

The Swedish Law (on prostitution)

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1 Preface

The following text is a summary of useful information about the Swedish Law. It should not be seen as, or used as, an official report on the subject. Therefore it should not be published. I have not tried to hide my own personal voice, or my bias. The text is a result of Freethem's fact finding process to help decision makers, politicians, influencers, etc., learn more about the Swedish Law, its effects, its background and so on. The text rests on the assumption that the Swedish Law had had positive effects on prostitution.

This personal summary is mainly written by me, Maria Ahlin, president of Freethem. Freethem is a Swedish organization working to fight human trafficking. Some parts of the text have been copied from official websites, articles, etc.

It is very important that it is understood that my intentions are to give you an informative text not only from an anti-trafficking organization, but also from a Swedish citizen deeply and personally engaged and invested in the issue. It includes both hard facts and personal observations, so the text is to be used as a guideline while discussing a possible implement of the Swedish Law.

Do not hesitate to contact me for any questions regarding this text or this subject.

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FREETHEM

2 The Swedish Law

2.1 Intro

The Swedish law, or the Swedish model as one might call it, has indeed proven to be a very effectual law in many ways. The year was 1999 when the law came in effect in Sweden. Ten years later, 2009, Norway and Iceland implemented the exact same law – except for the fact that Norway took it one step further and actually made it illegal for Norwegian citizens to pay for sexual service also in other countries. Sweden has not yet made that step, even though I personally think that is the "the next big thing" on the agenda. Or at least I hope so.

I have gathered some information for you about the Swedish Law and about the actual effects that the Swedish law has had on prostitution and sex-trafficking in Sweden. From here on, I'll refer to the Swedish Law as "TSL".

2.2 Reason for The Swedish Law

The main reason for TSL is that society finds it necessary to fight prostitution. That is what our government says on their official website. Prostitution is acknowledged as something that brings great harm – harm to the individuals purchasing or selling sex, and for society. In Sweden one also sees the link between prostitution, and sex-trafficking, abuse, pimping and drug-trafficking.

2.3 Targeting the sex-purchaser

When TSL was in fact a reality it was seen upon as a law meant to "scare" people from purchasing sex, and therefore decreasing the requests for sexual services. The point is to target the purchaser. TSL is more of a prevention law, than it is a law meant for the police and government to arrest and sentence the purchasers to a long punishment. The point is to make people afraid of purchasing sex, not only because it goes against the human values society is based on, but also because it harms the individuals (and their respective families) and can inflict a lot of shame on everyone involved.

2.4 The Swedish Law

Purchasing a sexual service on one single occasion is sufficient for criminal liability. Compensation can be in the form of money, but payment can also be made by such means as alcohol or drugs. Promising compensation so that payment is a condition for the service is sufficient to establish liability. A crime is also committed even if someone other than the person who avails him or herself of the sexual service has provided or promised the compensation. An attempted offense is also punishable. The scale of penalties for the purchase of sexual services is a fine or imprisonment for 1 year (2 years if it's a minor who's selling sex).

2.5 Tickets and prison

If you either try to purchase or succeed purchasing a sexual service, you will be punished; the lowest punishment is tickets, and the highest punishment is 1 year in prison, or 2 years in prison if the girl/boy who is selling sex is a minor. Today 85% of all convictions lead to tickets. A precedent verdict from 2001 stated that purchasing sex should not be punished with anything more than 30 tickets if you try to purchase sex, and 50 tickets if you go through with it. Also, this precedent verdict stated that purchasing sex is a crime against society, not the individual. The law is classified as “mens' violence against women”, and this is quite amazing. Purchasing sex from underage boys and girls should send one to prison for up until 2 years. But instead tickets is the most common punishment, even here.

2.6 Effects of targeting the sex-purchaser

The individual who's being prostituted is not looked upon as a criminal. This does not mean that Sweden thinks selling sex is OK. Targeting the sex-purchaser is an other way to address the problem that also aspires to give prostitutes a more dignified life. Since it's not illegal to sell sex the positive effects of this is that the women very often dares to call the police when or if they are being robbed, abused, etc. They have learned to trust the police, and that the police is “on their side”. If a woman is being abused by a purchaser, the woman is more willing to both file a report on the abuse, but also on the purchase itself. This helps the police. The government did research on the effects (SOU 2010:49) in 2010. The report showed that the law has had the effects that Sweden thought it would have: intimidating the purchasers, and decreasing prostitution and sex-trafficking. Before TSL, up to about 80 women would each night be selling sex at Stockholm's infamous prostitution street, Malmkillnadgatan. After TSL, the number decreased to 10-30 women.

3. Background

The issue of criminalizing prostitution was addressed in Sweden in the 1970s. This was linked to social changes and an altered view of sexuality. The Prostitution Inquiry of 1977 produced the most extensive survey of prostitution available to date. To highlight the fact that prostitution is not a women's issue but instead a human problem, the Inquiry tried to expand the meaning, and defined prostitution as the following:

Prostitution occurs when at least two parties purchase and sell sexual services in return for (usually) financial compensation, which represents a condition for the sexual service.

The Inquiry considered that prostitution was incompatible with the ideas of freedom for the individual and gender equality which have long been prevalent in Sweden. The initiative takers were Inger Segelström and Margareta Wenberg; social democrats in Sweden. Our right wing parties did not think the law would have any effects. Our Christian and therefore most conservative party wanted us to criminalize both the seller and purchaser. The proposition ”Kvinnofrid” stated that Sweden should target the purchaser, not the seller. For Sweden it was also important to send out a signal to other countries that we do not accept prostitution, and we think it is a non-fair way to earn a living, and we think that the purchasers are actually users. Sweden also thought that criminalizing the purchaser would help to reduce organized prostitution rings and sex-trafficking.

3.1 Women in prostitution are not being punished

Prostitutes are not being punished, instead Sweden highlights other social and legal solutions to reduce prostitution. The Prostitution Inquiry of 1993 used the term 'sex trade' to describe an activity in which at least two parties purchase or sell sexual services that are intended to satisfy the purchaser's sexual drive. In its report Sex Trade (SOU 1995:15) the Inquiry proposed that prostitution should be criminalized by introducing a ban on both purchasing and selling sexual services. The Inquiry considered the criminalization of prostitution as a necessary step to make it absolutely clear that prostitution is not accepted by society.

The Inquiry's proposal, particularly the idea of also criminalizing the person exploited by prostitution, was met by heavy criticism and was not implemented. The proposal that eventually led to the introduction of the Act prohibiting the Purchase of Sexual Services (1998:408) formed part of the Government Bill Violence Against Women. The proposal was based on the report of the Prostitution Inquiry from 1993 and on the final report of the Commission on Violence against Women, Violence against Women (SOU 1995:60).

3.2 Prostitution and sex-trafficking

As is the case with the crime of human trafficking, the ban on the purchase of sexual services is an important instrument to prevent and combat trafficking in human beings, and to protect those people who are, or risk becoming, involved in prostitution or other forms of sexual exploitation. Since human trafficking is a cross-border crime, combating it requires international cooperation. There are a number of international conventions regarding prostitution and trafficking. Several instruments dealing with prostitution and human trafficking have been adopted by the United Nations, the Council of Europe and the EU.

4. Helping people out of prostitution or to stop purchase sex

The work to combat prostitution has long been oriented around social initiatives, and both of the previously mentioned prostitution inquiries emphasized the value of such initiatives. Unlike in many other countries where efforts focus on harm reduction, the initiatives targeting prostitution in Sweden are mainly aimed at fighting prostitution by helping people out of prostitution or to stop people from purchasing sex.

4.1 Outreach

People with experience of prostitution have complex needs of help. Special knowledge and skills are required when implementing initiatives for these people. Work in the prostitution groups involves a number of different components. It includes outreach activities, motivational interviews, and different forms of therapy and psychosocial support. Less is known about the extent to which people in prostitution, and victims of human trafficking, are detected and helped in other areas.

4.2 KAST groups

Knowledge about the most effective methods of helping those affected is also limited. In its action plan against prostitution and human trafficking for sexual purposes, the Government emphasizes that initiatives to combat demand for sexual services are crucial for dealing with the problem. For ten or so years, social services in Stockholm, Gothenburg and Malmö have been operating what are known as KAST groups (Purchasers Of Sexual Services) to motivate potential and active sex purchasers to change their behavior.

4.3 Minors are a priority

Different preventive measures are needed to help people from ending up in prostitution. Of particular importance are initiatives aimed at those who are particularly at risk of becoming victims of prostitution, i.e. children and young people. Professional groups that have contact with young people at risk of falling into prostitution must develop the ability to see signals and improve their skills to be able to work with these issues in the best possible manner.

5 Effects

5.1 Street prostitution halved

Since the introduction of the ban on the purchase of sexual services, street prostitution in Sweden has been halved. Also, it is considered that the available data recorded on the scale and prevalence of street prostitution reflects the actual conditions.

5.2 Sweden, Norway, Denmark – comparative

This reduction may be considered to be a direct result of the criminalization of sex purchases. In a comparison, we have noted that the prevalence of street prostitution was about the same in the three capital cities of Norway, Denmark and Sweden before the ban on the purchase of sexual services was introduced here, but the number of women in street prostitution in both Norway and Denmark subsequently increased dramatically. In light of the great similarities that in many respects exist between these three countries, economically and socially, it is reasonable to assume that the reduction in street prostitution in Sweden is a direct result of criminalization.

In 2008, the number of people in street prostitution in both Norway and Denmark was estimated to be three times higher than in Sweden.

5.3 Norway debates the law because of negative effects

Norway is, at present time, debating the law because of its lack of positive effects on prostitution in Norway. In the beginning, the same debates were held in Sweden as well. It's really about 'holding on' until one starts to see the changes.

5.4 Police must work along side of the law, otherwise it's not effective

One very, very important fact is that in Norway no specific part of the police force is specifically assigned to be working on arresting the purchasers. Since the law is meant to intimidate the purchasers, the lack of police arresting the purchasers, results in the purchasers not being intimidated. Why should they fear when they know that they won't be arrested for it? The law simply does not work unless the police arrests the purchasers. That is extremely important to be aware of when implementing the law.

5.5 Internet – a new arena

In the last five years, Internet prostitution has increased in Sweden, Denmark and Norway. However, the scale of this form of prostitution is more extensive in our neighboring countries, and there is nothing to indicate that a greater increase in prostitution over the Internet has occurred in Sweden than in these comparable countries. This indicates that the ban has not led to street prostitution in Sweden shifting arenas to the Internet.

Prostitution where the initial contact is made over the Internet is an important and growing arena for prostitution that has received increasing attention in recent years. Compared to street prostitution, the scope of Internet prostitution is more difficult to verify and assess, but knowledge of this form of prostitution is gradually growing. In light of this it should be possible to conclude that the decrease of street prostitution that took place in Sweden represents a real reduction (and not just a move to an Internet arena), and that this reduction is also mainly a result of the criminalization of sex purchases.

5.6 Minors in prostitution and internet

The Internet plays an important role particularly with regard to young people in prostitution. The National Board for Youth Affairs concludes that most young people who are exploited sexually in return for payment came into contact with the purchaser via the Internet. The results of other questionnaire surveys that examined young people's experiences of selling sexual services support this conclusion.

The ban on the purchase of sexual services has not had an effect on the exposure of young people on the Internet. However, the risks of sexual exploitation and abuse that this exposure entails increase the need to protect young people from falling into prostitution.

5.7 No overall increase in prostitution in Sweden

There is nothing to indicate that the prevalence of indoor prostitution that is not marketed through advertisements in magazines and on the Internet, e.g. prostitution in massage parlors, sex clubs and hotels, and in restaurant and nightclub settings, has increased in recent years.

Nor is there any information that suggests that prostitutes formerly exploited on the streets are now involved in indoor prostitution. People working in the field do not consider that there has been an increase in prostitution since the ban was introduced.

Since those involved in prostitution activities typically need to promote themselves in order to come into contact with clients, it is unlikely that prostitution could exist on any great scale and remain entirely unknown. The overall picture Sweden have obtained is that, while there has been an increase in prostitution in our neighboring Nordic countries in the last decade, as far as we can see, prostitution has at least not increased in Sweden.

There may be several explanations for this but, given the major similarities in all other respects between the Nordic countries, it is reasonable to assume that prostitution would also have increased in Sweden if we had not had a ban on the purchase of sexual services. Criminalization has therefore helped to combat prostitution.

5.8 Ban on the purchase of sexual services has counteracted the establishment of organized crime

Trafficking in human beings for sexual purposes is a growing form of serious economic crime in large parts of the world. Although it is hard to assess the exact scale of human trafficking for sexual purposes, in Sweden the establishment of this kind of crime is considered to be substantially smaller in scale than in other comparable countries. According to the National Criminal Police it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering to establish themselves in Sweden.

5.9 Increased public support for the ban

The ban on the purchase of sexual services was intended as a statement on society's view that prostitution is an undesirable phenomenon. To gauge Swedish public opinion concerning sex purchases, surveys were conducted before and after criminalization was introduced. Judging by the results of four population-based opinion polls, there has been a change of attitude with regard to the purchase of sexual services that coincides with the criminalization of it. The recorded shift in attitude that has occurred here – without an equivalent shift in Norway and Denmark – must be interpreted as meaning that the ban itself has had a significant normative effect which, given that support for criminalization is greatest among young people, can be expected to last. In all three surveys conducted since the ban was introduced, more than 70 percent of those asked had a positive view of the ban.

5.10 How the ban has affected those involved in prostitution

When the ban on the purchase of sexual services was introduced, various misgivings were voiced. These included fears that criminalization would risk driving prostitution underground, making it harder to reach out to the vulnerable people involved through social measures, and that the ban would bring an increased risk of physical abuse and generally worsen living conditions for prostitutes. *As far as we can judge from the written material and the contacts we have had with public officials and people involved in prostitution, these fears have not been realized.*

5.11 Purchasers have become more cautious

Police officers and social workers report that purchasers of sexual services have become more cautious and that the ban has led to a decrease in demand, at least for street prostitution, as a result of criminalization.

According to the police, purchasers are afraid to be caught, but are more concerned about the crime being exposed to family and acquaintances than about the actual legal penalties they risk getting. The impression that purchasers have become more cautious is shared by some of the current and former prostitutes who responded to the Inquiry's questions, while others have reported that criminalization has not affected purchasers because so few are caught and the penalties are so lenient.

According to surveys conducted in Sweden in the period following criminalization, the proportion of men reporting that they have, on some occasion, purchased sexual services has decreased, and it would seem that fewer men purchase sexual services in Sweden than in the other Nordic countries. In a survey conducted in 2008, a number of those asked also reported that the ban had affected their actions to the extent that they no longer purchased sexual services. All in all, the above must be interpreted as meaning that the ban has a deterrent effect on prospective purchasers of sexual services.

It is clear, and it seems logical, that those who have extricated themselves from prostitution take a positive view of criminalization, while those who are still exploited in prostitution are critical of the ban.

This pattern is reflected in many different reports and is also confirmed by the contacts that the inquiry has had with women with experience of prostitution.

It's very important to remember this: The law is not meant for the women who "want" to sell sex. It's meant for the women who feel they have no other choice and would choose something else if they could.

5.12 Sexual purchase offenses – not a priority as it should be

One reason why priority is not given to sexual purchase offenses is the low penal value of this type of offense. Eight out of ten cases in which purchasers of sexual services are prosecuted involve situations in which the offense has been admitted to. This applies to both street prostitution and other forms of prostitution.

When suspects admit to an offense, the prosecutor does not generally bring legal proceedings. Instead a summary fine is imposed on the suspected purchaser of sexual services. The majority of the offenses that have been prosecuted were committed in the three metropolitan areas. All of those prosecuted between 1999 and 2008 were men, with a median age of 43. They most commonly paid for sexual services in cash.

The verdicts and summary fines imposed during the period studied shows a great deal of uniformity in terms of assessment of penal value and choice of penalty. Since the Supreme Court examined the question of culpability in a case of the purchase of sexual services in 2001 (NJA 2001, p. 527), more than 85 percent of all prosecutions for individual instances of such purchases have resulted in a penalty of 50 daily penalty payments.

Comment: if you want the law to work, make sure fines is not an option. It should be three months to one year in jail. And six months to two years if it's a minor. My organizaion Freethem is going to start working on this to make it happen here in Sweden.

6. Continued and sustained social work is necessary

Continued and sustained social work is necessary. Criminalization can never be anything other than a supplement to other efforts to combat prostitution. It is therefore necessary to ensure continued and sustained social work to prevent and combat prostitution and trafficking in human beings for sexual purposes.

It is important to increase the measures directed at purchasers of sexual services. Further research is needed here on who purchases sexual services, and suitable treatment methods. It is also important to give support to children and young people at risk of ending up in prostitution and to continue information initiatives to influence public opinion in this area. The professional groups working with these issues must be assured access to greater knowledge in order to be able to offer vulnerable people adequate help and support. The Inquiry does not present any specific proposals in this area, but it does call attention to – and particularly emphasizes – the value and necessity of continued and sustained social measures.

7. Ongoing debate about attitudes to prostitution

Despite the official position, there is still a debate in Sweden regarding attitudes to prostitution. Those who defend prostitution argue that it is possible to differentiate between voluntary and non-voluntary prostitution, that adults should have the right to freely sell and freely purchase sex, and that the ban on the purchase of sexual services represents an outdated position based on sexual

moralism. However, based on a gender equality and human rights perspectives, and shifting focus away from what is being offered (in other words, those who are exploited in prostitution) to demand (in other words, traffickers, procurers, and sex purchasers), the distinction between voluntary and non-voluntary prostitution is not relevant.

8. Organizations that are pro-TSL

Swedish organizations supporting the model are:

- Freethem (the organization that I am running) (freethem.se)
- Sveriges kvinno- och tjejjourers riksförbund
- ECPAT
- RealStars
- 90 women's groups all around Sweden
- Talita
- Save the Children (No official statement against or for the model, but children is their focus, so I would guess that they would support it.)
- UNICEF (No official statement against or for the model, but children is their focus, so I would guess that the support it)

8.1 Political parties that are pro-TSL

All the Swedish political parties support the model. The only one not accepting it is the Youth of the Swedish Centre Party. The Swedish Centre Party is one of the green right-winged parties here in Sweden.

8.2 People you should meet and talk to

- Kajsa Wahlberg – One of Sweden's police-experts on sex-trafficking in Sweden and the EU.
- Simon Häggström, Stockholm Police Department. Chief of Police at the Prostitution Unit in Stockholm.
- Elise Lindqvist. She is helping the prostituted women in Stockholm by volunteering in Stockholm's red-light district. I work with Elise as well. Elise does not speak English, I'm happy to translate for you if you would want to talk to her.
- Anna & Josephine, Talita, working with women victimized by human trafficking.
- Inger Segerström (Social Democrats)
- Margareta Winberg (Social Democrats)
- Claes Borgström (Social Democrats and lawyer)
- Cecilia Wikström (The Liberal Party of Sweden – right wing)
- Malin Roux (RealStars)

9. More about the effects

Two well-known studies show that sex-trafficking is much less common in European countries with a law criminalizing either the buyer, the seller or both. We can't say with 100% certainty that it's because of a sex purchase law, but we can say that it most likely is.

In anonymous questionnaire studies Norwegian people say that after 2009 (2009 is when Norway implemented the Swedish law) they know less people who says that they have purchased sex.

Internet prostitution has increased, but not that much. This could probably, at least to some extent, be attributed to an evolving technology and way of communicating. No evidence suggest that the increase in Internet prostitution is directly related to the introduction of TSL.

9.1 Prostitution left Sweden for other countries

It seems that prostitution partly moved from Sweden to other countries. When the Swedish law was implemented in Sweden, the street prostitution in Stockholm, Oslo and Copenhagen was just about the same. Eight years later, the prostitution in Oslo and Copenhagen was three times as much as it was in Stockholm.

9.2 Normative effects, statistics and studies

The law has had normative effects. Purchasing sex is something you don't admit to in the open. It's not socially accepted to purchase sexual services, therefore less people claim to purchase sex in Sweden after the Swedish law:

Swedish men 18-74 years old: 13,6% say they have purchased sex (1996)

Swedish men 18-74 years old: 7,9% say they have purchased sex (latest research)

1 of out 8 Swedish men say that they have purchased sex (1996)

1 out of 13 Swedish men say that they have purchased sex (2008).

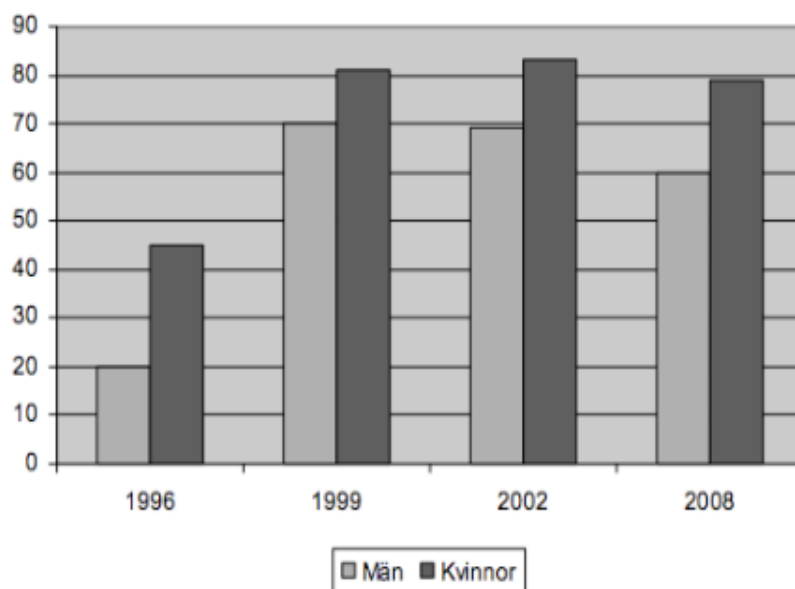
When the law was implemented in Sweden prostitution decreased with 50%. At the same time it increased in Norway and Denmark. In 2008 the prostitution in Norway and Denmark was three times as much compared to Sweden. In Denmark prostitution increased with more than 50%.

Scientific facts show that there are economic and social factors behind those who are being exploited in prostitution. Studies show that the majority of women exploited have been victims of violence and rape as a child. Studies also show that women in prostitution very often suffer from post-traumatic stress. Rikskriminalpolisen (National Police Department) says that the Swedish Law has stopped sex traffickers from establishing their business in Sweden.

9.3 Change of attitudes & National support for the law

Peoples attitudes toward prostitution has changed. More than 70% of the population in Sweden are positive to the law. The support is the strongest among the youngest.

Figur 4.2 Personer för en kriminalisering uppdelat efter kön 1996–2008 enligt fyra kvantitativa undersökningar bland svenska folket. Andel i procent



Källa: Månsson, 1996, SIFO 1999, SIFO 2002 och Kuosmanen, 2008.

80% women – pro-TSL (2008)

60% men – pro-TSL (2008)

10. More background – who did the lobbying for the Swedish Law?

It's being said that the left-winged politicians and the "crazy Christians" were the ones doing the lobbying for this law. At first it was Margareta Winberg (Social Democrats) who worked the hardest for the law. She still does. From the beginning it was actually liberal feminists who finally convinced the left-winged feminists to join in on lobbying for the law. Example: Sveriges kvinnolobby and Kvinnofronten.

11 Media's view on the model

I've read through articles from Aftonbladet, SVD and DN (three large newspapers in Sweden) from 2000-2013. I've also read through blogs and also watched debates from TV. This is my summary on how the debate in media has been going.

The media has been divided into two camps when reporting and analyzing the law. On one hand media has been highlighting the fact that the law may have led to more underground activity, which makes it harder to control the industry and the security of the prostitutes. There has also been liberal voices pointing out that the criminalization of the purchasing of sexual services makes the purchasers more cautious, which makes it harder for the prostitutes to find costumers, and therefore makes it harder to make a living out of prostitution. Those liberal voices mean that this is a negative effect, something that violates sexual rights - "my body, my sexuality, my right to sell it"- and is something that the state should not dictate by laws.

On the other hand media has highlighted the connection between prostitution and trafficking, seeing that making it illegal to purchase sexual services can help preventing and fighting sexual trafficking in the long run. They have also pointed out that there is seldom such a thing as voluntary prostitution. Many have been forced to it either by tragic circumstances in life or by trafficking, and we should therefore, as the law states, not criminalize the sellers, but the purchasers of this services. All of this, with the hope that the ones finding themselves in prostitution can seek help and prevent more people to end up in prostitution and trafficking.

The consequence of just criminalizing the buyers, the ones who sell the sexual services, the prostitutes, should not have to be afraid of contacting the police, hospitals, or women's aid in fear of punishments. There has however been some frustration shown in the media over how poorly the law has been implemented. When sex purchasers get caught, they are seldom charged, or get only the lowest penalty. This is something that some worries will lead to a lessened effect of the law. Voices of sharpening the penalties, and also to spread the law to other countries, have been more common in the media the last couple of years. The arguments supporting these opinions is that higher penalties and cooperation between countries will lead to higher risks for the purchasers and traffickers. This would lead to reduced trafficking and prostitution.

Those two sides has been debating in the media over the latest decade. The overall attitude towards purchases of sexual services has been changing over the decade - from just referring to prostitution as a right versus moral fault, to referring to prostitution as something connected to trafficking, which the absolute mainstream media is condemning. The connection between prostitution and trafficking is elevated as an issue worth addressing, and it's also an argument speaking for that it still has to be illegal to purchase sexual services. There are liberal voices though, still arguing that *voluntary* prostitution should not be "punished" by the consequences of this law, when the laws main purpose is to protect the women (and men) that are victims of *forced* prostitution and trafficking. They mean that it would be better that prostitution would be legitimate and that laws rather should be concentrating on trafficking as such. However, this opinion and view has been harshly criticized.

Overall the media has lifted both pros and cons with the law, letting debaters from different political spheres and opinions be heard. Newspapers, TV-shows, blogs, etc. has been biased in various ways, but mainstream media has elevated both sides in this debate. In blogs and different forums on the Internet, the opinion that prostitution should be legalized is more common than the other way around, while an investigation (SOU 2010:49) ordered by the Swedish government on the issue shows that the majority of the Swedish population (higher rate among women) are in favor of the law and continuing the criminalization of purchasing sexual services.

When it comes to politicians in the Parliament, the absolute majority is in favor of the law today, something that has changed over the decade.

12 What the critics might say...

- Women in prostitution choose to do this, and that they are "the happy whore" (that is a well known thing to say here in Scandinavia). The government should not interfere with grown-ups wanting to have sex (This is disturbing since 30-70% of the women in prostitution have been sexually abused in their childhood. Swedish reports made over the last ten years state that women in prostitution have lower self esteem. They were also more prone to have had a bad start in life.)
- The Swedish law is a violation against women's rights to control their own bodies. "The right to free sex". (Important: The Swedish Law is not for the women who say that they want to sell sex. It's for the women being forced to sell sex, and for the women selling sex as a last option where they would in fact choose something else if they could.)
- One might also say that there are no actual evidence that the purchase of sex has decreased. Even though that is somewhat correct, there are still evidence that point very strongly in that direction. For example, prostitution increased in Norway and Denmark after the Swedish Law was implemented in Sweden, and it decreased in Sweden.
- Sex-trafficking and prostitution are not linked. This is all about the view on whether or not the women in prostitution are selling sex because they choose to or not.
- The women will experience more violence and abuse because of the law. (No studies show that this is the case.)
- Stigmatization of the women in prostitution. (No studies show that this is the case)
- Unsafe work environments for the women. (The women are being forced to work on the streets, in cars, etc., but the goal is that they do not work at all. Therefore society has to help them to leave a life of prostitution.)
- Since it's illegal to make money on someone else prostituting themselves, a woman who is selling sex from an apartment that she is renting might be convicted from the apartment by the landlord – since he is not allowed to "promote" or make money on the prostitution. (This is something you normally read about in debate articles, but I've never in my life heard of an actual case where this has really happened.)
- Purchasers don't want to file a report to the police if they discover sex-trafficking, since they have committed a crime by purchasing sex. (But a purchaser can still make an anonymous phone call to the police, so this is not legitimate criticism.)
- Prostitution will not decrease, it will only go underground. (This is partly true, but the Swedish government's latest investigation shows that Internet prostitution has not increased as

much as street prostitution has decreased. Therefore it is safe to say that the prostitution has decreased overall. Prostitution has not increased – that's for sure.)

13 Extra

A lot of this should already be possible to find in the text above, but a lot is also new information.

13.1 Why Sweden chose to introduce the ban on the purchase of sexual services

The ban on the purchase of sexual services was introduced since it was deemed that fighting prostitution was of pressing social interest. Unlike previous measures and initiatives, criminalization targeted the demand for sexual services, i.e. purchasers of sex and prospective purchasers of sex.

The ban was intended to help fight prostitution and its harmful consequences in a more effective manner than was possible using the previous measures against prostitution. The legislative proposal stated that it is shameful and unacceptable that, in a gender equal society, men obtains casual sexual relations with women in return for payment and that Sweden, by introducing a ban on purchasing sexual services, also sent an important signal to other countries when we were displaying our view on purchasing sexual services and prostitution.

It pointed out that prostitution entails serious harm to both individuals and to society. It was expected that criminalization would have a deterrent effect on prospective purchasers of sex, and serve to reduce the interest of various groups or individuals abroad in establishing more extensive organized prostitution activities in Sweden, which would have an inhibitory effect on the prevalence of prostitution here.

13.2 Why the ban need to focus on the purchasers

The most important insight regarding the issue of prostitution, presented through the bill, was that attention must be directed to the purchasers. It was a matter of a shift in perspective, which can be summarized by stating the obvious: if there was no demand there would be no prostitution.

13.3 It's not about those who freely sell sex, it's about all those who are exploited in prostitution

Since it was introduced, the ban on the purchase of sexual services has caused debate in Sweden and internationally. Despite the official position, there is still a debate in Sweden regarding attitudes to prostitution. Those who defend prostitution argue that it is possible to differentiate between voluntary and non-voluntary prostitution, that adults should have the right to freely sell and freely purchase sex, and that the ban on the purchase of sexual services represents an outdated position, based on sexual moralism.

However, based on a gender equality and human rights perspective, and shifting focus away from what is being offered, i.e. those who are exploited in prostitution, to demand, i.e. traffickers, procurers and sex purchasers, the distinction between voluntary and non-voluntary prostitution is not relevant.

13.4 The proposal behind the ban on the purchase of sexual services

The proposal that eventually led to the introduction of the Act prohibiting the Purchase of Sexual Services (1998:408) formed part of the Government Bill Violence Against Women. The proposal was based on the report of the Prostitution Inquiry from 1993 and on the final report of the Commission on Violence against Women, Violence against Women (SOU 1995:60).

13.5 An important instrument to prevent and protect those people who are or who risk becoming involved in prostitution and other forms of sexual exploitation

As is the case with the crime of human trafficking, the ban on the purchase of sexual services is an important instrument to prevent and combat trafficking in human beings and to protect those people who are, or who risk becoming, involved in prostitution and other forms of sexual exploitation. Since human trafficking is a cross-border crime, combating it requires international cooperation. There are a number of international conventions regarding prostitution and trafficking. Several instruments dealing with prostitution and human trafficking have been adopted by the United Nations, the Council of Europe and the EU.

13.6 To combating the demand

In its action plan against prostitution and human trafficking for sexual purposes, the Government emphasizes that initiatives to combat demand for sexual services are crucial for dealing with the problem. For ten or so years, social services in Stockholm, Gothenburg and Malmö have been operating what are known as KAST groups (Purchasers Of Sexual Services) to motivate potential and active sex purchasers to change their behavior.

13.7 Street prostitution halved

Since the introduction of the ban on the purchase of sexual services, street prostitution in Sweden has been halved. This reduction may be considered to be a direct result of the criminalization of sex purchases. It is considered that the data available on the scale and prevalence of street prostitution describes the actual conditions.

In a comparison, we have noted that the prevalence of street prostitution was about the same in the three capital cities of Norway, Denmark and Sweden before the ban on the purchase of sexual services was introduced here, but the number of women in street prostitution in both Norway and Denmark subsequently increased dramatically.

In 2008, the number of people in street prostitution in both Norway and Denmark was estimated to be three times higher than in Sweden. In light of the great similarities that in many respects exist between these three countries, economically and socially, it is reasonable to assume that the reduction in street prostitution in Sweden is a direct result of criminalization. This assumption is supported by the fact that, according to a study by Bergen Municipality, an immediate, dramatic reduction of street prostitution occurred there when, on 1 January 2009, Norway became the second country after Sweden to introduce a general prohibition of the purchase of sexual services. The number of foreign women in street prostitution has increased in all the Nordic countries, including Sweden. However, by comparison it can be noted that the dramatic increase in the number of foreign women in street prostitution reported from both Denmark and Norway has no parallel in Sweden.

13.8 About the development of the prostitution on the internet

Prostitution where the initial contact is made over the Internet is an important and growing arena for prostitution that has received increasing attention in recent years. Compared to street prostitution, the scale of Internet prostitution is more difficult to verify and assess, but knowledge of this form of prostitution is gradually growing.

In the last five years, Internet prostitution has increased in Sweden, Denmark and Norway. However, the scale of this form of prostitution is more extensive in our neighboring countries, and there is nothing to indicate that a greater increase in prostitution over the Internet has occurred in Sweden than in these comparable countries. This indicates that the ban has not led to street prostitution in Sweden shifting arenas to the Internet. In light of this it should be possible to conclude that the halving of street prostitution that took place in Sweden represents a real reduction in prostitution here, and that this reduction is also mainly a result of the criminalization of sex purchases.

13.9 No overall increase in prostitution in Sweden

There is nothing to indicate that the prevalence of indoor prostitution that is not marketed through advertisements in magazines and on the Internet, e.g. prostitution in massage parlors, sex clubs and hotels, and in restaurant and nightclub settings, has increased in recent years. Nor is there any information that suggests that prostitutes formerly exploited on the streets are now involved in indoor prostitution.

People working in the field do not consider that there has been an increase in prostitution since the ban was introduced. Since those involved in prostitution activities typically need to promote themselves in order to come into contact with clients, it is unlikely that prostitution could exist on any great scale and remain entirely unknown.

The overall picture we have obtained is that, while there has been an increase in prostitution in our neighboring Nordic countries in the last decade, as far as we can see, prostitution has at least not increased in Sweden. There may be several explanations for this but, given the major similarities in all other respects between the Nordic countries, it is reasonable to assume that prostitution would also have increased in Sweden if we had not had a ban on the purchase of sexual services. Criminalization has therefore helped to combat prostitution.

13.10 Ban on the purchase of sexual services has counteracted the establishment of organized crime

Trafficking in human beings for sexual purposes is a growing form of serious economic crime in large parts of the world. Although it is hard to assess the exact scale of human trafficking for sexual purposes, in Sweden the establishment of this kind of crime is considered to be substantially smaller in scale than in other comparable countries. According to the National Criminal Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden.

13.11 Increased public support for the ban

The ban on the purchase of sexual services was intended as a statement of society's view that prostitution is an undesirable phenomenon. To gauge Swedish public opinion concerning sex purchases, surveys were conducted before and after criminalization were introduced. Judging by the results of four population-based opinion polls, there has been a change of attitude with regard to the purchase of sexual services that coincides with the criminalization of the purchase of such services. The marked shift in attitude that has occurred here – without an equivalent shift in Norway and Denmark – must be interpreted as meaning that the ban itself has had a significant normative effect which, given that support for criminalization is greatest among young people, can be expected to last. In all three surveys conducted since the ban was introduced, more than 70 percent of those asked took a positive view of the ban.

13.12 How the ban has affected those involved in prostitution

When the ban on the purchase of sexual services was introduced, various misgivings were voiced. These included fears that criminalization would risk driving prostitution underground, making it harder to reach out to the vulnerable people involved through social measures, and that the ban would bring an increased risk of physical abuse and generally worsen living conditions for prostitutes. As far as we can judge from the written material and the contacts we have had with public officials and people involved in prostitution, these fears have not been realized.

Police officers and social workers report that purchasers of sexual services have become more cautious and that the ban has led to a decrease in demand, at least for street prostitution, as a result of criminalization.

According to the police, purchasers are afraid to be caught, but are more concerned about the crime being exposed to family and acquaintances than about the actual legal penalties they risk getting. The impression that purchasers have become more cautious is shared by some of the current and former prostitutes who responded to the Inquiry's questions, while others have reported that criminalization has not affected purchasers because so few are caught and the penalties are so lenient.

According to surveys conducted in Sweden in the period following criminalization, the proportion of men reporting that they have, on some occasion, purchased sexual services has decreased, and it would seem that fewer men purchase sexual services in Sweden than in the other Nordic countries. In a survey conducted in 2008, a number of those asked also reported that the ban had affected their actions to the extent that they no longer purchased sexual services. All in all, the above must be interpreted as meaning that the ban has a deterrent effect on prospective purchasers of sexual services.

It is clear, and it seems logical, that those who have extricated themselves from prostitution take a positive view of criminalization, while those who are still exploited in prostitution are critical of the ban. This pattern is reflected in many different reports and is also confirmed by the contacts that the inquiry has had with women with experience of prostitution. Before the ban on the purchase of sexual services, 13.6% of Swedish men, between 18 and 74 years old, answered that they had bought a sexual service at least once. After the ban that number decreased to 7.9%. – Simon Häggström during a lecture hosted by Freethem Sweden has a history where prostitutes were regulated and seen as the problem. But today Sweden has realized that the prostitutes very often are victims who are exploited in prostitution. Therefore, today, Sweden regulates the purchasers of sexual services, with the intention of decreasing the demand. If there is no demand - there will be no prostitution. In addition, punishing the victim would be strange.

The people that are against the ban say that it's possible to make a difference between voluntary and non-voluntary prostitution, that adults should have the right to freely sell and freely purchase sex, and that the ban on the purchase of sexual services represents an outdated position, based on sexual moralism.

14 Personal comments

All studies and reports show that the majority of women in prostitution suffer from it, and did not choose it because they love to be in prostitution, etc. To draw a parallel: Some people use drugs without the drugs harming them in a very obvious way. But we cannot legalize drugs because a minority thinks that "party-drugs" don't harm them. The majority using drugs are addicted to it, and it has negative effects on their lives. In this case we must sacrifice the small groups interests for the large groups suffering. Also, The Swedish Law is a normative law. I would suggest that we make it more than just a normative law to really make it effective. It must cause penalties that people actually fear.

**Maria Ahlin, president
Freethem**