

# *The Effects of Client Criminalization on Sex Workers' Situation and Health – Experiences from the Nordic Region*

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# Research on commercial sex and migration under “the Nordic Model”

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The so-called “Nordic model” of prostitution and its intersection with immigration policies in three countries that have adopted some degree of client criminalization: Sweden, Norway and Finland

Over two years of fieldwork 2012-2018 (14 months in Sweden, 12 months in Finland, 7 months in Norway)

Observations and field discussions at social and health service providers, activist networks, street working environments, clubs where sex is sold, and online forums

210 interviews in total: 135 with people who sell sex (mainly cis women) and the rest with social workers, state officials, activists and the police operating within the field of commercial sex

Special focus on the interconnections of migration and sex work

# Contemporary field of commercial sex in the Nordic region

Generally low level of commercial sex because of high level of social welfare and relative gender equality

- Strong social and symbolic significance: commercial sex challenge to the ideals of gender equality and the welfare state

## Two major changes since the 1990s:

### 1. Internationalization: 70-80 % migrants

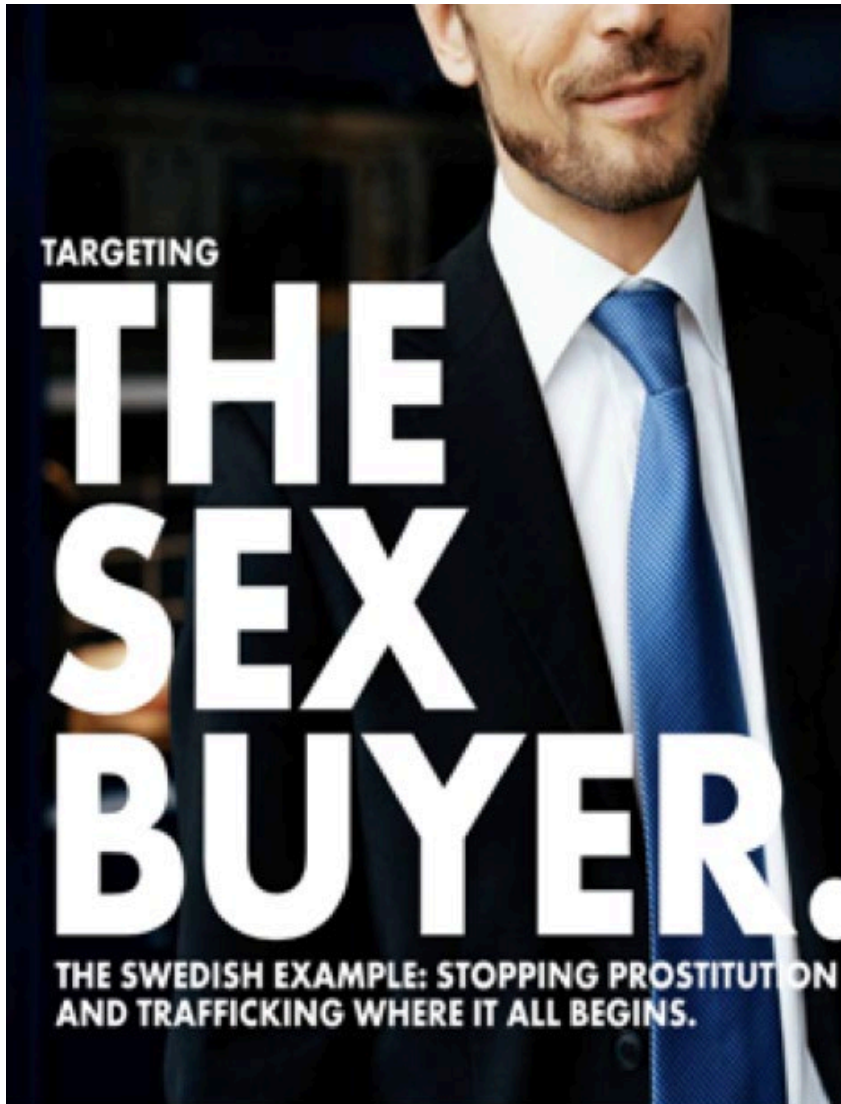
Main nationalities: Russians and former Soviet countries, Romanians and Bulgarians, Nigerians, Latin Americans, Thais and then of course nationals

Prices vary for full service from 70-250 Euros per hour -> Relatively high prices make cross-border sex work tempting

### 2. Rise of online media: Most of commercial sex moved indoors and use Internet for communication



The image shows a screenshot of the RealEscort Sweden website. The header features the text "Escort & Massage REALESORT SWEDEN" and a welcome message in Swedish: "Välkommen till RealEscort Sverige. RealEscort.se är en sida med massage och escorttjejer/flickor från hela Sverige." Below the header, there are two rows of profile cards for escorts. Each card includes a photo, the name, location (Stockholm), dates, and a "Visa annons" button. The profiles shown are: Squirting\_Goddes, Emma, Katya, RUBY HORNY C, Monicka, Evelina, Sonya hot, and Carina Vip.



# Law originating in Nordic feminism

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- Sweden 1999, Norway 2009, Finland partial criminalization in 2006
- Goal abolition of commercial sex through targeting the “demand” for sexual services
- Criminalizing the buying but not the selling of sexual services
- “Woman-friendly” solution to the problems of commercial sex
- Stated aim to move focus from women to clients, traffickers and pimps
- Symbolic law: Educating men and promoting gender equality
- Sweden active in promoting the law abroad as a feminist-humanitarian “social innovation”

# Complicating the “model”: Immigration policies and third party regulation

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## 1. Immigration policies

- Selling sex a ground for denial of entry and deportation for third-country nationals (coming outside EU/Schengen)

→ **Criminalizing migrant sex work**

## 2. Third party regulation / “pimping” laws

- Criminalize supplying a space for a sex sale, providing contact information, and marketing of commercial sexual services *even when not for profit or exploitative*
- In Sweden and Norway renting a flat or offering a hotel room for sex sale can be grounds for pimping even when it is a “normal rent contract” (Finland no)

→ **Criminalizing places for selling sex, working together, and all kind of facilitation of sex work**

# “Contradictory law”: Women still main target of policing

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“This is a contradictory law. They kind of let you work but they control you – at the end, they force you not to work. If you are on the streets they will control you [check papers] and this is kind of a trap because this will result in your name ending into the police records. It is also a form of intimidation, a psychological pressure. Also, when you are in an apartment, they can come to your apartment, control you and force you to leave, either by using intimidation or calling the owner and telling him that he is doing a crime. In the end, you are not really allowed to work. They say you can work, but you cannot work in an apartment because then the owner is a criminal, you cannot work in a hotel because then the hotel is criminal. They force you out of the apartments, they force you out. They say that this law is for the women, but it isn’t. It affects our work.”

*Lina, a Latin American trans woman about working in Sweden and Norway*

# “Fear of the police”: Migrants focus of police activity

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“Here we have the fear of the police. I have pressure. If you are walking on the streets here, sometimes they control you, check your ID. Okay, you are from Spain. They say that you have to go to the ticket office [to buy your return ticket]. You have to go back to where you came from. You have to go back to Spain or Italy or wherever you came from. They will [deport and] ban that person to not to come here for four to five years. That’s a reason why we’re afraid. If you have a European passport [citizenship], they are a little bit nicer – because most of the people with European passport have a job here, they have Finnish documents. I’m not like them. They have two jobs, work in the street and work in factory. They don’t get shocked like me when they see the police.”

*Mary, a Nigerian woman about working in Finland and Norway*

# Pimping and immigration laws preventing reporting of violence

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“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 you to contact the police, but you have the 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 the contact with the 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, a Latin American trans woman about working in Sweden and Norway*



# Summary: the punitivist consequences of the "Nordic model"

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- Client criminalization enforced through women:
  - Often a way to enforce other laws or start investigations -> exposes to police harassment and punitive measures
  - Hampers safety practices when sex workers need to focus on making their clients safe & makes screening difficult -> exposes to violence
- Double standard: Migrants priority in policing, nationals rarely have contact with the police
- Immigration and third party laws become central -> leads to identity checks (street), deportations, and evictions (indoor workers)
- Third party regulation results in dire housing situation and pushes sex workers into more informal and possibly exploitative living arrangements → can increase rather than reduce pimping
- The immigration and third party laws prevent sex workers from seeking help from officials in exploitative situations or when victims of crime
- Especially in Sweden client criminalization has created an overall negative attitude towards sex work in the society → intensifies the stigma sex workers experience in society & when meeting with officials, clients, and service providers
- Sweden, unlike Norway and Finland, has no low-threshold harm reduction services, services focused on therapeutic counseling
  - Hard to get legal advice and access to STI testing/health services, especially for migrants who are not entitled to the state services



**88%** of sex workers<sup>1</sup> are against the criminalisation of clients



**38%** of sex workers<sup>1</sup> find it increasingly hard to demand the use of condoms



**63%** of sex workers<sup>1</sup> have experienced a deterioration of their living conditions

- The law obliges sex workers to work in more isolated places or via internet in order to maintain their livelihoods.

- Sex workers are more regularly confronted with stressful situations which have a negative impact on their physical and psychological health.

- The decreasing number of clients has given remaining clients more power to negotiate unsafe sexual practices.

- The decreasing time available to negotiate with clients has made it harder for sex workers to impose their conditions.



**70%** of sex workers<sup>1</sup> observe either no improvement or a deterioration of their relations with the police.

- Local municipal bylaws and police identity checks mean that sex workers are still more often criminalised or arrested than their clients.

- Fear of the police is an obstacle to accessing legal protection especially for victims of violence.



**78%** of sex workers<sup>1</sup> have experienced a loss of income

- The law has impoverished many sex workers, especially those who already in economic difficulty, in particular migrant women working in the street.

- The reduction of the number of clients and increased competition between sex workers has caused prices to fall.



Only **39%** of sex workers<sup>1</sup> are aware of the existence of an "exit-program" and, of those who know of its existence, only 26% intend to apply.

- Although a majority of those asked expressed the desire to change activity, the "exit-program" does not correspond to the needs of most sex workers.

- The restrictive conditions of the exit-program prevent many from applying.

- The large local variations in the implementation of the exit-program and the criteria used to select applicants create territorial inequality for sex workers.



**42%** of sex workers<sup>1</sup> are more exposed to violence than previous to the law's introduction

- In order to stay hidden, negotiations with clients are reduced to a bare minimum and thereby reduces sex workers' ability to evaluate and select their clients.

- Sex workers are increasingly obliged to accept clients whom they would previously have refused, even if it involves being more exposed to violence.

# Medicins du Monde 2018: Impact of client criminalization in France

- ❖ Report based on survey of 583 sex workers and 70 in-depth sex worker interviews
- ❖ Results: Increase in violence, deterioration of living conditions, loss of income, hard to negotiate condom use, deterioration of relations with police, low awareness or suitability of the exit programs

# Summary of other research findings from Sweden (Source: Holmström & Skilbrei 2017: The Swedish Sex Purchase Act: Where Does it Stand?)

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- There is no systematic research before and after the introduction of the client criminalization in Sweden. Also the rise of the internet and general move of commerce online in the 1990s makes it hard to assess the impact of the law.
- Reduction in levels of prostitution: Street prostitution down 50 %, but Internet escort ads rising → hard to say anything as Internet was not an arena when the law was passed
- Reduction of trafficking: Hard to say as there was no data before the law on trafficking and the data from different countries is not comparable. Some studies claim that there is less trafficking in countries that implement harsher prostitution policies (both on buying and selling). Also, police in Sweden says that it helps to prevent trafficking but it is hard to assess if one law could have that kind of effect.
- Reduction in levels of buying: From 13% to 8% decrease before vs. after the law in surveys (illegality of the act might reduce the willingness of people to report buying).
- Impact on attitudes: Strong support for client criminalization in women (80%), men less (50%). Around 60 % of Swedes would also like to criminalize the selling of sex → Has made attitudes towards commercial sex generally less permissive.
- Consequences for sex workers: Report experiences of stigmatization, distrust and discrimination in contact with authorities and when reporting crime. Also prevents them seeking STI testing and health advice and some service providers give conditional support (exiting sex work). Generally makes safety/screening practices more difficult (clients avoid identifying).

# Some policy suggestions based on research

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## **Alien's Act and immigration policies:**

- Removal of selling sex as a ground for deportation (discriminates migrants selling sex)
- Loosening of labor market regulations to facilitate migrants' access to formal labor markets
- Creating more legal forms of migrating (reduces dependence on informal travel arrangements and trafficking)

## **Third party regulation:**

- Loosening of the "pimping paragraph" so that renting an apartment for a person who sells sex is no longer a crime if not exploitative
- Would allow sex workers to rent apartments from regular housing markets & work together
- Reduces exploitation in housing ("pimping") and violence
- Makes reporting crime easier

## **Better relations to officials:**

- Police and officials need to create relations of trust instead of harassing persons who sell sex
- Crucial in reducing violence and exploitation in the field

## **Sex Purchase Act:**

- Enforced through sex workers: Makes them target of increased policing & worsens the relationships to officials
- Hampers sex workers' safety when clients do not accept screening practices because afraid of police
- In general, directs attention and resources away from enforcing legislation that protects the rights and safety of sex workers

## **Taxation:**

- Should be able to pay taxes and register as an entrepreneur (now no clear rules on taxation but on the other hand if you do not pay taxes you can get large tax fines)

## **Service provision for people who sell sex:**

- Low threshold anonymous health and social services & legal aid
- Needs to be grounded in respect of and compassion for sex workers & developed together with sex workers and from their needs
- Work opportunities and training for people who want to exit commercial sex (language courses, work training cooperation with companies)