

The Swedish Model of criminalising sex work since 1999 - Briefing Paper

What has changed and what has stayed the same since the Swedish Government criminalised sex work over a decade ago?



This briefing paper resulted from a visit by Pye Jakobsson, sex worker representative, Rose Alliance, (Sweden) to Scarlet Alliance, National Office, Redfern, 10th June 2011

Sweden sees itself as the perfect society and decided over a decade ago that they no longer tolerated sex work, drug taking or HIV transmission. They criminalised everything associated with the behaviours of sex workers and drug users, and the non-disclosure of HIV status. In addition to the laws against the possession and sale of drugs, it is also a criminal offence to take drugs or have them in your system, as a result the jailing of people who take drugs is common. Sex workers in Sweden face systemic and extreme social marginalisation, and people living with HIV fear arrest and jail.

The following are outcomes of the zero tolerance policies in Sweden:

- There is only one needle and syringe program in Sweden, run by the Swedish Drug User Union. It has to operate in a grey area of the law. Doctors are not allowed to prescribe injecting equipment to people who are suspected of using drugs.
- The Government funded condom distribution programmes in Sweden only target men who have sex with men. Local councils are meant to distribute condoms to sex workers, but in reality it only happens in the City of Malmö.
- Sweden has the highest rate of HIV-related convictions per capita in the world (as measured by UNAIDS). This means Sweden jails more people living with HIV than any other country in the world.
- There is no anonymous STI testing for sex workers in Sweden.
- Health care is meant to be universal in Sweden; however sex workers are treated very differently to other people.
- Sweden's pimping laws target everyone. Even the son of a sex worker has been charged with pimping because he was not paying rent to his mother.
- Sex workers choose to work alone in order to avoid the pimping laws. This marginalises sex workers from their families, friends and colleagues.
- The anti-client laws are used maliciously against sex workers. For example ex-partners, neighbours and others who may wish to harass a sex worker will use the laws to do so.
- The estimated number of clients in Sweden is the same now as it was prior to the criminalisation of behaviours related to sex work.
- The estimated number of sex workers in Sweden is the same now as it was prior to the criminalisation of behaviours related to sex work.

- There is a claim that street based sex work numbers dropped in Sweden after the introduction of the laws in 1999. However the laws coincided with the rise in the use of social networking to contact clients, something popular among street based sex workers in the cold country of Sweden.
- The sex work laws were passed as part of the anti-domestic violence laws and the laws against female genital mutilation. The laws are viewed and policed as if sex work only affects heterosexual women sex workers and their heterosexual male clients; the sexual and gender diversity of sex workers is not recognised and sex workers of other genders and sexualities are rarely policed.
- Sex workers have lost their children as a result of the law. They are seen as unfit to be parents if they do not repent and leave sex work.
- Newspapers won't take advertisements from sex workers.
- Locally run sex worker advertising websites in Sweden have been closed down.
- A locally run website owner has gone to jail for two years simply for running a website for sex workers.
- A Thai sex worker working with a visiting friend was charged for 1.5 years in prison for pimping.
- Isolated sex workers don't come forward to services.
- Social work services for sex workers are contingent on sex workers breaking down and saying that they dislike their work, they don't want to do sex work, and they are willing to enter therapy to stop doing sex work.
- When sex workers do not denounce their profession they are seen as having mental health issues. They are viewed as mentally unstable because they view sex work as a job that does not victimise them.
- There are no reliable numbers produced by these services, it is unknown how many sex workers they assist and how many sex workers are turned away.
- It is widely accepted that these laws aim to severely reduce a sex workers income. There were to be replacement income support programs provided – these have not eventuated.
- The laws view sex work as a 100% victimising profession. The law sends a message that no sex worker can ever choose to do sex work.
- Sex workers have been fired from the health sector (ie from being nurses or public health officials), from the education sector (ie fired from being teachers) and from the police force.
- Migrant sex workers still face unfair deportation as a result of being assessed as having had "dishonest earnings". This is an arbitrary decision by Swedish Immigration officials.
- Migrant sex workers have been denied entry into Sweden as a result of Swedish Immigration officials finding condoms in sex workers suitcases.
- Police resources are spent on following clients to sex workers homes, staking out such homes, and waiting for the "event" to take place so that the client can be charged.

- Police often bring social services with them when they visit sex workers homes to arrest their clients. The police working in tandem with social services to pressure sex workers to leave sex work, question them about their family and children, and other forms of welfare investigation.
- Police call landlords and urge them to evict the sex worker or else the landlord will be charged with pimping.
- Police tell neighbours about them having a sex worker in their building.
- Police see sex workers as undesirable criminals, and sex workers are the target of heavy surveillance.
- The emotional and financial persecution of sex workers is seen as a positive outcome of the laws; such use of the laws is seen as appropriate in Sweden.
- The Swedish Government resources for fighting sex work and for fighting human trafficking are all bundled together - there is no policy differentiation between those two phenomena.
- Human trafficking is actually impossible to identify in Sweden, because it is seen as the *same* as sex work.
- There is a massive amount of stigma and discrimination affecting sex workers lives as a result of the laws, the policies, the pervasive idea that no sex workers could actually want to do sex work, and the treatment of those who do want to do sex work as having a "false consciousness."
- There have been no beneficial outcomes for sex workers, drug users or people living with HIV as a result of the Swedish approaches to any of these populations.

Sex workers in Sweden oppose the laws that have criminalised their workplaces. Sex workers in Australia oppose such laws being implemented in Australia. Sex workers globally oppose these laws.

For more information please see the following links:

Petra Ostergren “The sex workers say that they feel incapacitated by the state and not respected. They maintain that their rights as citizens are violated. Several of them state that they are an important part of society, that they contribute to it, but that they are actively excluded from it. They also think sex workers are denied the benefits of the welfare state - something that is granted all other Swedish citizens.” Taken from “Sex workers Critique of Swedish Prostitution policy”
http://www.petraostergren.com/pages.aspx?r_id=40716

Europap Conference UK 2002 “It was agreed that the Swedish legal model (criminalising clients of prostitutes) was being touted by some as an exemplary model, however sex workers have spoken out against this.” <http://viplounge.wordpress.com/2006/11/30/europap-conference-attendees-condemn-swedish-prostitution-laws/>

Elena Jeffreys “The legislation has resulted in sex workers facing greater danger, being paid less and without the means to work in a safe environment.” Taken from “Sweden No Model for Laws” 2011
<http://www.onlineopinion.com.au/view.asp?article=11757>

Petra Ostergren, “Brave New Man” “Radical feminist theory that prevails on issues concerning violence and sex in Sweden was already being questioned by feminists and academics as much as thirty years ago. However, the alternative theories that developed as a result of this criticism have not circulated much in Sweden.” <http://www.axess.se/magasin/default.aspx?article=650>

Johannes Eriksson “The Swedish view doesn’t seem to be very concerned with sex workers as human beings, but more with abolishing *prostitution as an idea*.” http://www.glow-boell.de/media/de/txt_rubrik_2/160305LLVortrag_Eriksson.pdf

Bayswan critique of Swedish Laws http://www.bayswan.org/swed/swed_index.html

Scarlet Alliance www.scarletalliance.org.au

Rose Alliance <http://www.rosealliance.se/>

Pye Jakobsson on You Tube www.youtube.com/watch?v=7D7nOh57-l8

Rachel Wotton on You Tube www.youtube.com/watch?v=JTXh8NQYK7k