A. Prostitution: Laws & Policies

History
The initiative to criminalize the buyers originally came from the Swedish women’s movement, and was carried forward by the women’s associations of the political parties. Feminists, including women with experience of prostitution, analyzed women’s position in society and how men, through the exercise of power through violence against women ensured that the subordinate position of women was maintained, including by men using some women and children, mostly girls, for prostitution purposes.

Principles
- Swedish prostitution policies are particularly innovative. They rest firmly on human rights principles such as:
- Prostitution is a serious barrier to gender equality.
- Prostitution is a serious problem that is harmful to the prostituted woman or child, but also to society at large.
- Prostitution is male sexualized violence against women, especially targeting those who are economically, racially or ethnically marginalized/oppressed.
- Prostitution is incompatible with internationally accepted principles of human rights: the dignity and worth of the human person and the equal rights of men and women.
- Prostitution is a gender-specific crime; the majority of victims are women and girls, although a number of young men and boys also fall victims.
■ Women in prostitution are not to be criminalized or subjected to administrative punishments, and have a right to live lives without being subjected to violence through the harm of prostitution.

■ To end prostitution, the political, social, legal and economic conditions under which women and girls live must be ameliorated by introducing measures such as poverty reduction, sustainable development, measures that promote gender equality and counteract male violence against women and girls, as well as social programs focusing specifically on women and girls.

■ Eliminating the demand as the root cause of prostitution is a cornerstone of Swedish policies. If men did not consider that they had the right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual purposes would not occur. Consequently, men must take criminal and ethical responsibility for their own and other men’s oppressive sexual behaviour and change it.

■ Prostitution and trafficking in human beings for sexual purposes are seen as issues that cannot, and should not be separated; both are harmful practices and intrinsically linked.

■ All forms of legal or policy measures that legalize different prostitution activities, such as brothels, or that decriminalize the perpetrators of the prostitution industry, including pimps, traffickers, brothel owners, and buyers, are threats to gender equality and the rights of women and girls to live lives free of male violence.

■ The legalization of prostitution will inevitably normalize an extreme form of sexual discrimination and violence and strengthen male domination of all female human beings.

Online at: http://www.sweden.gov.se/sb/d/108/a/2266 (Swedish)

Online at: http://www.regeringen.se/sb/d/108/a/2069 (Swedish)

Legislation that prohibits the purchase of a sexual service/sexual act
A. On January 1, 1999, as the first country in the world, Sweden passed legislation that prohibits the purchase of a sexual service.

A person who, in other cases than previously stated in this chapter, 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 one year. What is stated in the first paragraph also applies if the payment has been promised or made by someone else. (Penal Code, Chapter 6: Sexual Crimes, section 11).

The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels, or in other similar circumstances. Attempts to buy a sexual service are also punishable.
On July 1, 2011 amendments to the offence came into force. The amendments included an increase in the maximum sentence from six months to one year in prison. The government underlined in its Bill that the aims of the legislation is to protect both individual and societal interests, and hence, that the prohibition is a crime both towards the affected individuals and public order/society.

The prohibition applies to Swedish peacekeepers stationed abroad, and has been implemented a number of time against military personnel exploiting women through prostitution in countries involved in armed conflict, such as in Kosovo.

The positive direct and normative effects of this legislation have inspired other countries in the European Union and beyond to implement similar laws e.g. Norway and Iceland (2009), South Africa (2007), and South Korea (2003). Consultations on whether to pass legislation that prohibits the purchase of a sexual act or service are presently under way in e.g. France, Belgium, The Republic of Ireland, and Northern Ireland.


B. The purchase of a sexual act from a child under 18 years of age is also prohibited.

Anyone who induces a child under the age of 18 to carry out or tolerate a sexual act in exchange for payment, shall be shall be sentenced for the purchase of a sexual act to a fine or imprisonment for at the most two years. *(Penal Code, chapter 6: Sexual Crimes, section 9 – unofficial translation)*

As part of the amendment to the sexual crimes legislation on July 1, 2013, this provision was further strengthened, allowing prosecution in Sweden of someone, resident in Sweden, who purchase a sexual act from a child under 18 years of age in a country where this conduct is not prohibited.


**Monitoring mechanisms**

a. In 1997, Sweden was the first country in Europe to appoint a National Rapporteur on Trafficking in Human Beings following a joint declaration of the European Union in 1997. This declaration recommends all member states to appoint “National Rapporteurs who are to report to governments on the scale, the prevention, and combating of trafficking in women”. The National Rapporteur investigates, monitors and analyzes the character, state and scale of prostitution and trafficking in human beings for all forms of exploitation to and within and from Sweden, and publishes annual reports with recommendations. The fourteenth annual report will be released in January 2014.

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In collaboration with the National Police, the National Rapporteur carries out inspections of local police authorities about their efforts to prevent and combat human trafficking, including the use of operational resources, and their capacity to investigate cases of human trafficking for sexual purposes, procuring and the purchase of a sexual service/purchase of a sexual act from a child.

In 2012, five police districts were randomly selected and inspected. The inspection report, which was published in May 2013, concluded that there is a need for specialist, district-based anti-trafficking units, for intensified Internet surveillance, and an clearer focus on the whole chain of perpetrators – buyers of sexual services, procurers and traffickers.

See: Rikspolisstyrelsen, Polisens förmåga att utreda ärenden om människohandel-Inspektion av polismyndigheternas förmåga att utreda ärenden om människohandel för sexuella ändamål och köp av sexuell tjänst (Tillsynsrapport 2013:7).

Online at: http://www.polisen.se/Aktuellt/Rapporteroch-publikationer/Rapporter/Publicerat---Nationellt/Dokument/Manniskohandel-for-sexuella-och-andra-ändamal/ (Swedish)

b. In 1999, in accordance with the Anti-Violence against Women Act (Kvinnofrid, Prop. 1997/98:55), The National Board of Health and Welfare (NBHW) was charged with the task to gather information on and to monitor the extent and development of prostitution in Sweden, as well as to give support to local authorities on the development and improvement of measures against prostitution. The NBHW reports annually to the Swedish government. In 2008, the NBHW was also given additional tasks to evaluate municipal services for individuals involved in prostitution as well as services for individuals who purchase or have purchased a sexual service. The NBHW has so far released four reports.


Online at: http://www.socialstyrelsen.se/publikationer2012/2012-3-8 (Swedish)

**Evaluation of the ban on the purchase of a sexual service – Special Inquiry (2008-2010)**

In 2008, the government appointed a Special Inquiry led by Chancellor of Justice, Anna Skarhed, to evaluate the implementation of the ban on the purchase of a sexual service and its effects.

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The starting point for the evaluation was that the purchase of a sexual service remains criminalized. The Special Inquiry consulted with women and men involved in prostitution, women and men who have had experiences of prostitution, the police and prosecutions services, social workers, civil society, women's, human rights and victim support organizations, public authorities, and other key stakeholders. On July 2, 2010 the Chancellor of Justice presented the Special Inquiry report to the government.

Special Inquiry conclusions on effects of the legislation that prohibits the purchase of a sexual service
1. The number of individuals exploited in street prostitution has halved since 1999.

2. The neighbouring countries, Denmark and Norway have three times as many individuals in street prostitution.

3. The concern that prostitution should move to other arenas has not been fulfilled.

4. Prostitution through the Internet has increased in Sweden as it has in other countries. This is not due to the law but due to the development generally of online technology.

5. The number of individuals that are sold via Internet web pages/ads are much larger in similar neighbouring countries such as Denmark and Norway.

6. There is no evidence of an increase of indoor prostitution.

7. Despite a significant increase in prostitution in the neighbouring countries during the past 10 years, there is no evidence of a similar increase in Sweden. It is reasonable to believe that this is due to the criminalization of the purchase of a sexual service in Sweden.

8. The prohibition has deterred the establishment of organized crime networks/groups in Sweden. As earlier has been concluded by the National Police, the law functions as a barrier against the establishment of traffickers and pimps in Sweden.

9. The law has strong support in Sweden among the public, and the law has led to significant positive change in attitudes. Hence, the law has normative effects as well as a direct effect on the reduction of crime.

10. The prohibition acts as a deterrent for the buyers of a sexual service. Persons with experience in prostitution, as well as the police, and social workers conclude that the buyers are becoming more careful and the demand has decreased considerably since the prohibition came into force.

11. Only 7.8% of Swedish men have bought someone for prostitution purposes - compared to 13.6% before the law came into force (study 2008).

12. Despite misgivings that it would be more difficult to reach women in prostitution, that prostitution would "go underground", and that the conditions of prostituted individuals would worsen, there is no evidence that the prohibition has had negative effects for individuals exploited in prostitution.
13. The enforcement of the law works generally very well, and police and prosecutors do not see any administrative or difficulties to enforce the law.

14. Good enforcement depends on resources available, and what priorities are made by the justice system.

Special Inquiry recommendations

1. Continue to prevent and combat prostitution and trafficking in human beings for sexual purposes.

2. Those who are exploited in prostitution should be given adequate support and assistance, those who risk being prostituted should be given support and assistance, and measures to deter buyers of sexual services should be developed further.

3. Creation of a national centre for the prevention and combat of prostitution and trafficking in human beings responsible for coordination, research and other matters.

4. The maximum sentence for the purchase of a sexual service should be increased to one year in prison. This will allow the police to arrest the perpetrators, and allows other police methods to be used that will facilitate the investigation of responsible networks.

5. Ensure that women in prostitution are seen as plaintiffs in cases of the purchase of a sexual service allowing them to receive compensation or start civil suits.

6. The possibility to charge Swedish citizens and residents that purchase a sexual service outside the country will be investigated further.

Online at: http://www.regeringen.se/sb/d/12634/a/149142 (Swedish)
http://www.regeringen.se/sb/d/13358/a/149231 (Summary in English)


Research data - prostitution

a. Men who purchase a sexual service

Men who purchase a sexual service represent all ages, with the majority between 25 and 55 years of age, all income classes and all ethnic backgrounds. They have been, or are married or cohabiting, and they often have children. Men who have or have had many sexual partners are the most common buyers.

Recent Swedish research shows that the majority of those men, who had purchased a sexual service, had done so on one to three occasions, whereas 10% had purchased a sexual service on more than ten occasions, often in connection with travelling for work (33%).

International studies (e.g. Republic of Ireland, Scotland, UK, Lebanon) about the prostitution behaviour of men conclude that the majority of men who have purchased a sexual service note that the most effective deterreents are:

1. Legislation that prohibits the purchase of a sexual act;  
2. "Public shaming" through the publication of personal information on e.g. newspapers, on public billboards or publically displayed posters.


b. Direct effects of the ban on the purchase of a sexual service  
According to research by the National Board of Health and Welfare, there is clear evidence of a considerable decrease in street prostitution since the law came into force.

See: *Kännedom om prostitution*, (Stockholm, Sverige: Socialstyrelsen, 2007)  

The National Rapporteur on Trafficking in Human Beings concluded in several of her annual reports that the provision that prohibits the purchase of a sexual service functions as an “effective barrier to the establishment of traffickers in Sweden” (see above). The National Rapporteur estimates that between 400 and 600 women are trafficked into Sweden every year, mainly from Bulgaria and Romania, the Eastern European countries such as Estonia and Lithuania, and from Russia. This number has remained fairly constant during the past several years.

According to a joint Nordic research study, the situation concerning prostitution and trafficking is different in Sweden than in the other Nordic countries due to the effective implementation of this legislation. There is still trans-national prostitution from several countries, particularly from Eastern Europe. However, “no large groups of foreign women have established themselves in the visible prostitution market, contrary to what is the case in Norway, Finland and Denmark”.

(Scandinavian languages)

The 2008 Special Inquiry into the Effects of the Ban on the Purchase of a Sexual Service confirmed, through an independent investigation, all these findings in their report in 2010 (see above).
Since the legislation came into force on January 1, 1999, 49,744 men have been apprehended for attempting to purchase or having purchased a sexual service (PSS). In addition, 1,066 men have been arrested for the purchase of a sexual act from a child (all girls) under 18 years old (PSA). Through the direct or indirect invention by the police, many more have been dissuaded from purchasing someone for the purpose of exploitation in prostitution.

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<tr>
<th>BRÅ *</th>
<th>-99</th>
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<th>-01</th>
<th>-02</th>
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* The National Council for Crime Prevention (Brottsförebyggande Rådet) [http://www.bra.se]

d. Normative effects – ban on the purchase of a sexual service
Swedish research shows that the law that prohibits the purchase of a sexual service has a lasting impact on the prostitution behaviour of men.

i. Fewer buyers: Research from 2008 shows that the percentage of Swedish men who have bought one or more individuals for the purpose of prostitution has decreased from 13.6% in 1996 to 7.8% in 2008.

ii. Public support for the legislation: The same study, as well as earlier studies, shows that the legislation has massive public support in Sweden; 71% of the interviewees support it fully.


Sexualization of young women and men through social media
A 2009 research study on youth and Internet use shows that approximately 10% of young people between 16 and 25 have posted sexualized photos of themselves on the Internet. Almost 50% of young women Internet users have had to field requests to send sexualized photos, talk about sex or act in front of a web camera. Only 13% of young men have had the same experiences.

Victim support services
The first municipal support and assistance services for victims of prostitution and trafficking in human beings opened during the mid-1970's in the four largest cities: Stockholm, Gothenburg, Malmö and Norrköping. Today, municipal Prostitution Groups operate in Stockholm, Gothenburg and Malmö.

These victims support services provide outreach services for individuals that are involved in prostitution, whether on the street, in indoor prostitution or on the Internet, and offer counselling, access to health care services and exit programs. They monitor changes in prostitution activities with the aim to reduce such activities, and provide information and trainings to other community social service organizations and to the public about prostitution and trafficking in human beings.

See: Stockholm:
Online at: http://www.stockholm.se/prostitutionenheten

Gothenburg:

Malmö:
Online at: http://www.malmo.se/prostitution

The Swedish women's shelter associations also provide support and protection for women who are victims of prostitution, or trafficking for the purpose of exploitation in prostitution, and for forced marriages.

See: National Organization for Women's Shelters and Young Women's Shelters (Roks)
Online at: http://www.roks.se/about-roks-1 (English)

Swedish Association of Women’s Shelters and Young Women’s Empowerment Centres (SKR)
Online at: http://www.kvinnojouren.se/english (English)

Services for buyers of sexual services (KAST)
The three municipal services for victims of prostitution and trafficking in human beings also operate separate services for those buyers of sexual services, who choose to stop buying someone for the purpose of a sexual act.

See: Stockholm KAST:
Online at: http://www.stockholm.se/Fristaende-webbplatser/Fackforvaltningssaajter/Socialtjanstforvaltningen/Prostitution--och-Spiralenheten/Koper-du-sexuella-tjanster/

Gothenburg KAST:
**B. Trafficking in Human Beings: Laws and Policy**

**Legislation – trafficking in human beings**

On July 1, 2002, comprehensive legislation that imposed criminal liability for trafficking in human beings for sexual purposes entered into force in Sweden.

On July 1, 2004, in order to be compliant with and implement the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, amendments were made to extend criminalization to all forms of trafficking in persons, including trafficking within national borders and for the purpose of, for example, forced labour, war service or exploitation for removal of organs.

In 2005, the National Rapporteur on Trafficking in Human Beings recommended that the government amend the anti-trafficking legislation. This recommendation was based on interviews of police, prosecutors and other key informants, and an analysis of case law, which concluded that the complexity of the legislation lead to recurring misinterpretations by the courts.

In 2006, the government appointed an Expert Commission with the task to develop and strengthen the existing anti-trafficking legislation. In April 2008, the government approved the recommendations set out in the Expert Commission report, and amendments to the legislation were made in May 2010:

A person, who in other cases than those referred to Section 1, uses unlawful coercion, deception, exploits someone’s vulnerability or by some other improper means recruits, transports, transfers, harbours or receives a person in order that he or she shall be exploited for sexual purposes, the removal of organs, military service, forced labour or other activities in a situation which places that person in distress, shall be convicted of trafficking in human beings and sentenced to a prison term of at least two and at most ten years.

A person who commits an act referred to in first paragraph against a person who is under eighteen years of age shall be convicted of trafficking in human beings even if none of the improper means set out therein have been used.

If an offence referred to in the first and second paragraphs is less serious, the sentence shall be a prison term of at most four years.  
*Swedish Penal Code, Chapter 4: Crimes against Liberty and Peace, section 1 (a)*

**See:** Lag om ändring i brottsbalken (SFS 2010:371)  
Crime statistics – enforcement of procuring and trafficking in human beings legislation

PROCURING (1999-May 2013)

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<td>2008</td>
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TRAFFICKING IN HUMAN BEINGS FORosexual PURPOSES (2003- May 2013)

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TRAFICKING IN HUMAN BEINGS FOR OTHER PURPOSES (2005-2012)

<table>
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<tbody>
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<td>2012</td>
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<td>2013</td>
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</tr>
<tr>
<td>Total</td>
<td>286</td>
</tr>
</tbody>
</table>

Other prevention and protection measures – trafficking in human beings

1. Time-limited, extendable residence permits, with 30 days reflection period, may be issued to a victim of trafficking in order to conclude a preliminary investigation or the main proceedings in a criminal case.

See: Förstärkt straffrättsligt skydd mot människohandel (prop. 2009/2010:152 (chapter 6)
2. A legal advocate (lawyer) charged with supporting the victim during the judicial process and applying for court-directed compensation, is appointed to all victims of trafficking, who testify against the organizers of the trade.

See: Lag (1988:609) om målsägandebiträde
Online at: http://www.notisum.se/rnp/sls/lag/19880609.htm (Swedish)

3. Victims can, in some cases and in addition to compensation ordered by the court, be eligible for state compensation from the Crime Victim Compensation and Support Authority (CVCSA), whose main task is to administrate and pay criminal injuries compensation, i.e. compensation from the state to crime victims.

In 2009, the Ministry of Justice commissioned the CVCSA to carry out a study on state compensation to victims of trafficking. The objective was to establish routines for payments that ensure that victims of trafficking in human beings for sexual exploitation actually receive the state compensation, preventing seizure by traffickers or others.

In its report from February 2010, the CVCSA concluded that in “[I]little more than half of the victims in criminal cases leading to convictions for human trafficking claimed damage from the perpetrator” due to fear of the perpetrator.

See: Holm, Fanny, Utbetalning av brottskadersättning till offer för människohandel: Redovisning av ett regeringssupdrag (Umeå, Sverige: BROM, 2010).
Online at: http://www.brottsoffermyndigheten.se/material-och-publikationer?refid=2421#o-2421 (Swedish with summary in English)

4. An important component of the work to prevent and combat prostitution and trafficking in human beings in Sweden is regular training of law enforcement, prosecutors and judges. In Sweden, the training focuses not only on adequate investigation techniques, and but importantly also on attitudes, and underlying principles for legislation and policies regarding prostitution and trafficking in human beings.

The National Rapporteur has, in her 2011 report on initiatives carried out under the National Action Plan (concluded that regular training of police and other key public agencies is a core element in the success of the Swedish law enforcement measures to prevent and combat prostitution and trafficking in human beings.

See: Wahlberg, Kajsa, Slutredovisning av regeringens uppdrag till Rikspolisstyrelsen att förstärka insatserna mot prostitution och människohandel för sexuella ändamål 2008-2010 (Stockholm, Sverige: Rikspolisstyrelsen, 2011),
Online at: http://www.polisen.se/Norrbotten/Aktuellt/Rapporter-och-publikationer/Rapporter/Publicerat---Nationellt/Organiserad-brottslighet/Slutredovisning-prostitution-och-människohandel/ (Swedish)
Students at the Swedish Police Academy also have access to comprehensive anti-trafficking in human beings training.

See: Swedish Police Academy in Stockholm.
Online at: [http://www.polishogskolan.se/Nyheter/Ny-utbildning-i-manniskohandel/](http://www.polishogskolan.se/Nyheter/Ny-utbildning-i-manniskohandel/) (Swedish)

5. A large number of awareness-raising campaigns have been carried out in Sweden and the region that focuses on the prevention of prostitution and trafficking for sexual purposes since the law came into place, including the eight country Nordic-Baltic Campaign against Trafficking in Women (2002-2003), the four-country (Sweden, Norway, Finland and Russia) Project against Trafficking in Women and Girls in the Barents Region (2004-2006) and the Government/Swedish Film Institute (2003-2004) joint school awareness raising campaign on trafficking in women and girls, which reached 65,000 high school students between 15 and 18 years of age.


Online at: [http://www.kun.nl.no/filer/Sluttrapport_Trafficking.pdf](http://www.kun.nl.no/filer/Sluttrapport_Trafficking.pdf) (English)

Online at: [http://www.sfi.se/PageFiles/8741/LILJA%204-EVER%20PÅ%20SKOLBIO%202003-2004.pdf](http://www.sfi.se/PageFiles/8741/LILJA%204-EVER%20PÅ%20SKOLBIO%202003-2004.pdf) (Swedish)

The National Organisation for Women's Shelters and Young Women's Shelters (ROKS), Swedish Association of Women's Shelters and Young Women's Empowerment Centres (SKR) and the Swedish Women's Lobby is currently carrying out a campaign (2013) to amend the offence that prohibits the purchase of a sexual service. The amendment, inspired by the Norwegian legislation, would allow enforcement against and prosecution of Swedish residents, who purchase a sexual service in another country, in Sweden.