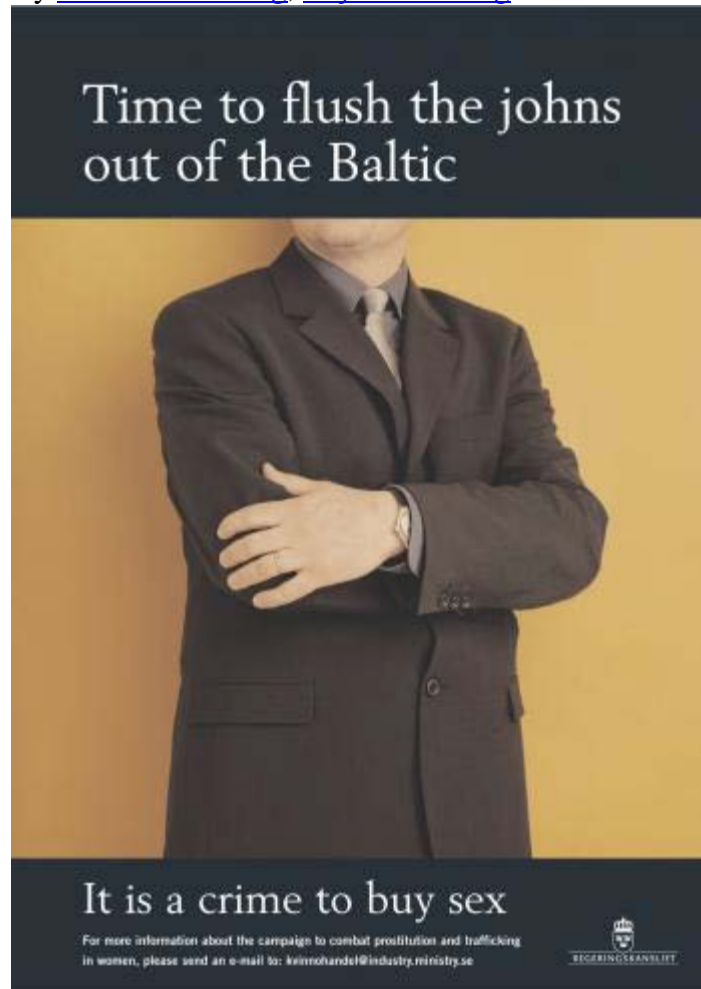


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The Swedish Approach: A European Union Country Fights Sex Trafficking

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The Swedish Government

As part of the 2002 Nordic-Baltic Campaign Against Trafficking in Women, coordinated by the Swedish government, this series of posters appeared on billboards, bus stops, and in subway stations around the country.

Since the mid-nineteenth century, the international community has joined forces in the search for effective laws, policies, and practices to prevent and combat prostitution and human trafficking for the purpose of sexual exploitation. As a result, key international treaties state that such acts are not only crimes that should be prosecuted but are also incompatible with the dignity and worth of the human person and with the equal enjoyment and advancement of the human rights of women.¹⁻³

One important initiative—the groundbreaking Swedish legislation from 1999 that criminalizes those who attempt to or have purchased a sexual service—has gained international attention as a viable and effective tool to prevent prostitution and trafficking of human beings. According to the law, “A person who...obtains a casual sexual relation in exchange for payment shall be

sentenced for the purchase of a sexual service to a fine or imprisonment for at the most six months.”^{4,5} The law was originally proposed by the Swedish women’s movement and resulted from Swedish society’s long-standing commitment to gender equality and to combating violence against women. The Swedish law emphasizes that prostitution is a serious form of male violence against women, one that targets the economically, racially, or ethnically marginalized and that it is a serious barrier to gender equality; the law considers prostitution as both harmful to victims and to society at large.

Notably, those who are exploited for prostitution in Sweden are not criminalized or subjected to administrative penalties; rather, they have a right to social-service support and exit assistance programs. The law is an expression of the political commitment and consensus in Swedish society to prevent and fight prostitution and human trafficking by targeting men’s demand for women, other men, and children for the purpose of sexual exploitation. Those men who purchase or attempt to purchase a sexual service are prosecuted and convicted; it is recognized that the law also has beneficial normative effects on the prostitution behaviour of individual men as well as on public attitudes toward prostitution and sex trafficking in Sweden.⁶

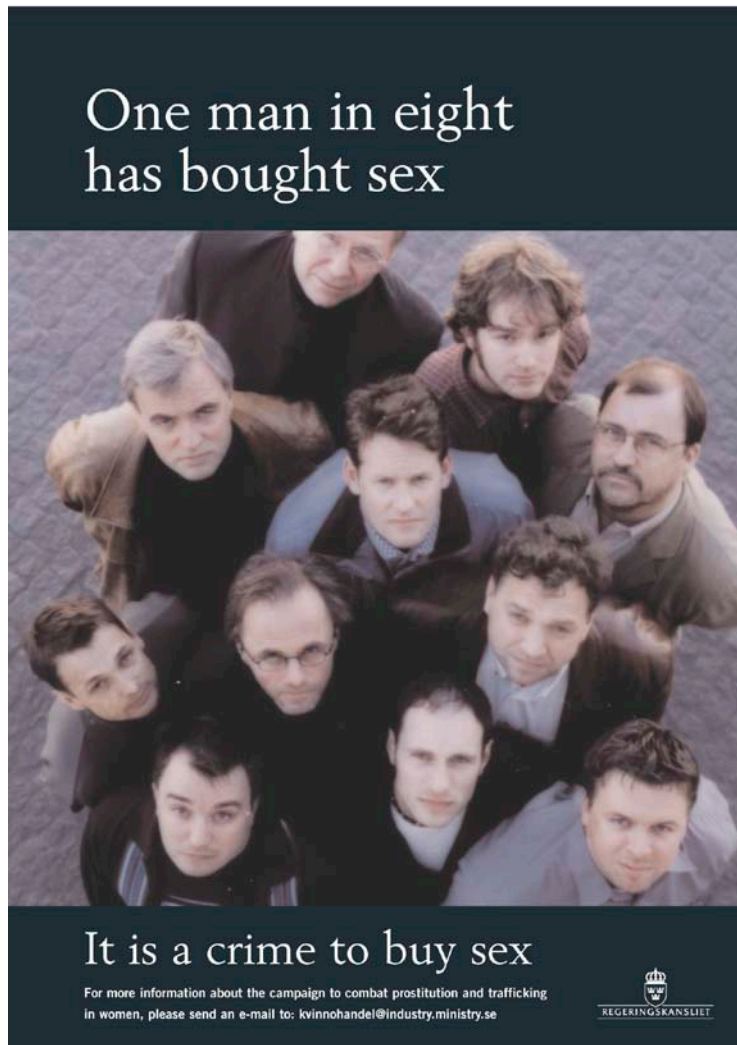
Since the legislation came into force, there has been considerable international interest in the law’s direct and normative effects as well as in the effects of the many accompanying preventative measures, such as national and multilateral awareness-raising campaigns that target potential and actual buyers; additional training for police, prosecutors, and judges; and enhanced victim exit services.

In 1998, a national rapporteur on trafficking in human beings was appointed at the National Police, as one of two monitoring mechanisms, with the mandate to investigate, monitor, and analyze the character, state, and scale of human trafficking to and within Sweden; this official is also charged with giving recommendations to the government, law enforcement, and civil society. The rapporteur’s annual reports have garnered much media and political attention and have spurred debate—in particular, the rapporteur’s conclusion that targeting the demand for prostitution and human trafficking “functions as an effective barrier against the establishment of traffickers in Sweden.”⁷

The Swedish law and its underlying principles have also been the target of severe criticism, mainly from those associated with the prostitution industry and from advocates who promote prostitution as work and who favour decriminalizing or legalizing prostitution activities such as brothels and escort services. Critics argue that legalizing the prostitution industry in some European Union countries, such as the Netherlands and Germany, has been an effective deterrent against human trafficking. In reality, by giving the prostitution industry full legitimacy as a viable economic sector, these countries have opened up attractive markets for organized crime. In 2008, eight years after the removal of the brothel ban in the Netherlands, the National Dutch Police carried out a study, titled *Schone Schijn*, of human trafficking in the legalized prostitution sector. The researchers estimated that 50 to 90 percent of women in legalized brothels were “working involuntarily.” Based on these estimates, the Amsterdam legal brothel sector alone would “employ” 4,000 victims of human trafficking annually.⁸ Due to the involvement of international organized crime networks in the legal and illegal prostitution sector, a number of

Dutch cities, such as Amsterdam and Rotterdam, have recently been forced to close down a large part of their legal prostitution markets.

Evaluating the Swedish Law



The Swedish Government

In light of these debates, the Swedish government decided in 2008 to appoint a special inquiry charged with evaluating the practical implementation of the law that prohibits the purchase of sexual services and its effects on the existence of prostitution and sex trafficking in Sweden. The 2010 report concludes that the number of persons, mainly women, exploited in street prostitution in Sweden has been halved since 1999, while in the neighbouring countries of Denmark and Norway the number is three times higher.⁹

Many of the law's critics have claimed that prostitution activities would "go underground" or be moved into other arenas as a result of enforcement. But the special inquiry report does not find this to be the case. In particular, there is no evidence of an increase in indoor prostitution. Prostitution through the Internet, however, has increased in Sweden, as it has in other countries,

but this increase is not due to the law—it is rather a consequence more generally of improved online technology. And just as with outdoor prostitution, the number of individuals sold for prostitution purposes via the Internet is much larger in Denmark and Norway.

Most notably, despite a significant increase in prostitution in neighbouring countries during the past ten years, the special inquiry report finds no evidence of a similar increase in Sweden. The report concludes that this is due to criminalizing the purchase of a sexual service in Sweden. Another significant finding, consistent with the annual reports of the national rapporteur on trafficking in human beings, is that this prohibition has deterred organized-crime networks involved in human trafficking for the purpose of prostitution from operating in Sweden.

The special inquiry report also discusses the normative effects of the law, pointing out that it enjoys strong public support (71 percent in favour) and that its implementation has led to significant positive changes in attitudes.¹⁰

What impact has the law had on the behaviour of men who buy sexual services? According to the report, men in Sweden are deterred from buying sexual services. Testimonies from individuals with experience in prostitution, as well as from police and social workers, show that perpetrators are becoming more careful and that demand has decreased considerably since the prohibition came into force. This trend is confirmed in recent academic research. According to a 2008 study, the number of Swedish men who have bought someone for the purpose of prostitution has decreased from 13.6 percent in 1996 to only 7.8 percent in 2008.^{10,11} This conclusion is consistent with the findings of international research studies, which find that men who have purchased sexual services indicate that legislation prohibiting the purchase of a sexual service is the most effective deterrent, followed by public “shaming” (e.g., through publication of photos and names in newspapers or on billboards).^{12,13} The number of men who have been apprehended since the Swedish law came into force in 1999 is steadily increasing due to training of police officers and prosecutors. Between January 1999 and December 2010, 3,440 men were apprehended; many more have been dissuaded from purchasing someone by the direct or indirect intervention of the police.¹⁴

Critics of the Swedish policy claim that Swedish men simply travel to neighbouring countries to purchase sexual services. But there is no evidence of this. Most men who purchase a sexual service are occasional buyers; they will commit the illegal act locally—on the way home from work, during their lunch hour, or while out with their mates. They will stop this behaviour when the risk of detection and prosecution increases. In countries where prostitution activities are legalized, where men are encouraged to purchase someone for prostitution purposes, their behaviour becomes normalized. As a result, men from these countries are more likely to travel as sex tourists.

More and more Swedish
men do their shopping
over the Internet



It is a crime to buy sex

For more information about the campaign to combat prostitution and trafficking
in women, please send an e-mail to: kvinnohandel@industry.ministry.se



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Despite misgivings that the Swedish legislation would make it more difficult for social workers and nongovernmental support organizations to reach women in prostitution, that prostitution would “go underground,” or that the conditions of prostituted individuals would worsen, the special inquiry report, after consultation with key informants, finds no evidence that prohibition has had negative effects on individuals exploited in prostitution. The report further recommends that those exploited in prostitution should be given adequate support and assistance to leave the prostitution industry, while those who are at risk of being drawn into prostitution should be identified and given access to tailored preventative measures, support, and assistance.

The special inquiry report also emphasizes that measures to deter those men who purchase sexual services should be developed further. Notably, it advances two proposals long favoured by the women’s antiviolence movement and other civil society actors: Firstly, the report recommends increasing the maximum prison sentence for the purchase of a sexual service from six months to one year. This would further underline the seriousness of the crime, would allow the police to arrest suspects, and would permit the use of measures that facilitate the investigation of organized-crime networks. Secondly, the report suggests that those who are used in prostitution,

mainly women, should be seen as plaintiffs in these cases, allowing them to receive court compensation or compensation through the Crime Victim Compensation and Support Authority for the harm committed against them.¹⁵

Finally, the special inquiry report recommends prosecuting Swedish citizens and residents who purchase a sexual service outside the country, following the example of the 2009 Norwegian law.¹⁶ On January 27, 2011, following these recommendations, the Swedish government proposed to extend the maximum prison sentence for the purchase of a sexual service to one year; the government did not, however, follow the suggestion to extend the application of the law to purchases of a sexual service outside Sweden. If approved by the Law Council, the amendment will come into force on July 1, 2011.

Conclusion

We, who have worked with this Swedish legislation for over twelve years, know from direct experience that criminalizing those men who use women, men, girls, and boys for the sole purpose of sexual exploitation is an effective step toward the goal of abolishing prostitution and trafficking in human beings. It is also an important tool in changing prevailing cultural patriarchal norms—in moving from a culture that normalizes prostitution as benign and that does not question the harm committed by sex buyers, pimps, and traffickers, to a culture where no one is for sale and where the political, legal, social, and economic rights of women and girls are respected, advanced, and upheld.

We strongly urge lawmakers and human rights advocates around the world to follow Sweden's example, as have the governments of Norway, Iceland, and a number of other countries: pass and enforce laws that prohibit the purchase of a sexual service, with the objective of discouraging demand, and introduce legal and policy measures that render the establishment, operation, and expansion of the prostitution industry illegal.

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