

My Background

My name is Jay Levy, and I have conducted research in Sweden since 2007 on the results of their 1999 criminalisation of the purchase of sex, and have conducted additional fieldwork in Norway on their sex purchase law. Fieldwork involved over three years in the field. This research was conducted as a member of the Department of Geography at the University of Cambridge, where I also taught undergraduates between 2007 and 2012, at which point I completed my PhD. I now work for an NGO in London, and am additionally a consultant for several organisations on issues surrounding sex work legislation and policy, as well researching and writing on drug legislation, policy, and harm reduction.

I have interviewed and conducted participant observation and ethnographic research with people who sell sex in Sweden; furthermore, respondents were interviewed due to their work or expertise surrounding prostitution, and included politicians, NGO workers, spokespeople for lobby, activist, and rights groups, police, healthcare providers, and social workers. I have gathered a large quantity of data, with transcriptions from interviews coming to over 400,000 words.

Response to the Bill

Clause 6 of the Bill: Paying for sexual services of a person

To begin with, I find it concerning that, as with Sweden's legislation, 'sexual services' is assumed to have a meaning, and thus is not defined. Similarly, 'payment' is open to interpretation. Someone being promoted at work as a result of having sex with a superior, for instance, would certainly fall under the auspices of this legislation, having supplied 'sexual services' – in a loose, sense, as allowed by the term.

Of course that sort of thing would not be prosecuted; instead, what will result is a very selective enforcement of very broad legislation. In Sweden, the focus has been almost entirely on street sex work and migrant sex work, which is assumed by default to be human trafficking (and this legislation is premised with concerning conflation of consensual sex work with human trafficking – This is despite a wealth of information highlighting the nuanced and variable nature of the sex industry in terms of both motivation for and experience of sex work). Similarly, this legislation could well be used to selectively police public space by destabilising visible sex work, and displacing sex work into clandestine space (a notable outcome of Sweden's law). That the law purports to be for the benefit of those who are victims of abuse and exploitation in the sex industry would be somewhat misleading.

I wish to respond to the Bill in terms of **what could likely be the results of criminalising the purchase of sex**. In short, and based on my knowledge of and research on criminalising legislation, and a criminalisation of the purchase of sex in Sweden and Norway, I do not support the proposed Bill. Criminalising the purchase of sex is associated with a plethora of negative outcomes. This activity should not be constructed as an offence, and I would assert that increased penalty serves simply to displace, marginalise, and exclude to a greater extent (on the part of both those who sell, and those who buy, sex). There already exists legislation criminalising coercion

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and force throughout the EU – Further legislation, asymmetrically criminalising activity between two consenting adults, is unnecessary and counterproductive.

To begin with, Sweden's criminalisation of the purchase of sex has not, as is suggested by some (including Ms Gunilla Ekberg, who I note has fed into the political discussion in Northern Ireland), resulted in any demonstrable diminution in levels of prostitution *or* trafficking. My research and that of others (for example see Östergren and Dodillet) casts doubt on whether levels of street prostitution have decreased on a permanent basis (respondents with long-standing experience of street prostitution called this into question), and levels of prostitution generally are extremely difficult to monitor, where the vast majority of prostitution is off street and online. There is absolutely no robust data suggesting levels of prostitution (or trafficking) have, overall, declined following 1999 (as was the law's intention). If I may quote the Swedish national board of health and welfare:

“It is... difficult to discern any clear trend of development: has the extent of prostitution increased or decreased? We cannot give any unambiguous answer to that question”.

(Socialstyrelsen 2008: 63)

Furthermore, negative outcomes of the criminalisation of the purchase of sex have been considerable and numerous. Sweden's legislation has resulted in prostitution becoming increasingly clandestine (this is hardly surprising, given that it is the result of many similar criminalising laws). Several of my respondents had moved from selling sex on the street to indoors when the law was introduced. Furthermore, respondents reported increasingly hurried negotiations with agitated clients, concerned about being arrested, with this impinging on the time available to negotiate transaction or take stock of potential risk. In short, some sex work has become more dangerous.

Respondents reported increased competition, resulting from a drop in clients willing to buy sex publicly following the law's introduction.¹ Some resorted to stealing to buy drugs and/or alcohol previously financed by selling sex. Increased competition has resulted in a pushing down of prices in street prostitution; where propensity to take risks when selling sex correlates with financial desperation, offering unsafe sex and 'alternative' sexual activities appears to be more common due to the law (also see Östergren and Dodillet 2011).

In addition to increased difficulties in the street, clients buying sex online are more reluctant to give any identifying information, fearing police detection; for those who need money more urgently, accepting these untraceable clients leaves them all the more vulnerable to abuse (and respondents had, indeed, experienced such difficulties following 1999).

¹ I should re-stress that there is no evidence that there are fewer people selling sex – On the street, levels of sex work did decrease immediately following 1999, but there is some evidence that they have increased to their previous levels. Further, a diminution of clients willing to buy sex publicly is not indicative of off-street sex work in the slightest, which is notoriously hard to monitor, and to reiterate, this makes up the majority of sex work in Sweden.

An idea that the law will protect people who sell sex from legal repercussion is additionally erroneous - police can and do use pimping, procuring, and pandering laws to interfere with people who sell sex directly. Respondents noted people who sell sex being evicted from property, being evicted from their hotel rooms (with police deliberately informing landlords/venues that an individual was selling sex from their premises, thus forcing the eviction - This included migrant sex workers). I additionally interviewed one individual who had been harassed by the police directly at her place of residence, with police threatening to go after her clients. I would be concerned that legislation would be used similarly were this legislation passed in Northern Ireland, alongside use of the criminalisation of the purchase of sex to disrupt the lives of the most vulnerable sex workers (street-working sex workers).

Crucially, the law has acted as a disincentive for clients to report suspected/witnessed trafficking or abuse, for fear of repercussions resulting from an essential confession of being a sex buyer. One respondent recalled two or three instances where he had not contacted the police to report suspected trafficking, for fear of legal consequences, and other respondents (sex workers and service providers) reported that clients had expressed similar concerns.

Furthermore, entrenched discriminatory police attitudes remain, with respondents noting police abuse and discrimination. In response to **Clause 7**, where it notes that there should be proper training for those engaging with people who have been trafficked, sex workers, and migrant sex workers assumed to be trafficking victims have noted police refusing to take their statements to report crime and rape, while others not been allowed to get dressed during police raids. Sex workers' reports of police abuses and unprofessionalism were numerous during my fieldwork.

Respondents noted further **difficulties with deportation in the case of migration and human trafficking**. It is worrying that though legislation purports to protect sex workers, as well as victims of trafficking, from legal repercussion, people who work in the sex industry are still deported as immoral and dishonest (one sex worker in particular was deported with 'she has not earned her living in an honest manner' stamped on her passport as a reason for deportation a year or so ago - I have a copy of the deportation order). Victims of trafficking are also deported, and are usually only granted temporary residency if they agree to testify at a trial; thereafter, they are deported.

Many thanks for the opportunity to submit evidence. If any further information is required vis-à-vis the results of my research and fieldwork, I will be happy to provide it. In terms of some further reading, some preliminary and limited results of my research on the outcomes of the criminalisation of the purchase of sex are available here:

<http://cybersolidaires.typepad.com/files/javlevy-impacts-of-swedish-criminalisation-on-sexworkers.pdf>

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Also see, for example:

- Gould, A., 2001, The Criminalisation of Buying Sex: the Politics of Prostitution in Sweden. *Journal of Social Policy* 30, 3: 437–456
- Kulick, D., 2004, Problems encountered so far in Sweden, in Hidden Stories: Male Sex Work in Northern Europe. *Proceedings of ENMP, Stockholm 23-24 May*
- Östergren, P. and Dodillet, S., 2011, The Swedish Sex Purchase Act: Claimed Success and Documented Effects. Presented at *The International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges*. The Hague, 3-4 March
- Socialstyrelsen (Swedish National Board of Health and Welfare), 2008, *Prostitution in Sweden 2007*
(http://www.socialstyrelsen.se/lists/artikelkatalog/attachments/8806/2008-126-65_200812665.pdf last accessed 30/09/13)