

# Swedish Model as an Example to Prevent Human Trafficking

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In 1997, Sweden was the first country in the European Union to appoint a National Rapporteur on Trafficking in Human Beings following a joint declaration (“The Hague 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.”

In 1998, the Swedish Government appointed the Swedish Police Authority as National Rapporteur on Trafficking in Human Beings. At the time, knowledge about the scale, forms and consequences of this heinous crime was limited, in the EU as well as in Sweden. Hence, the National Rapporteur’s most important task is to monitor, analyze and present comparative data about the state of trafficking in human beings within and to Sweden, and to evaluate the effectiveness of law enforcement actions as well as legal, policy and practical measures and initiatives. The National Rapporteur also ensures that the Swedish police forces are given continuing training in how to investigate these crimes. The National Rapporteur also represents Sweden at meetings of regional and international law enforcement bodies and cooperation schemes, including as a member of the European Commission Network of National Rapporteurs.

The National Rapporteur and her team presents annual monitoring reports to the Government on the state of the situation of all forms of human trafficking in Sweden, and gives recommendations.

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### Background to the Sex Purchase Act

Sweden was the first country in the world to adopt the Sex Purchase Act.

The Act, Prohibiting the Purchase of Sexual Services, was passed in 1998 and came into force on January 1, 1999. It was introduced through a government bill on violence against women—called Kvinnofrid, meaning “women’s peace.” Today the legislation is included in Chapter 6, Section 11 of Sweden’s Penal Code.

Paying for sex is a criminal offense. It is also a criminal offense to attempt to pay for sex and to pay for sex on

behalf of another person. Initially, the maximum sentence for paying for sex was six months imprisonment. In 2011 this was increased to one year. If a fine is issued instead of a prison sentence, Sweden’s system for issuing fines means its size will depend on the offender’s income.

In Sweden prostitution is regarded as a form of violence against women. It is both a cause and a consequence of inequality between women and men. The Sex Purchase Act is designed to tackle this form of violence by discouraging men from paying for sex, while supporting those exploited through prostitution to exit and rebuild their lives.

The effective delivery of support and exiting services for women exploited through the sex trade is essential to realizing the objectives of the Sex Purchase Act.

### Why it works

In order for its full potential to prevent commercial sexual exploitation to be realized, the Sex Purchase Act must be enforced, and it must be seen to be enforced. Normative effects and implementation go hand in hand. A controversial law does not implement itself.

As is the case for legislation in general, however, simply adding the Sex Purchase Act to the statute books is not the end point.

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 but importantly also on **attitudes**, and **underlying principles** for legislation, policies and interventions regarding prostitution and trafficking in human beings.

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The National Rapporteur concluded in her 2011 report on initiatives carried out under the National Action Plan 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.

### Training of Police

When the law was passed a lot of questions were raised within the Swedish Police. The police are a male-dominated world and there were a lot of stereotype images about prostitution. It was mostly viewed as a social problem by the police. There were questions and opinions like:

- This is an agreement between two adults. Why should the police interfere?
- Why aren't the women criminalized (they are tempting the men)?
- The women like it and they need the money.
- This is a minor offense, nothing to spend resources on.
- The crime will be difficult to prove.
- None of the parties will be interested to talk to the police.
- We (the police), will ruin their (the buyer's) marriage.

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Prostitution might be a social problem but it is very much linked to various criminal activities that are police matters:

- Trafficking in human beings
- Drugs
- Violence and even murder
- Money laundering
- Disturbance of the order, etc.

So, if we can reduce prostitution, we will see a reduction

in these criminal activities too.

For better understanding of the significance of the law, police officers need training about the mechanisms around prostitution. Why do women end up in prostitution? What are the effects and risk of prostitution? The imbalance is between the man who buys and the woman who is exploited. Women act sexy and willing in order to get the money, not because they like what they do. Many of them are also forced by pimps and traffickers.

We, the police, look upon women in prostitution as a group at risk. There might always be somebody around who plans to hurt these women badly. It is therefore important that the women are not criminalized and subjected to any harassment and punishment. They must feel free to report all kinds of information to the police without being punished. The fact that the women are not criminalized removes the tension between the women in prostitution and the police. One woman in street prostitution recently concluded that “The police are bad for my business but good for me.”

Chasing the buyers lead us to the victims and the traffickers. Most cases of trafficked human beings (THB) are detected by using the law. In Stockholm 75% of the women who are exploited in prostitution originate from foreign countries' victims of THB.

Our prostitution teams consist of both police officers and social workers. When a buyer is arrested, he is also offered assistance (advice, counseling, therapy) by the social service in order to quit his criminal behavior. Also, the women are offered the same kind of assistance in order to exit prostitution and rebuild their lives.

### Evaluation of the implementation of the offense that prohibits the purchase of a sexual service—Special Inquiry (2008-2010)

In April 2008, the Government appointed a Special Inquiry led by Chancellor of Justice, Anna Skarhed, to evaluate the implementation of the ban against the purchase of sexual services and its effects.

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 prosecution 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 the effects of the legislation that prohibits the purchase of sexual services are as follows:

1. There is a clear connection between the existence of prostitution and trafficking in human beings for sexual purposes.
2. The number of individuals exploited in street prostitution has halved since 1999.
3. The neighboring countries, Denmark and Norway, have three times as many individuals in street prostitution.
4. The concern that prostitution would move to other arenas has not been fulfilled.
5. 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.
6. The number of individuals that are sold via internet web pages/web ads are much larger in similar neighboring countries such as Denmark and Norway.
7. There is no evidence of an increase of indoor prostitution.
8. Despite a significant increase in prostitution in the neighboring 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 sexual services in Sweden.
9. The prohibition deters the establishment of organized crime networks/groups in Sweden. As concluded by the National Police, the legislation functions as a barrier against the establishment of traffickers and pimps in Sweden.
10. The legislation has strong support in Sweden among the public, and has brought about significant positive changes in attitudes. Hence, the law has normative as well as direct effects on the reduction of crime.
11. The prohibition also acts as a deterrent for men who buy sexual services. Individuals with experience in prostitution, as well as the police and social workers conclude that buyers are more cautious, and that demand has decreased considerably since the prohibition came into force.
12. Only 7.8% of Swedish men have bought someone for prostitution purposes (2008) compared to 13.6% of Swedish men before the legislation came into force.
13. 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.
14. The enforcement of the legislation generally works very well: police and prosecutors do not identify any administrative or investigative difficulties to enforce the law.
15. Successful enforcement of the legislation depends on available resources, and what priorities are made by the justice system.



## Prosecutions

The Government's 2010 evaluation also reported that eight out of 10 prosecutions for paying for sex involve a **man** who has **admitted** to the offense. Where a suspect has admitted the offense, he will usually be given a



summary fine. Since 2001, over 85% of prosecutions have resulted in the offender receiving a fine. The evaluation also reported that prosecutors “do not currently see any application problems directly linked to the penal provision. Sexual purchase offenses are usually considered to be easy to investigate and relatively uncomplicated to process. There can be evidentiary problems, but almost half of the offenses reported have been linked to an individual, meaning that a decision has been made to bring charges, impose a summary fine or grant a waiver of prosecution. This is twice the number compared to other reported sexual offenses.”

### Evidence from Norway

Norway adopted the Sex Purchase Act in 2009. An evaluation of the law’s impact commissioned by the Norwegian Government and published in 2014 reported, “A reduced market and increased law enforcement posit larger risks for human traffickers. The profit from human trafficking is also reduced due to these factors. The law has thus affected important pull factors and reduced the extent of human trafficking in Norway in comparison to a situation without a law.” The prostitution trade also has shrunk. Systematic field observations of the street prostitution market in Oslo reveal it has declined by 40%-65% since the law was adopted.

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Finally! Laws are not created solely for the purpose of sending people to prison or to fine them. Laws are created because we want people to refrain from certain harmful acts. The legislation that prohibits the purchase of a sexual service came into being as one in a series of preventative laws and measures aimed specifically at the protection of vulnerable women and girls, men and boys against serious acts of sexual violence, but also to create a society where the culture of prostitution is changed into a culture where the human rights of all women and girls are protected. MF