns for instance, where coming out openly as a sex worker can cause stigmatisation. Not disclosing one's sex worker status might lead to inadequate care. For example, many sex workers report having trouble accessing HIV/STI tests as often as they want.

“ I had some sort of bacterial infection that made my genitals hurt. It wasn't contagious but it hurt too much to work and I needed some medicine. The doctor said they could arrange an appointment with a gynaecologist in 3 weeks. I wanted to scream that I am a sex worker. I need to be able to work on Monday, in 3 days, not 3 weeks! But of course, I couldn't say that.

[A SEX WORKER MEMBER OF FUCKFÖRBUNDET]

The primary reason for sex workers not to disclose their sex work experience to healthcare workers is a fear of consequences ranging from judgemental and negative treatment to being reported to social services or immigration authorities. This fear is not unfounded. For example, SMC-Pilen call the police in all cases where they suspect pimping or trafficking and all service providers have the obligation to report to social services if they suspect that a child might be endangered.

“ Doing sex work suits me as a job but at one point I felt like I needed to talk to someone about the difficulties of managing a romantic relationship at the same time as selling sex. The woman at SMC-Pilen wanted to talk about how harmful continuing sex work would be. She asked me if I had ever thought about how it would affect my soul.

[A SEX WORKER MEMBER OF FUCKFÖRBUNDET]

Clinics emphasise that they target those sex workers who see their sex work as problematic. The lack of meetings with sex workers who do not experience serious problems and do not consider themselves victims is problematic as service providers are regarded as experts on sex work and are often consulted by different stakeholders ranging from regional healthcare workers to media to foreign governments looking to find out more about the Swedish model. Thus, their biased view on sex workers is used to silence those who speak up and do not see themselves as victims. Consequently, those sex workers who disagree with the victim narrative are described as unrepresentative.

A report by Socialstyrelsen, the National Board of Health and Welfare points to the fact that it is difficult for healthcare workers to approach the subject of sex work with their patients. The reason is not only their lack of knowledge but also lack of practical training in discussing sexualities and sexual expression.⁶² In a report by RFSL, the largest LGBT organisation in the country, several of the health professionals interviewed stated that they are scared to ask about sex work as they are not confident to deal with the subject and to be able to provide adequate care.⁶³

An additional factor that deters sex workers from visiting counselling centers and clinics is because of their practice of providing services to other groups of clients, such as people who have 'problematic sexualities', have experienced sexual trauma, self harm or are victims of trafficking. This approach might also alienate many sex workers as not everyone identifies as a victim and being described as such might make people think the service is not appropriate for them.⁶⁴ For instance, in the prostitution unit in Malmö, sex workers have to share space with clients of sex workers, porn consumers and people with sex/porn 'addictions'.

62. Socialstyrelsen (2015). Sex mot ersättning Utbildningsmaterial om skydd och stöd till barn och unga. Available: <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2015-5-2.pdf>

63. RFSL (2011). Osynliga Synliga Aktörer - Hbt-personer med erfarenhet av att sälja och/eller köpa sexuella tjänster. Available:

https://www.rfsl.se/wp-content/uploads/2019/01/RFSL_Osynliga_Synliga_Aktörer.pdf

64. Levy, J. (2014).

In Sweden, mental health of sex workers is often talked about as a consequence of doing sex work, propagating the idea that all sex workers have post-traumatic stress disorder. Alternatively, it is claimed that sex workers have mental health problems or childhood trauma, which lead them to the sex industry. Despite these popular notions and preconceptions about sex workers' mental health, very few attempts have been made to assess how a criminalised and highly stigmatised environment is shaping sex workers' mental health outcomes.

In the participatory research project SWMH - Sex Work and Mental Health,⁶⁵ many of the Swedish participants mention peer support, networks, community and ability to be open about sex work with one's friends and family as useful strategies to mitigate the impact of stigmatisation. However, there are several obstacles to obtaining peer, family and community support. Firstly, sex workers can not meet and provide peer support to each other as workplaces are highly criminalised. The fear of being identified as a sex worker when meeting with others in public is also significant. According to the SWMH study, Swedish sex workers also have high mistrust towards mental health practitioners and report most experiences of prejudice and misdiagnosis compared to participants from other countries in the study.

“ Because I was open with my health care professionals about being a sex worker, I was wrongly diagnosed with borderline personality disorder/emotionally unstable personality disorder for ten years. This led to me getting the wrong treatments and nearly committing suicide.

[A SEX WORKER MEMBER OF FUCKFÖRBUNDET]

65. See more about the project: <https://www.sexworkmentalhealth.org/>

Intersecting stigma & discrimination: barriers to healthcare for sex workers who are migrant, LGBT and/or use drugs

In Sweden, an estimated 70%-80% of sex workers are migrant or mobile sex workers, from the European Union (EU) or countries outside of the EU. The most significant obstacle for this group is the lack of Swedish 'personnummer' (social security number) which is hard to access, especially if one does not have a regular job and health insurance from their home country. Without this, migrant sex workers have difficulties in accessing non-emergency support from services targeting sex workers, including drug treatment, long-term counselling or support for exiting sex work and entering the mainstream labour market.

“ 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 WORKER]⁶⁶

66. Quote from Vuolajärvi, N. (2018).

Without a permanent residency permit or the hard-to-obtain 'personnummer', migrant sex workers are also barred from social benefits, such as social services, housing and childcare support, drug counselling and free education, which puts them in a position of great difficulties when trying to leave sex work in comparison with Swedish citizen sex workers. As selling sex can be a ground for deportation and service providers are required by law to report suspected crimes punishable with more than one-year sentences, such as pimping and trafficking offenses, migrant sex workers are deterred from reporting crimes and seeking support from healthcare service providers.

People who use drugs face similarly negative and condescending attitudes from healthcare providers in Sweden. The ultimate goal of public health strategies is a 'narcotics free Sweden', and all means are justified to reach this. In its attempts to achieve a drug-free society, Sweden has pursued a 'zero-tolerance' approach to drug use, prioritising investments in law enforcement, prevention and abstinence-based treatment. Initially, drug use was only punishable by a fine, but since 1993 imprisonment was included as a potential sanction.⁶⁷ The number of people convicted of drug offences and of drug-induced deaths have constantly increased ever since. In 2012, Sweden's drug-induced mortality rate was three times the European average.⁶⁸

Harm reduction measures such as needle exchange for people who use drugs have existed in Malmö and Lund since the mid-1980s but in the rest of Sweden they were unavailable until 2006. In Gothenburg, the second largest city of Sweden, the first needle exchange only opened in December 2018.⁶⁹ Naloxon, a medication against opioid overdoses, can only be obtained through medical personnel and is not available for take-home use.⁷⁰ Furthermore, Sweden is the only country in Scandinavia that has no supervised drug consumption facilities.

67. <https://transformdrugs.org/drug-policy-in-sweden-a-repressive-approach-that-increases-harm/>

68. European Monitoring Centre for Drugs and Drug Addiction (2014). Country overview: Sweden – Drug-induced deaths and mortality among drug users.

Available: <http://www.emcdda.europa.eu/publications/country-overviews/se#drd>

69. <https://www.svt.se/nyheter/lokalt/orebro/rena-sprutor-till-missbrukare-aktuellt-over-hela-sverige>

70. European Monitoring Centre for Drugs and Drug Addiction (2012). Harm reduction overview for Sweden. Available: <http://www.emcdda.europa.eu/country-data/harm-reduction/Sweden>

Often, intersectional stigma against sex workers who use drugs leads to denial of treatment or treatment that is only offered on the condition of quitting sex work. Therapy for sex workers has also been reported to be denied as long as they are using drugs, such as in the case of Mikamottagningen, the prostitution unit in Stockholm.

LGBT sex workers are also systematically excluded from healthcare services. Some of the specialised service providers for sex workers claim to be LGBTQ-certified. However, they do not offer HIV-testing and their existing healthcare services are clearly aimed at cisgender women. At the same time, HIV testing centres which specialise in men who have sex with men and trans people are not equipped to provide testing and counselling for sex workers. According to Pegasus, an NGO offering HIV testing for young people, very few young sex workers are accessing any service at all. This occurs despite clear demand: a third of all trans respondents in a Pegasus report state that they would like support around selling sex.⁷¹

Recently, NGO reports⁷² have surfaced, according to which a large number of young migrant men engage in survival sex work since support for those without refugee status was recently cut back. Their vulnerability is often overlooked as helping professionals and authorities often associate their increasing income with criminal activities, as opposed to young migrant women who are automatically labelled as selling sex.

71. <https://rfslungdom.se/produkt/sex-for-x/>

72. See more:

<https://www.svt.se/nyheter/lokalt/skane/saljer-sex-i-utbyte-mot-boende>

<https://www.svt.se/nyheter/lokalt/vast/ensamkommande-saljer-sex-pa-gatan>

Client criminalisation beyond Sweden: detrimental effects of a policy export

Since its introduction, the Swedish model has been considered in legislative debates across Europe and internationally, and promoted by a diverse group of stakeholders, such as politicians, abolitionist feminists and religious groups as best practice to support gender equality and fight trafficking. As mentioned in previous chapters, no systemic evaluation by the Swedish government has ever been carried out of the law and its impact. This lack of evidence, however, did not prevent other governments from importing the model, despite differences in income disparities, gender equality, police corruption and transparency, social benefits amongst other factors between Sweden and the countries in question.

The Swedish model was introduced in Norway in 2009. In contrast with Sweden, there is significant evidence available from Norway on the detrimental effects of the law. According to the government commissioned evaluation from 2014,⁷³ sex workers are in a weaker bargaining position, face more safety concerns and rely more on aggressive and abusive clients and third parties than before the law was introduced. These findings echo the results of an Oslo survey from 2012⁷⁴ that show that sex workers faced increased violence after the law was introduced, especially street-based and Nigerian sex workers.

In 2016, Amnesty International published its research on sex work in Norway,⁷⁵ which provides a detailed account of the human rights abuses under the Swedish model. According to the Amnesty International research, based on 54 interviews with sex workers, representatives of state agencies and NGOs, sex workers in the country face high levels of policing leading to eviction, loss of livelihood and/or deportation, worsening attitudes towards sex workers by the public and increasing exposure to exploitation.

73. Rasmussen I. et. al. (2014).

74. Bjørndahl, U. (2012). Dangerous Liaisons. A report on the violence women in prostitution in Oslo are exposed to.

Available: <https://humboldt1982.files.wordpress.com/2012/12/dangerous-liaisons.pdf>

75. Amnesty International (2016). The Human Cost of Crushing the Market: Criminalization of Work in Norway. Available: <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>

In France, sex workers report similar tendencies after the Swedish law was introduced in 2016. The results of a large-scale research led by Medecins du Monde⁷⁶ with the participation of 583 sex workers show that 63 percent of sex workers have experienced deterioration of their living conditions, more isolation and greater stress, 42 percent of sex workers are more exposed to violence and the majority of the community (78 percent) have experienced a loss of income due to decrease in number of clients and fall of rates. Even though the overruling of previous criminalisation of sex workers is claimed to be a success of the legislative change, the research states municipal by-laws restricting sex work at the local level and regular identity checks aimed at those selling sex result in sex workers still being more often criminalised than their clients. Sex workers often report intimidation by the police, including being pressured to report clients. If they're undocumented they are frequently threatened with deportation if they do not comply.

Increasing vulnerability to violence has also been reported in Ireland, where the Swedish model was introduced in 2017. UglyMugs, an app allowing for the safe reporting of violent incidents, the number of reports of abuse and crime has greatly increased.⁷⁷ Comparing the two years before and the two years after the new law came in, crime has increased 90 percent and violent crime specifically has increased 92 percent, based on the statistics of the app.

76. Le Bail, H. and Giametta, C. (2018). What do sex workers think about the French Prostitution Act? A Study on the Impact of the Law from 13 April 2016. Syntheses. Available: <https://www.medecinsdumonde.org/sites/default/files/ENGLISH-Synthèse-Rapport-prostitution-BD.PDF>

77. <https://uglymugs.ie/wp-content/uploads/um-statement-26-mar-2019.pdf>

Policy recommendations

Our recommendations follow key global and regional standards underpinning states' positive obligations to protect sex workers from discrimination and violence, and civil society positions on sex work decriminalisation, articulated by many international and national non-governmental organisations⁷⁸ over the past decade.

SEX WORK

- Facilitate a comprehensive research project that assesses the living and working conditions and human rights of sex workers in Sweden, and the consequences of the Sex Purchase Act, with the active involvement of sex workers and their organisations.
- Revise the Sex Purchase Act in light of the research evidence and in close cooperation with sex workers from all genders, migration statuses and socio-economic backgrounds.
- Carry out a meaningful consultation process with sex workers living and working in Sweden in order to establish a legislative, policy and regulatory framework that respects their human rights and improves their safety and working conditions.
- Provide stable and sufficient funding to service providing agencies and NGOs that work with people who sell sex, prioritising and centring sex worker leadership in their operations.
- Provide sufficient funding for sex worker led initiatives in order to support and recognise their role in community empowerment and prevention of exploitation and trafficking in human beings in the sex industry.
- Include sex worker led organisations into designing, implementing and evaluating social inclusion and rehabilitation programmes for victims of trafficking and for sex workers who want to exit the sex industry.
- Take action to reduce the stigma associated with involvement in the sex work sector. Measures to reduce stigma include improving public attitudes towards sex workers, providing agencies, authorities, NGOs and the general public with nuanced and non-stereotypical information about sex work.

78. The demands of the sex workers' movement, such as the decriminalisation of sex work, recognition of sex work as work and protection of sex workers' human, health, and labour rights have been taken into consideration by Amnesty International, Human Rights Watch, La Strada International, the Global Alliance Against Traffic in Women (GAATW), Transgender Europe (TGEU), the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) and its European region (ILGA-Europe) and the Platform for International Cooperation on Undocumented Migrants (PICUM).

MIGRATION AND TRAFFICKING

- Revise immigration policy to ensure that laws and policies on the deportation of migrants are not being applied in a discriminatory way.
- Support irregular migrants' regularisation and the end of deportations of (undocumented) migrants.
- Provide non-EU citizens who are victims of exploitation, abuse and/or trafficking with residence permits which is not dependent on assisting with the prosecution of their perpetrators.
- Recognise that immigration policies impede migrant (sex) workers' access to justice. Therefore firewalls between immigration enforcement and service provision in the area of healthcare, social services and the justice system should be implemented.
- Ensure that expulsion from Sweden on the sole grounds of irregular migration status is applied in strict compliance with domestic law and only after a thorough individual assessment of each person's situation, including their risk of serious human rights violations upon return.

HEALTH

- Take necessary measures to ensure that condoms are not used as evidence of sex work or that condoms are confiscated from sex workers.
- Implement the guidelines of comprehensive HIV/STI programmes with sex workers, issued by UN agencies and the World Health Organization,⁷⁹ establishing community-led services, condom and lubricant programming, anti-violence measures and capacity-building for the sex worker community.
- Reform laws and policies that limit access to health services on the basis of residence or employment status.
- Decriminalise drug use and scale-up gender-sensitive harm reduction measures across the country, taking into consideration the needs of groups facing intersectional discrimination, such as sex workers who use drugs.

79. WHO, UNFPA, UNAIDS, NSWP (2012).

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Written by Fuckförbundet members:
Miranda W, Varis L, Lily B, Nanami K, Lena H

Editor: Boglárka Fedorkó

Text review: Jay Levy and Niina Vuolajärvi

<https://www.fuckforbundet.com>

