



Sweden

- Population: 9.6 million
- GDP per capita (in US dollars): 58,938
- Parliamentary monarchy
- Human development index (HDI): 0.907 (14th rank among 187 countries)
- Gender inequality index (GII): 0.055 (6th rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 89 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the European Union since 1995.

- No official national statistics on prostitution. The number of prostituted persons in the country possibly rose from 2,500 in 1998 to 1,000 in 2013.
- Introduction in 1999 of the Swedish model, which penalizes the purchase of sexual services, instead of the prostituted person selling them: a neo-abolitionist system. The client faces a fine and/or a sentence of up to one year in prison.
- A 2002 law against trafficking in human beings provides for sentences of 2 to 10 years in prison.
- In 2014, 31 police investigations of sexual trafficking were conducted for a single trial, the outcome of which was one sentence of 4 years in prison (*U.S. Department of State*, July 2015). No cases of purchase of sexual services were punished by imprisonment.
- The possibility of extending the criminalization to Swedish nationals who buy sex abroad is under discussion.
- A decrease in street prostitution, combined with an increase in indoor prostitution in particular through the Internet and cell phones.
- Destination country for victims of human trafficking from countries in Africa, Asia and Eastern Europe.

A pioneering law

Sweden was the first country to criminalize the client of prostitution. Over time, the "Swedish model" has become the spearhead in the fight against prostitution. This approach, adopted in late 1998, criminalizes the purchase of sexual services (as well as the attempted

purchase and aid given to purchase) without penalizing the prostituted persons, who are considered the victims of a system of domination that is fundamentally violent and unfair.

Ten years after the implementation of the law, its effects were evaluated by a government commission led by Anna Skarhed, the Chancellor of Justice. Its final report concluded that the law had indeed had the desired effect. Street prostitution has reduced by half and Sweden is no longer an attractive country for international networks, who now prefer to settle in other countries. In addition, the report indicated that the reduction in street prostitution was not accompanied by an increase of the same phenomenon elsewhere, particularly in the expanding market of prostitution on the Internet. Finally, the law had the effect of changing social norms: the practice of buying a sexual act is no longer considered "normal" or acceptable. The survey also revealed a profound transformation of Swedish society. In ten years, the number of people supporting the criminalization of buying sex increased from about 30% to 70% of the total population.

The affirmed success of the law has helped its advocates, and the Swedish government to promote its new abolitionist approach internationally. Several countries have followed its example. Norway and Iceland have already adopted a law inspired by the Swedish model; France, Canada, the United Kingdom and Ireland are in preparatory stages. However, Sweden continues to adapt its legislative model and reflect on what changes are needed to better address the realities of the situation.

A new current evaluation of the situation in 2015

In 2014 and 2015, Sweden made no legislative changes. Instead, an emphasis was placed on raising awareness in its civil society and, in particular, among companies with ties to tourism. In 2014, a directive from the Swedish government directed the County Administrative Board of Stockholm to collaborate with the police and business leaders to combat prostitution in restaurants, hotels, taxis... on the occasion of the world championship in nordic skiing, which was held in Falun during February 2015, special training courses were given to the staff of hotels in the city to aid them in identifying cases of prostitution and trafficking for sexual exploitation (*The Local*, February 26th, 2015). Similarly, the largest hotel chain of the country, Scandic, is committed to ensure such training for all of its staff (*The Local*, February 3rd, 2015).

In addition to raising awareness, the Swedish government called for a new report on the current situation of prostitution in its country, almost 5 years after the assessment of 2010. In March 2015, the Administrative Board of Stockholm County released its report, under the direction of Amanda Netscher, a specialist in crimes against women. The objectives of the study were to estimate the extent of the problem, identify recent developments and, thus, to confirm or refute the results of the 2010 assessment.

Stable Results

According to the study, street prostitution has actually halved when compared to 1995: 200 to 250 women engaged in street prostitution in Stockholm in 2014 versus 650 in 1995. At the same time, an increase in advertisements for sexual services was observed on the internet: nearly 7,000 listings were identified in 2014 versus 304 in 2006. But the crosschecking proves

that these ads frequently refer to the same person, which puts in perspective the recorded increase. “*Prostitution is more openly advertised than ever in Sweden*”, says Amanda Netscher, “*but compared to many other countries, the problem is more limited here*” (20 Minutes, March 13th, 2015). The report also notes the development of a hidden prostitution, located at massage parlors in particular, but is unable to determine their importance. This confirms the results of a 2013 survey on Thai massage parlors in Malmö, which found that 1 in 5 offered “happy endings” (The Local, August 8th, 2013). Whether online or in the street, the majority of prostituted persons are foreign and come from poorer European countries (Romania, Bulgaria) and Nigeria. 80% of online ads are for persons of foreign origin. The number of buyers of sexual acts has remained fairly constant since the 2010 assessment... “*the proportion of individuals who have purchased sexual services is relatively stable over time: approximately 7.5% of Swedish men have at least once, and nearly 1% have in the past year*”. For comparison, in 1996, 13.6% of men had bought sex. In 2008, that number had dropped to 7.9% (La Presse, May 4th, 2014).

Populations at risk

The study also identifies several groups at risk, in need of specific measures for prevention:

- Youth (13-25 years): several studies (2003, 2009 and 2014) showed that a constant number of young people, mostly boys, sell sexual acts for different forms of compensation (money, accommodation, cigarettes ...). The most recent study of young people between the ages of 18 and 30 in Skåne found that 1.3% of men and 1% of women have had sex for payment.
- Unaccompanied minors: more than 7,000 unaccompanied minors from Afghanistan, Syria, Somalia and Eritrea, arrived in Sweden in 2014 (in 2013 there were almost 4,000) (U.S. Department of State, July 2015). Estimates for 2015 anticipated about 7,800 new arrivals, but recent events have most likely caused the figures to skyrocket past what was predicted. These young people, mostly boys, are at risk of being prostituted and trafficked during the asylum application process.
- Transgender prostituted persons: the number of ads posted by prostituted persons who are transgender has probably doubled since 2010.

A law still challenged

The results of this study have been the target of much criticism, which questions the effectiveness of the Swedish “model.” The stability of the figures on prostitution has been interpreted as a sign of failure: After the report was released, media headlines included “*Punishing clients of prostitution has no effect*,” “*No change in the numbers of the sex trafficking despite the new law*”, and other such pessimistic titles.

In fact, in Sweden the debate over the effectiveness of the law remains tense, ready to be revived over the slightest incident. In July 2013, the murder of Jasmine Small, a young prostituted woman and activist with the Rose Alliance, an NGO of “sex workers”, caused a wave of opposition to the law, highly publicized. Opponents of the law saw it as the result of a constant stigmatization of prostituted persons, despite the law itself. Jasmine, who was a victim of domestic violence, could not find any help from the police or from social services.

She had lost custody of her children because of her activities relating to prostitution and refused to stop. Or, at least, that is what various associations related to the sex industry wanted to make believe. In reality, she was murdered by her estranged husband who contested her claim to custody. So, it had nothing to do with prostitution.

In February 2015, a study (or rather a review of studies) conducted by the Swedish Association for Sexuality Education and Malmö University put into question again the effectiveness of the law, causing widespread debate in the media (*Dagens Nyheter*, February 2nd, 2015). According to the authors of the study, any positive effects of the law have been exaggerated, and there is no evidence proving its efficacy. Quite the contrary. The reduction in street prostitution, which the authors do not dispute, would be an effect of technical progress in the Internet and mobile phones, and began before the law came into its full strength.

Popular support for the law is according to this study equally questionable. According to RFSU, if the criminalization of clients was unanimously supported by public opinion, this unanimity is double-edged (something the government does not want to see): the criminalization of clients has led the public to perceive the prostituted person as a criminal too. A survey shows that some 52% of respondents believe that the sale of sexual acts should itself be criminalized. Finally, the report stresses the negative effects that lawmakers did not consider beforehand:

- The societal stigmatization of prostituted persons remains strong;
- The law made prostitution even more clandestine and, therefore, increased the number of risks prostituted persons take such as the violence of which they are often victims;
- The law has not protected prostituted persons as it promised...

Proponents of the law know how to respond to these many arguments: *“This law gave victims to chance to talk to authorities. Because society has taken a position, not against prostituted persons, but against their clients, the law gave power to the prostituted persons”* (Hägström, May 20th, 2014).

Human trafficking : a recurring problem

Sweden is primarily a country of transit and of destination for victims of trafficking. The victims are mostly from countries in Eastern Europe (Bulgaria and Romania in particular) and the Baltic States. There are also victims from Thailand, Nigeria, India and Venezuela. In 2012, Swedish police estimated that annually at least 400 to 600 people were victims of human trafficking (all forms) (*U.S. Department of State*, June 2012).

The 2008-2010 National Action Plan (with 36 steps and a budget of 22 million €) was extended in 2011-2014. Focused on the fight against prostitution and trafficking for sexual purposes, it has five objectives: the better protection of groups known to be vulnerable, a focus on preventive work, an improvement in the norms and the efficiency of the judiciary, a strengthening of national and international cooperation, and the development of awareness and public opinion.

Number of victims of sexual exploitation identified

2010	2011	2012	2013	2014
32	66	21	40	31

Source : U.S. Department of State, *Trafficking in Persons Report* (2011, 2012, 2013, 2014, 2015).

In 2014, 63 victims of trafficking for forced labor and begging were identified, versus 31 victims of trafficking for sexual exploitation. The same imbalance is present in the number of investigations and prosecutions. In 2014, 62 investigations of the trafficking of human beings for forced labor purposes were conducted compared to only 31 investigations of victims of human trafficking for the purposes of sexual exploitation. Of these 31 investigations, only one conviction was pronounced.

Some want to see the law on the purchase of sexual services come into its full effect in these situations. The members of the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe, note to the contrary that "*in practice, there is sometimes a confusion between trafficking and prostitution in Sweden*" (GRETA, May 27th, 2014). Therefore, non-sexual forms of trafficking are hidden or little-considered, which does not allow one to view the phenomenon as a whole. On the other hand, cases of trafficking for the purpose of sexual exploitation are not always properly identified.

Clearly, the correct training of judges on these issues is involved. International observers point out that many judges are unfamiliar with the phenomenon of human trafficking. They can barely distinguish cases of trafficking for sexual exploitation from prostitution cases. And, despite a revision of the law against trafficking in 2010 (stating that any evidence of the initial consent of the victim does not negate evidence of subsequent force), and despite training organized by the national prosecutor on the fight against trafficking, some judges continue to discharge or dismiss cases when initial consent has been established (U.S. Department of State, July 2015).

Penalizing clients : severity or clemency ?

"*Buying sex is one of the most shameful crimes for a man when he is arrested*" explains detective Simon Häggström, who, as head of the Police Service of Stockholm County, has arrested more than 600 men (*The Independent*, March 26th, 2013).

In July 2011, the Swedish government increased the penalties for clients of prostitution: the maximum penalty changed from 6 months to 1 year in prison. However, judges continue to show an indulgence towards clients, which both supporters and opponents of the Swedish model do not fail to stress (*European Journal of Crime, Criminal Law and Criminal Justice*, December 21st, 2013/*Skarhed*, 2015). Of nearly 5,000 convictions for buying sex, no prison sentence has been pronounced to date against a client of prostitution. The sentences have been limited to fines, calculated based on the defendant's income (minimum 250 €, representing an average of 50 days' wages) (*The Local/AFP*, February 13th, 2014). Most clients plead guilty and pay the fine to cover-up the entire affair. If a client appears before a court, he is usually sentenced to a suspended sentence. "They do not go to prison, but they do have a criminal

record”, says Lise Tamm, chief prosecutor of the International Parquet of Stockholm (*La Presse*, May 4th, 2014).

If this lack of incarceration reflects the government's desire not to sentence first offenders to prison, it nonetheless negatively effects the efficiency of the progress made by the Swedish model in the fight against prostitution and trafficking, as well as public perception of the law (*The Local*, May 27th, 2013). “We must dare,” says Lise Tamm. “We need braver judges” (*La Presse*, May 4th, 2014).

The question of the client remains a source of debates. Some call for a focus on prevention as regards clients (those with a risk of recidivism) and potential clients. Currently, therapy is offered to clients questioned by the police. Similarly, campaigns, particularly in Stockholm, encourage potential clients to seek help (*BBC*, March 29th, 2013). But this does not suffice. A study published in February 2014 by the Swedish Ministry of Gender Equality highlights the malaise of some clients of prostitution when they were interviewed. To better fight against prostitution and reduce the risk of recidivism, the study's authors called on the government to strengthen preventative programs and treatment for men (*The Local/AFP*, February 13th, 2014). Others call for increased severity. In December 2013, Prime Minister Fredrik Reinfeldt reminded judges that prison sentences were mandated for the purchase of sexual acts, and that clients should be imprisoned (*The Local/AFP*, December 17th, 2013). Deputies Hedh Anna and Johan Linander, more moderate, ask instead for the deferral of sentences or the creation of an aggravated offence for the purchase of sexual acts (in the case of trafficking for sexual exploitation in particular) (*The Local*, May 27th, 2013)

Criminalizing the purchase of sex has had the effect of displacing some Swedish nationals to countries where prostitution is legal (*Schulze*, 2014). To address this, the Swedish government proposed to criminalize Swedish clients for purchasing sex abroad. According to one study, between 4,000 and 5,000 Swedish nationals have purchase sexual acts from minors abroad (*U.S. Department of State*, July 2015). Currently, the law criminalizes the purchase of sexual acts abroad if the victim is under 18, but its failure to condemn the overseas purchase of sexual acts with a prostituted adult, goes against the principles of Sweden's law through the guarantee of the act of purchase (*Skarhed*, 2015). A debate on the issue had already been opened in 2011 when penalties for clients were increased. But, this proposal poses different legal problems: Can Sweden interfere in the laws of foreign countries? Can it punish its citizens for acts committed in a country that considers them legal? (*The Local*, October 7th, 2014). The proposal, considered by the Parliament in October 2014, is still in discussion.

Sweden is an emblematic country in the global fight against violence towards women. Its legislative model for prostitution has gradually been emulated worldwide. In Sweden, over 15 years after the passage of its law, prostitution continues to be the subject of the government's attention. And the law itself, far from being solidified, is continually reassessed but also debated and strongly criticized. Yet the results speak for themselves: the prostitution rate is lower than in neighboring countries, as is the number of violent acts committed against prostituted persons... The Swedish model can thus be discussed, but it is nonetheless the best system currently in existence for prostituted persons.

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