

## **INQUIRY INTO THE REGULATION OF BROTHELS**

**Name:** The Hon. Greg Donnelly  
**Position:** Member of the Legislative Council  
**Date Received:** 25/08/2015

21<sup>st</sup> August 2015

The Committee Manager  
Select Committee on the Regulation of Brothels  
Parliament of NSW  
Macquarie Street  
SYDNEY NSW 2000

Dear Committee Manager,

**RE: Inquiry into the Regulation of Brothels in New South Wales**

I write to the Select Committee regarding the abovementioned inquiry. The contribution I wish to make is to provide some references and articles that I hope will assist in the consideration of the issues of prostitution and brothel regulation that are being examined. The attached material has primarily been sourced through books and journal articles.

**First Attachment**

Is a copy of chapter 1 from a book by Janice G. Raymond titled *Not a Choice, Not a Job: Exposing the Myths about Prostitution and the Global Sex Trade*. The chapter usefully identifies a number of myths and falsehoods that exist around the issue of prostitution. The author challenges the commonly held belief that prostitution is inevitable and that society can do nothing about it.

**Second Attachment**

Is a copy of the references cited by Janice G. Raymond in chapter 1 of her book.

**Third Attachment**

Is a copy of an article by Gunilla Ekberg titled *The Swedish Law that Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings*. The article provides a detailed overview into the enactment of the *Prohibiting the Purchase of Sexual Services* legislation in Sweden that commenced in January 1999. As the author explains the legislation is underpinned by a fundamental belief “that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold, and sexually exploited by men.”

**Fourth Attachment**

Is a copy of the media release issued by Swedish Government on 2<sup>nd</sup> July 2010 summarising the conclusions of the inquiry established to evaluate *Prohibiting the Purchase of Sexual Services* legislation.

**Fifth Attachment**

Is a copy of a document produced by the Swedish Institute dated November 2010. It contains selected extracts of the Swedish Government inquiry report referred to above.

**Sixth Attachment**

Is a copy of an article by Gunilla Ekberg and Kajsa Wahlberg titled *The Swedish Approach: A European Union Country Fights Sex Trafficking*. The article is a further overview of the Swedish legislation.

I believe that the Select Committee as part of its deliberations should specifically examine the important threshold issue about how, as a society, we should view prostitution. Do we want current and future generations to accept that prostitution is “just the way things are” or see it for what it is, the sexual exploitation primarily of girls and women by men and seek to develop and implement policy and legislative responses that set out to abolish or at the very least mitigate the practice.

If you would like me to answer further questions or give oral evidence to the inquiry, do not hesitate to call me on ( [REDACTED] or [REDACTED] or by email on [REDACTED].

Yours sincerely,

[REDACTED]  
[REDACTED]

Greg Donnelly MLC  
Parliament of New South Wales

# NOT A CHOICE, NOT A JOB

Exposing the Myths about Prostitution  
and the Global Sex Trade

JANICE G. RAYMOND





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## Myths and Mythmakers of Prostitution

Saying prostitution will always be with us is cynicism and hopelessness.

—*Trisha Baptie, Canadian survivor and journalist*

There are central fictions that bolster the system of prostitution and influence public opinion. These myths have been influential in media presentations of prostitution and have held sway in various sectors of society. A reason why these myths prevail is the intellectual veneer in which they are often couched. The most implausible argument is made to sound plausible. Take the commonplace that prostitution is inevitable. Declaring the system of prostitution to be rooted in a long history makes those who defend it sound serious, their maxim authorized by history.

Chapter 1 will analyze many of these falsehoods, including:

- Prostitution is inevitable.
- Only “sex workers” can represent women in prostitution.
- Abolitionism is moralistic, not pragmatic.
- Prostitution is a choice.
- There is a crucial distinction between forced and voluntary prostitution that should govern prostitution policy and legislation.
- Off-street is safer than on-street prostitution.
- Women in prostitution are not victims. They are agents of their own destiny.

All these myths are misconceptions about not only the women in prostitution but also the actual workings of the sex industry and its perpetrators of exploitation.



It is important to understand that these fictions are not freestanding but have been promoted by powerful constituencies. These include apologists who lobby for the normalization of prostitution and governments that fund NGOs whose goal is to legalize and/or decriminalize systems of prostitution and the sex industry. Intellectual, corporate, and political cadres, as well as journalists, are always ready to assert that prostitution is inevitable.

Unfortunately, progressive academics and activists have been slow to recognize and counter the effectiveness of those who defend the normalization of prostitution because the sex industry has been sheltered under a sacred canopy of human rights, i.e., by the arguments that prostitution is a human right. But at the onset of the twenty-first century, this situation is beginning to change. More and more people are recognizing that prostitution is not a human right but a violation of human rights, especially of women's human rights.

### PROSTITUTION IS INEVITABLE

Perhaps the most senseless argument in defense of maintaining the system of prostitution is the mantra that prostitution is inevitable. This cliché is invoked time and again, as if its repetition were an explanation. Claimed as a pragmatic statement, inevitability is really a moral fallacy that argues from "is" to "ought," from description to prescription. It declares that because prostitution has been part of societies for centuries, it ought to be for the future. Essentially, since crime has been with us forever and doesn't seem to be disappearing, let's do away with the criminal code.

The attempt to shore up a system of prostitution by resorting to its alleged inevitability appeals to a patriarchal history in which women are the objects, not the subjects. As with any argument that invokes historical validation, we must ask who its beneficiaries are. Prostitution is not the oldest profession. Pimping is. The only inevitable fact about prostitution is the pimps who sell women and children for the sex of prostitution and the men who demand it.

Who trumpets this nonsense of the inevitability of prostitution? Alan Young, the lawyer who argued the challenge to the prostitution laws in Canada that resulted in the decriminalization of pimps and brothels, has stated, "You do not have to read Freud to know that our species is always on the lookout for sexual outlets, and when the pleasure does not present itself, some will go to the marketplace to buy it. There is nothing the state can do about this. Every time a prostitute is

arrested, two take her place. This is a bottomless market."<sup>1</sup> Inevitably the media often runs with this platitude.

Claudia Nielsen was the Zurich city councilor for health and environment in 2011 when the council proposed a drive-through brothel district, based on the German model. A buyer cruises by women displaying their bodies in an approved area, selects one, and backs his car into a private "sex box" where he can use the woman in prostitution. Councilor Nielsen acknowledges that the present regulatory regime in Zurich is untenable, but "we also know we can't forbid it . . . what can't be forbidden should be made feasible or not harmful to the population or to people in that situation. It is very pragmatic: what we can't change we have to live with."<sup>2</sup>

The obvious retort is why can't we change it? Zurich already has a regulatory regime that in Nielsen's own words doesn't work. Instead Nielsen wants to add another regulatory structure—drive-in brothels—to the mix because it is the alleged pragmatic way of dealing with the long-standing existence of prostitution. Nothing, however, is as pragmatic as change. Challenging the inevitability of prostitution by penalizing the prostitution users has proven to be an assuredly practical change in the campaign to eliminate prostitution in Sweden and Norway (see chapter 2).

Whether phrased as "historically eternal" or as "unstoppable," much of the inevitability rhetoric comes from powerful sources that are ideologically and politically opposed to eliminating prostitution and the sex industry. For them, inevitability serves as a convenient underpinning to normalize prostitution and the industry and to continue the violation of women in prostitution worldwide. If we accept there is nothing we can do about systems of prostitution, inevitability becomes a self-fulfilling prophecy. "The real culprits are those who by interest or inclination, declaring constantly that war is inevitable, end by making it so, asserting that they are powerless to prevent it."<sup>3</sup> As with war, so too with prostitution.

Legal regimes of prostitution cave in to the fatalism of inevitability, declaring that only a pragmatic approach reduces harm. The tobacco industry sold this harm reduction argument to the public when it promoted filtered and low-tar cigarettes, but smokers still became sick and died. Like the endorsement of filtered and low-tar cigarettes, making prostitution legal is defended as a harm reduction strategy. Harm reduction is a misnomer because regulated prostitution measures fail in their claim even to reduce the harm to women in prostitution. Take condoms, for example. Many prostitution users simply refuse to wear them although educated to do so, and women in prostitution are left with the burden of convincing them. Many prostitution users pay more



for sex without condoms and are able to pressure women who need the money to put themselves in harm's way.

On the national level, countries such as Australia, the Netherlands, and Germany bear great responsibility for policies and practices that have reinforced the sex industry and the transfer of wealth to traffickers, pimps, recruiters, and brothel owners who are legitimized as respectable sex entrepreneurs in these countries. In normalizing prostitution, these countries practice a form of gender apartheid, whether displaying women behind picture windows in a legal, human, sexual zoo; mandating them to undergo tests for sexually transmitted infections when the prostitution users are not required to submit to the same monitoring; or segregating prostituted women into so-called tolerance zones. As journalist Julie Bindel writes, "Zones were not created to help the women, but to dump them somewhere away from 'respectable folk' . . . horrible, dangerous places with no proper protection."<sup>4</sup>

Sexual exploitation is not inevitable. Since when did political activists permit the claim of inevitability to stand in the way of social change?

### THE SEX WORK APOLOGISTS: LAUNDERING THE SEX INDUSTRY

The sex work apologists, also called the pro-prostitution lobby, are varied. Many are academics who define prostitution as sex work and argue that prostitution should be legalized or decriminalized. Others are NGO activists and women's rights advocates who defend prostitution as a woman's human rights rather than a violation of a woman's human rights. Some are active members of pro-prostitution organizations.

#### Sex Industry Advocates

Writing in the British *Guardian* newspaper Rosie Campbell, chair of the UK Network of Sex Work Projects, promotes a sustainable prostitution system through harm reduction programs. Her message is that foreign "sex workers" need rights, more emphasis on harm reduction, and less focus on victimization and the need to exit prostitution.<sup>5</sup>

Sex industry apologists cite "sex workers," and often are "sex workers," as authorities for their views. The founder of the San Francisco Erotic Service Providers Union, Maxine Doogan, launched a petition to stop the city from providing social services for women in prostitution. In her opinion assistance programs are a moral condemnation of those

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who continue to work in the sex industry and reinforce the presumption that women in prostitution are rushing to leave their "jobs."

Doogan's petition also supported the termination of city-sponsored demand reduction activities, such as johns' schools. In lieu of a penalty, first offenders arrested for solicitation are given the option of attending a program where they learn about the harm of prostitution to women, to themselves, and to society. Doogan claims that "a whole cottage industry [of] interrupting the market, targeting the clients, trying to suppress prostitution" has organized around such anti-prostitution programs and profited from them. Instead, it looks as if Doogan herself, a former escort service owner who was prosecuted in Seattle and pled guilty to a misdemeanor, is really saying that these programs are interfering with her own profit-making.<sup>6</sup>

Carol Leigh, a self-described sex worker and longtime advocate of prostitution as work, states that "sex worker activists" are more concerned about "the harm done in the name of rescue and through anti-trafficking laws and policies."<sup>7</sup> This is a callous statement when we examine the amount of research that documents how prostitution ravages the lives of women subjected to it.<sup>8</sup>

Some academics prefer to debunk the numbers of victims of trafficking, saying that most statistics are highly exaggerated and most accounts of trafficking depend on the few gruesome accounts of trafficked women that are sensationalized in the media. Nick Davies has claimed that numbers of victims of sex trafficking in Britain have been hugely inflated.<sup>9</sup> Other apologists question the reliability of numbers of trafficked victims cited each year in the U.S. government's annual trafficking in persons report.

The debate surrounding numbers has been a mainstay of the pro-sex work position on trafficking. Sex industry apologists complain that the numbers of victims don't warrant the attention being given to sex trafficking and generate, as Laura Agustin argues, a "myth of trafficking." Agustin's homilies, in particular, trivialize the numbers. Her repudiation of the magnitude of victimization is comparable to Roman Catholic Church apologists for the sexual abuse scandal who also rely on the defense that the numbers of priest-abusers are insignificant—not a structural flaw for which the Church is accountable. Justifications such as these excuse the responsibility of perpetrators, no matter what the numbers are.

Persistent attacks on the validity of statistics implies that if we cannot obtain accurate figures on sex trafficking, governments and NGOs should not be devoting such attention and funding to anti-trafficking



programs and policies. This attack on the numbers results in all incidents of trafficking being viewed with suspicion. Are we supposed to question the magnitude of trafficking because there are no agreed-upon statistics? Do we have airtight statistics on victims of torture or of those "disappeared" in the "dirty wars" of Latin America? What figures are too few to impel us to take action, and what numbers qualify as actionable? Are we supposed to feel "proportional revulsion" and to be three times more outraged if the numbers are 2 million instead of 800,000?

The sex industry apologists have been successful in influencing some UN agencies and programs, such as the World Health Organization and UNAIDS, to change their discourse on prostitution to that of *sex work* and *sex workers*. Apologists have also been influential within the European Union.

In 2004 European Parliament member (MEP) Marianne Eriksson from the Nordic Green Left party in Sweden held a public hearing at the European Parliament on *The Consequences of the Sex Industry in the European Union*.<sup>10</sup> In a report released at a press conference after the hearing, Eriksson stated that various NGOs were being funded by the European Union's anti-trafficking initiatives whose policies and sources of revenue are not clear and transparent. Specifically she singled out HIV/AIDS groups: "In an investigation into the HIV/AIDS programmes, it emerged that organisations taking part in these programmes and receiving considerable financial amounts often used the funds actively to campaign for the legalization and regulation of prostitution in and outside the Member States."<sup>11</sup> This was not the purpose for which the funds were awarded.

The Eriksson Report faults EU member states that have "accepted the prevailing situation and, through legalization and regulation of prostitution, have helped make what was previously a criminal activity part of the legal economic sector. The Member State then becomes part of the sex industry, yet another profiteer on the market." Finally the Eriksson Report voiced strong concern that no background checks are carried out in the European Commission when it appoints experts on trafficking and prostitution. "In view of the way in which organized crime operates, it is therefore possible that the Commission, the initiator of common legislation, is being advised by representatives of criminal organizations."<sup>12</sup>

### John Davies

An alleged expert on trafficking that the Eriksson Report may have had in mind is John Davies. In 1994 Romania accused Davies of bringing

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In 1998 Davies for support the sex work and was allowed prostitution Women (STW) cooperation the Salomon Foundation (Alhajj) investigation initiated allegations funds." On Davies had provided allegations in repayment of conviction confirmed

twenty-eight expectant Romanian women into Hungary to deliver their babies, after which the babies were sent to a private adoption service in the United States linked to the religious right wing and promoted by televangelists.<sup>13</sup> Americans paid \$20,000 to adopt babies provided by Davies. In the aftermath of these accusations and investigations, both the United States and Romania issued exclusion orders banning Davies from coming into either country for five years.<sup>14</sup> In effect, Davies was accused of baby trafficking.

In 1995 Davies was jailed for two weeks in Zagreb, Croatia, after he was accused of coercing women to give up their babies—a charge he has denied. Many of these women had been lured to Zagreb and were raped Muslim refugees from the conflict region who became pregnant and subsequently dishonored in their culture. Davies claimed the women, rather than abort, asked him to find homes for the babies.<sup>15</sup> A court released him, and Davies threatened to sue the state for wrongful arrest. Although he was acquitted of engaging in illegal adoptions, the judges authorized prosecutors to continue the search for evidence against him.<sup>16</sup>

In 1997 the European Commission (EC) awarded Davies a grant of €140,000 to establish a "help center" for women in prostitution in Szeged, Hungary. Brussels investigators found that the funds had not been used to set up any services for women and may have been diverted for Davies's "personal enrichment."<sup>17</sup> In awarding the grant, the EC seemed unaware of Davies's past convictions of fraud and deception for using fake credit cards while working for a British charity in Romania. It is also the case that the EC may not have known that Davies had previously been placed on an Interpol watch list as a suspected baby trafficker.<sup>18</sup>

In 1998 Hungary attempted to deport him, and Davies appealed for support to the stop-traffic listserve, most of whose members were sex work advocates. The appeal was evidently successful, and Davies was allowed to remain in the country. However, even two major prostitution groups, the Dutch Foundation Against Trafficking in Women (STV) and La Strada, announced they were withdrawing their cooperation with Davies and the foundations he was affiliated with—the Salomon Alapítvány Foundation (Hungary) and the Morava Foundation (Albania and Romania).<sup>19</sup> Davies responded, "There is no fraud investigation, the project in Hungary was audited after the unsubstantiated allegations last year and the audit did not uncover any misuse of funds."<sup>20</sup> On May 7, 1999, Davies sent another response claiming he had provided the EU with "a considerable file of material since those allegations and after several weeks. . . . The EU has not requested any repayment of the grant."<sup>21</sup> I know of no official EU or EC documentation confirming Davies's responses.



After the EC investigation and the exclusion orders issued against him, John Davies resurrected himself in 2002 equipped with Norwegian grant funding for anti-trafficking work in Bangladesh. In Dhaka, he worked as a chief technical adviser for the Ministry of Women and Children's project to stop trafficking. When allegations of trafficking and evidence of exclusion orders caught up with Davies, his relationship with government anti-trafficking programs was severed in 2002, his funding was stopped, and he left Bangladesh.<sup>22</sup>

To anyone attending anti-trafficking conference in the 1990s, Davies was a familiar figure. Davies continues to make vocal appearances at anti-trafficking conferences where he carries on his campaign to defend prostitution as sex work and opposes those who advocate that prostitution is violence against women. At a 2009 conference organized by the International Organization for Migration (IOM) in Palermo, Italy, Davies asserted, "The anti-prostitution lobby has hijacked the issue of trafficking and is profiting from it. . . . My mother was a prostitute when we were very poor. The only ones who gave her problems were policemen, never clients or pimps."<sup>23</sup>

Davies spent many years at an academic haven for pro-prostitution researchers—the Sussex Centre for Migration Research at the University of Sussex in England. In 2009 the university awarded Davies a doctorate. At various times the Sussex Centre has harbored students and visiting research fellows who define trafficking simply as "facilitated migration" or argue "trafficking is a myth." Passing through its doors have been sex industry apologists including Jo Doezema, Nick Davies, Laura Agustin, and Julie Vullnetari. These four writers have put a positive slant on women's experiences of trafficking and conclude that many women from developing countries who end up in the prostitution industries of western countries have chosen their destinies.

In 2009 John Davies went on trial in Britain for sexually abusing two girls, aged six and eight, during the years 1980–1981.<sup>24</sup> The trial lasted eight days at the end of which he was cleared. As with other accusations, hearings, and indictments, John Davies has managed to elude conviction, or the charges simply disappear. But the list of accusations is a very long one, spanning at least fifteen years.

### Milorad Milakovic

Among the traffickers promoting legalization of prostitution is Milorad Milakovic, a notorious sex slaver in Bosnia. When interviewed in 2003, "Milakovic said he was eager to promote his scheme to legalize

prostitution in Bosnia 'to stop the selling of people, because each of those girls is someone's child.'<sup>25</sup> His unctuous claim to care about "someone's child" is belied by the way in which he bought and enslaved hundreds of girls and women for his brothels in Bosnia. In November 2000 the UN-sponsored international police force (IPTF) raided Milakovic's nightclub-brothels in Prijedor. Thirty-four young women were freed. Milakovic's major complaint was that he had paid good money for the girls and that he wanted compensation. "He also spoke openly about the cozy relations he had enjoyed with the IPTF peacekeepers, many who had been his customers."<sup>26</sup>

Milakovic's words will come as no surprise to anyone who has seen the shattering exposé of sex trafficking in Bosnia depicted in the 2011 film *The Whistleblower*. With great courage and cost to herself, UN police officer Kathryn Bolkovac denounced fellow UN peacekeepers and police, charged with protecting the people of Bosnia, for their role in buying women and girls whom they knew were kept in sexual slavery. It is a travesty of justice that only in 2011 did local police finally raid Milakovic's brothel called Sherwood Castle and arrest him for engaging in human trafficking and sexual slavery.

Abolitionists not only have to challenge the sex industry, but they also find themselves having to do battle with human rights organizations infected by pro-prostitution myths and mythmakers. Many human rights advocates, intentionally or not, lend support to the sex industry by supporting its goal to normalize prostitution as work.

#### ONLY "SEX WORKERS" CAN REPRESENT WOMEN IN PROSTITUTION

I was a prostitute for 15 years and I have never met a sex worker. The name stems . . . from the people who support and benefit from the commodification of women. I know prostituted women—I have even been one.

—Trisha Baptie, Canadian journalist and survivor

Two conflicting voices speak for women in prostitution. Both claim the authority of experience. One voice—survivors of prostitution and their supporters—maintains that prostitution is violence against women. It warns that decriminalizing the sex industry and regulating prostitution as work is normalizing sexual slavery. It asserts that defending the rights of women in prostitution requires prosecuting their perpetrators,

including pimps and prostitution users, and giving assistance to victims. This means providing women in prostitution not simply with safe-sex education but also with life alternatives.

The second voice—"sex workers" and their allies—is louder, commands more media presence, and seems to enjoy more financial support. It proclaims that prostitution *is* a woman's right and a form of productive labor, and that the best way of protecting women in prostitution is to improve their "working conditions." Advocates of this model allege that prostitution is part of the service economy, providing sexual services to clients, and that women should be free to hire managers, otherwise known as pimps. Their message has focused on teaching prostituted women how to use condoms, not how to create a better future for themselves.

For many years COYOTE, which stands for "Call Off Your Old Tired Ethics," was the most influential group in the United States advocating decriminalization of the sex industry. Billed as an organization of "sex workers," it claimed to represent women in prostitution and presented itself to the media as a national organization of and for prostitutes. However, as Valerie Jenness in her sympathetic book on COYOTE writes, COYOTE has created an "organizational myth." "Contrary to COYOTE's public image, only a small percentage of its members have worked as prostitutes, and an even smaller percentage are active prostitutes who are also active in the organization. On occasion, [Margo] St. James has admitted that COYOTE is not an organization constituted by prostitutes."<sup>27</sup>

COYOTE became a public relations group in support of the sex industry. Margo St. James, founder of COYOTE, served as a witness for the defense at the bizarre 1982 trial of the Mitchell brothers, who founded the notorious pornography emporium called the O'Farrell Theatre in San Francisco. At the trial, St. James rebutted the accusations that the Mitchells promoted prostitution in their club. Instead, she testified that men didn't go to the O'Farrell to be aroused or gratified sexually. She asserted, "Arousal and gratification means [*sic*] more to me than a quick sniff."<sup>28</sup> COYOTE also actively lobbied for the repeal of laws against pimping, pandering, and solicitation. Historically, it has not provided direct services for women in prostitution but has seen itself as a public defender of normalizing prostitution.

COYOTE made prostitution look sexy, and it was always attractive to media and available for commentary. From 1974 to 1978, COYOTE launched the Hookers Ball in San Francisco with the slogan, "Everybody Needs a Hooker Once in Awhile." Each yearly ball garnered larger

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Who speaks for women in prostitution—"sex workers" or survivors? Defenders of the sex industry or its opponents? It is difficult to distinguish those who identify as sex workers from those who are agents of the sex industry when many "sex workers" shill for the industry in the media and on their websites. For example, the website of the Vancouver Network of Sex Work Projects contained multiple links advertising all kinds of prostitution venues, even inviting sex businesses to advertise gratis.<sup>30</sup>

### Survivors Speak

To amplify the voices of survivors of prostitution and their allies, the CATW and the European Women's Lobby (EWL) organized a press conference at the European Parliament in 2005.<sup>31</sup> In contrast to COYOTE and the Network of Sex Work Projects, the conference issued a *Manifesto of Survivors of Prostitution* from Belgium, Denmark, Korea, the United States, and the United Kingdom. The *Manifesto*, based on a similar statement issued by seventy-five survivors of prostitution in the Philippines, proclaimed, "Prostitution is not 'sex work,' and trafficking is not 'migration for sex work.'" It called on governments to "stop legalizing and decriminalizing the sex industry and giving pimps and buyers legal permission to abuse women in prostitution."<sup>32</sup>

Korean American survivor Chong Kim stated at the EP conference, "There are individuals and agencies that claim to represent women in prostitution, that claim to sympathize with our pain, but they want us to stay in pain. They offer us condoms, but not the conditions for a better life outside prostitution. They make distinctions between trafficking and prostitution but believe me, there are none. I was both trafficked and prostituted."<sup>33</sup>

In 2005, other survivors testified before a Canadian House of Commons committee gathering opinions from individuals and community groups. Dawn Hodgins, formerly in prostitution in Edmonton, Canada, said, "Local prostitutes didn't care about decriminalization or legalization. That wasn't the problem. . . . The problem was that they are homeless, addicted."<sup>34</sup>

Canadian survivor and journalist Trisha Baptie exposes harm reduction strategies and prostitution users in many of her writings. "You can't make prostitution 'safer'; prostitution is violence in itself. It is rape, the



money only appeases men's guilt. Do we really think they are unable to do without orgasm on demand?"<sup>35</sup>

Survivors are poles apart from the sex workers' message. Survivors experience prostitution as sexual exploitation; sex workers claim that foreign women who end up in local prostitution industries have "migrated for sex work," as if poor women, most from financially ravaged countries, paid their own way and obtained their travel documents for the trip. Survivors tell us that these women are victims of trafficking (see chapter 5).

This is not simply a debate about words. It is about the reality of women's lives. It is about the fact that women in prostitution do not wake up one morning and decide they want to be prostitutes. Instead, most women in prostitution make this "choice" when all else fails. The essential difference between these two views is that recognizing prostitution as work keeps women in prostitution and often in great danger. Understanding prostitution as a violation of women's human rights helps women out of prostitution and out of harm's way.

### ABOLITIONISM IS MORALISTIC, NOT PRAGMATIC

Hanneke . . . walked me through the red-light district near the Central Station [in Amsterdam]. . . I remember feeling as if I'd been hit in the stomach by the sight of women standing behind glass, naked or strung together in obscenely sexual clothes. It made me think of animal parts hanging off hooks at the butcher's stall. . . This was exploitation: I recoiled from it. Hanneke couldn't persuade me that these women were doing it voluntarily, as an honest day's work.

—Ayaan Hirsi Ali, *infidel*

Hirsi Ali's statement is one of moral revulsion, all the more powerful for the animal parts comparison that it evokes. Abolitionist arguments to eliminate prostitution and the sex industry have been characterized as moral—but not in a positive way. Sex work apologists use the word "moral" pejoratively to diminish those who work to abolish prostitution and the sex industry and to avoid what prostitution means at its core—the dehumanizing and degradation of women. What they call moral is any emphasis on justice, dignity, and bodily integrity for women.

It has become fashionable for the sex industry apologists to dismiss any argument that opposes the system of prostitution as moralistic. In their vocabulary, moral means moralism. They argue that in the

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rough-and-tumble real world, individuals and governments must make decisions and policies that suspend the ethical because it has no practical value. When prostitution was normalized in the Netherlands, the minister of justice explained the legalizing of brothels and pimping in this way: "That prostitution exists is a given fact, even for the government. That requires a realistic approach, without moralism."<sup>36</sup>

The great seduction of legal prostitution regimes is to believe that sexual exploitation can be made better through pragmatic legislation that claims to provide improved "working" conditions for women. The reality is these regimes provide first-class working conditions for pimps and brothel owners whose status is elevated to legitimate businessmen. By law, there are no pimps in the legal brothels of the Netherlands or Australia—only sexual entrepreneurs and licensed agents who are given the legal right to live off the earnings of "voluntary" women in prostitution.

As for the claim that legal regimes destigmatize women, those actually destigmatized are the men who buy and the pimps and traffickers who sell. Even in the Netherlands few women are legally registered because they want no record made of their prostitution. Interviews with women prostituted in the Dutch-licensed sector reveal that the most important aspect of their "work" is anonymity, and they rank it even higher than a regular income or salary.<sup>37</sup> The same reluctance to register or join unions is prevalent among women in prostitution in Germany.<sup>38</sup>

### Humanizing Systems of Oppression

Pro-prostitution NGOs participate in a long and dispiriting tradition of humanizing systems of oppression. During World War II the international Red Cross decided to distribute food packages to the Nazi death camp inmates, and to remain silent about the killing of Jews. Red Cross representatives were allowed into the camps, saw the "unbelievable," and documented it, but they kept the evidence in the organization's files. In March 1945 as the Allies were winning the war, Nazi officials allowed Red Cross representatives into the camps to ensure the "safety" of the prisoners, but only if they agreed not to try to remove them from the camps.

After their visit to the Theresienstadt (Terezin) camp—a visit completely orchestrated by Nazi officials—Red Cross officials praised the camp, confirming that most prisoners enjoyed good treatment, nutritious food, adequate housing, and cultural events. The Nazis, of course, wanted to deceive the world into believing that Jews were well treated.

When it finally released its World War II documents in 1997, the Red Cross defended its decision by saying that its efforts reduced harm and starvation and enabled the organization's continued monitoring of prisoner-of-war camps.<sup>39</sup> NGOs such as Médecins Sans Frontières were founded to abolish this kind of collusion with criminals in the name of humanitarianism.

Similarly what we see in the harm reduction approach to prostitution is the decision to distribute condoms in the worst of brothels but to remain silent about the conditions that exist in them, including the prevalence of children used in prostitution. Most organizations can only access brothels with the permission of the criminals that control them. As early as 1996, HIV educators in Bombay agreed to the pimps' directives mandating that they could encourage condom usage in the prostitution sector only if they would not discuss "social issues," and if they would ignore the rampant child prostitution in the sector.<sup>40</sup>

In 2011, sex industry apologists defended this kind of collusion with pimps and brothel owners, wrapped in gentrified language and annexed in an official UNAIDS report on *HIV/AIDS and Sex Work*: "Alliances should be made with managers and agents of sex workers to encourage and support efforts to implement worker safety initiatives, such as requiring all customers to use condoms and posting signs to such effect."<sup>41</sup> What a devil's bargain this report proposes in the name of protection for prostituted women.

Likewise, the Netherlands, Germany, and Australia are state powers that cooperate with criminals redefined as sexual entrepreneurs and clients. In effect, the Dutch prostitution regime has turned criminals into cordial capitalists.<sup>42</sup> Dutch government officials consult with pimps, brothel owners, and buyers, all who have formed associations to promote their self-interests such as the "need" for expanding the legal system of brothels (see chapter 3). How is it that a government like the Netherlands can promote human rights around the world at the same time it whitewashes the sexual slavery of the world's women within its own prostitution nation? Perhaps because they are above the tiresome ethical concerns about exploitation and human dignity in favor of pragmatic ones, like good housekeeping in the brothels.

### Words that Demoralize the Harm and Make It Invisible

The sex industry and its apologists especially challenge the meaning of concepts such as "sexual exploitation," "human dignity," and "victim," which they relegate to the dustbin of morality. During the two-year

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process leading up to the completion of the Palermo Protocol on trafficking, apologists worked to expunge the words "victim" and "sexual exploitation" from the protocol as it was being drafted. They maintained such terms were moral concepts devoid of pragmatic content.<sup>43</sup> In place of "victims of trafficking," they proposed "trafficked persons," a more neutral term that conveyed little of the exploitation involved in sex trafficking. Transfer this passive adjective to "raped persons" or "tortured persons" to understand how it eviscerates the harm done to victims.

The rejection of using the word "victim" in a UN instrument meant to combat trafficking reminds one of the Bush administration's linguistic gymnastics during its wars in Iraq and Afghanistan. As the sex work apologists worked to replace "victims" with "trafficked persons," the Bush administration attempted to "demoralize" methods of torture as "enhanced interrogation techniques," making these "techniques" pragmatic means to use in the "war on terror." The "mere infliction of pain and suffering" did not count as torture. Only prohibited were pain and suffering that constituted a level ordinarily associated with "death, organ failure or serious impairment of bodily function."

In like manner, when violence is committed in legal sex industries by pimps who are certified prostitution entrepreneurs, and by prostitution users who are accredited consumers, violence is treated as an occupational hazard that *women* must work to reduce—not as a crime. Mary Sullivan has argued that some of the techniques that pro-sex work groups recommend to mitigate the everyday violence of prostitution sound like "crisis management in hostage situations,"<sup>44</sup> where the prostituted woman must negotiate with the buyer for her own protection. Also recommended are provisions for "sexual specialty safety" (e.g., training in the safe use of S&M equipment, including branding irons, whips and canes, hot wax, and piercing instruments).<sup>45</sup>

The best that can be said about this kind of "occupational" advice is that it backhandedly acknowledges the brutality women are subjected to in legal brothels. Tellingly, pro-sex work organizations take for granted that prostitution is a violent and dangerous practice and that women must assume more and more of the responsibility for risk management. Because the words "sexual exploitation," "sexual torture," and "victim" have all but vanished from the vocabulary of what happens to women in legal systems of prostitution, so also is the harm to women made invisible.

### Why a Moral Struggle?

Politics is always based on some kind of ethics, or some kind of values. During the civil rights struggle of the 1960s, Martin Luther King, Jr.,



pressed U.S. president John F. Kennedy to speak about civil rights in moral terms and to transcend the political considerations of north-south relations, states' rights, and public order. King knew that moral suasion had pragmatic consequences and that hearts and minds needed to be changed in order to transform laws. Wrapping Kennedy's proposed civil rights legislation in the language of what is right and just appealed to the moral sense of citizens. It helped prompt a civic response to oppose racial segregation and support civil rights legislation—especially as Americans watched television pictures of black nonviolent demonstrators in Birmingham, Alabama, get pounded by Bull Connor's high-pressure hoses, attacked by police dogs, and savagely beaten by police with billy clubs.

In his famous civil rights speech to the nation, Kennedy acknowledged institutionalized racism: "We face a moral crisis as a country and as a people. . . . Those who do nothing are inviting shame as well as violence. Those who act boldly are recognizing right as well as reality." Eventually, many U.S. citizens realized that institutionalized racism is built on a value structure that fails to accord African Americans dignity, respect, and rights.

### Whose Moral Panic?

When those promoting the abolition of prostitution "recognize right as well as reality," justice as well as pragmatism, and speak about the system of globalized prostitution as a moral crisis, they are attacked for being moralists. When abolitionists focus on what happens to victims, they are stereotyped as creating "moral panic," of using sensationalism, and of purveying "anecdotal horror stories." The debate over prostitution, however, is not filled with a surplus of moral wisdom but rather a scarcity of it.

Longtime apologist for prostitution as work, Ronald Weitzer, writes that anti-trafficking campaigns create "moral panic" and are the "institutionalization of a moral crusade." Weitzer has been yammering about moral panics for years, using this term repetitively in many of his articles to create linguistic sensationalism. Comparing feminist and other campaigns to abolish prostitution with historical moral crusades, Weitzer inveighs against this "far-reaching attack on commercial sex." "Moral crusades . . . typically offer anecdotal horror stories and . . . photos of young victims. . . . Such depictions dramatize human suffering and are designed to cause alarm and outrage and to stoke popular revulsion and support for draconian solutions."<sup>46</sup>

So now it is feminist abolitionists whose challenge to the sex industry is labeled a "moral panic" at the same time that pimps and brothel

### Moral Panic

Moral panic is a term used to describe a situation where a moral issue is perceived as a crisis, often leading to a loss of rationality and a focus on emotional responses. This can be seen in the case of prostitution, where the issue is often framed in terms of moral crusades and moral panics. The text discusses how moral panics are created and how they can lead to a loss of rationality and a focus on emotional responses.

Unlike religious moral panics, which are often based on a specific religious doctrine, moral panics in the context of prostitution are often based on a more general sense of moral outrage. This can be seen in the case of the anti-trafficking campaigns, which are often based on a sense of moral outrage against the exploitation of women. The text discusses how moral panics are created and how they can lead to a loss of rationality and a focus on emotional responses.

owners are welcomed as allies by a UN committee report, and by numbers of academics, NGOs and some governments. As Gail Dines and Julia Long have noted about the application of the term "moral panic" to anti-pornography feminists, "No one in progressive circles would suggest for a moment that criticism of the corporate media is a moral panic ... yet those of us who organize against the corporations that churn out sexist imagery are regularly dismissed as stirring moral panic."<sup>47</sup> Much of the academic literature attacking abolitionists reads as its own panic about the success of those who have thwarted state-endorsed prostitution policy and instead created legislation penalizing demand.

One effect of this linguistic sensationalism is that human rights advocates and progressives shield pimps, traffickers, and prostitution users. In doing so, many progressive activists and organizations help strip the sex industry of any legal accountability and whitewash its history of the sexual exploitation of women and children. Others may hesitate to condemn systems of prostitution because they fear being tainted as moralistic and as condemning sex.

### Moralism and Morality Are Not the Same

Moralism discourages thoughtful decision making and is a passive stance. Morality is the sphere of "moral intelligence," in Andrea Dworkin's words, actively searching out the common values on which a politics is based.

Values do matter. The promotion of human rights for women in prostitution is twofold. On the one hand, prostituted women need safety, security, and services. On the other, they need dignity, respect, and equality. Prostitution is particularly objectionable because of its personal degradation of body and spirit, and the gender subordination on which the system is built. If women in prostitution cannot have a future where their lives have value, their prospects are bleak.

Unfortunately the whole vocabulary of values has been ceded to the religious and conservative right. But the right wing and institutional religions have no monopoly on ethical thinking. Many people believe that war is immoral, not just that we should fight it better and smarter. Likewise, many concerned people believe that prostitution is a moral issue that must be addressed within a framework of freedom from exploitation, justice, human dignity, and bodily integrity. People need to hear about this moral framework for why prostitution should be abolished versus normalized in order to make legal and policy judgments. As Ellen Goodman has written, we should vote our values. "It's time to parse what we believe in."<sup>48</sup>

The legal status of prostitution is essentially an ethical and political inquiry and cannot be solved by reducing it to a pragmatic and economic calculus that is value-neutral. It is deceptive for states such as the Netherlands to pretend that its system of legalized prostitution is built on a benevolent pragmatism that is protective of women. Rather the Dutch system is built on a pragmatism that is instrumentalist and materialistic—instrumentalist in the sense that it utilizes women as instruments of male gratification and materialist in that it provides revenues not only for the sex industry but also for the state coffers. Ethically speaking the Dutch system is immoral, reinforcing the position of prostituted women in society as sexual objects and instruments of pleasure to be bought, consumed, and discarded by pimps, brothel owners, and buyers. Missing is a deeper inquiry about what kind of a society institutionalizes sexual exploitation as sex work.

A legacy of twentieth-century feminism is its critique of the historical sexualization of women, including the "sexual liberation" movement of the 1960s. In this twenty-first century, we seem to have returned to a resexualization of women, passing as post-feminist liberation. Women's bodies, clothing, magazines, and self-image are saturated in a culture of pornography that also ennoble prostitution as sexual liberation. Tolerance has replaced protest against what passes for the sexually liberated woman, who is too often the *sexualized woman*.

It is not fashionable to criticize anything that is deemed sexuality, including prostitution and pornography. Too many people seem to believe that anything that passes for sex is off-limits to criticism, because they do not want to be identified as old-fashioned, moralistic, and/or censorious. This mind control has shaped dominant academic and popular cultural discourse on prostitution as sex, not sexual exploitation.<sup>49</sup>

The net effect of the pro-sex work narrative of prostitution is that a lower value is set on the women in prostitution, which accepts that they can have things done to them that are not done to others. The presumption prevails that prostituted women are inured to the violence and violation of prostitution, and can be subjected to the daily sexual servicing of multiple prostitution users and the criminals who control them. This is a familiar form of dehumanization.

We need to remove criticism of pornography and prostitution from the zone of derision to a frank discussion of the difference between sexuality and sexual exploitation. Even if women "choose" prostitution under conditions that are informed and totally voluntary (which most do not), that decision would not be morally defensible. An ethical choice

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forces us to consider the conditions of inequality under which prostitution is "chosen" and legally institutionalized for the world's women.

### PROSTITUTION IS A CHOICE

Women's silence and "consent" can be bought—I remember how much mine cost . . . allowing a minority of women in prostitution to argue "choice" on the backs of the majority who are out there, in a perfect storm of oppression, neglect, abuse and human trafficking.

—Trisha Baptie, Canadian journalist and survivor

From oral history testimony and interviews with women in prostitution, it is known that some women enter the sex industry because they have been forced, coerced, or deceived. Others enter because offenders abuse their vulnerabilities, including past and present sexual abuse, poverty and economic disadvantage, marginalization, and loss of self, and use predatory recruitment tactics that can include peer or family pressure. Those who enter the industry knowing they will engage in prostitution often have no idea of the conditions that await them. No matter whether women experience forced entry or initial "choice," they are still used and used up by an industry that exploits them to the hilt.

When a woman continues in an abusive relationship with a partner who batters her, or even when she defends her partner's actions, concerned people don't assume she remains voluntarily. They recognize the complexity of her compliance. Yet many well-intentioned persons who would recognize battering as violence against women see only an occupational hazard when they look at the same abuse of women in prostitution. Supposedly if women choose to stay in prostitution, there is no exploitation. Like battered women, which they are, women in prostitution often deny their abuse if provided with no meaningful alternatives.

It is one thing to endorse a notion of personal choice as necessary to women's freedom but quite another to claim that women can make meaningful choices within a system of prostitution that represses women's freedom. It is one thing to argue that women need sexual freedom but quite another to claim that prostitution provides it within a global sex industry where prostituted women must service five to fifteen men a day, and most need drugs or alcohol to do the "job."

Choice has come to replace what is actually a *strategy of survival* for most prostituted women. It is a "choiceless choice." Paying someone

to have sex with you when your motivation is to get enough money to survive, or to buy the next bag of groceries or drugs, is not voluntary intercourse. It's a transaction based on her disadvantages and his power of purchase. It's *compliance* to the only options available.

### In the Receding Background of Choice

The presumption of women's consent effectively means that it doesn't matter what men do when they buy or sell women's bodies. The presumption of consent, and the fact that this issue engages most of those who debate the status of prostitution, absolves men from responsibility. It begs the question of why any man would achieve sexual pleasure over the bought bodies of women and children. The emphasis on choice in the politics of prostitution has reduced prostitution to a question of a woman's consent, sprung free from the context of male dominance and the commercial power of an international sex industry. Both forces are allowed to recede into the background because whether or not it is her choice takes over the foreground.

If we are simply free to choose cigarettes, foods that put us on the road to obesity, and assault rifles that kill, the corporations that create these "products" retreat from view. If people are convinced that they willingly choose their poisons, then markets in poisons will prevail and profit. The public opinion game promises greater consumer freedom and convinces people that choosing anything in a free market is good. But there are many situations in which defending choice is deceptive and dangerous, and prostitution is one of them.

The sex work ideologues use a minimalist definition of choice as freedom from coercion. However, the ability to choose depends on many determinants such as emotional and physical health, education, and financial standing. Moreover, women who initially make the alleged choice to engage in prostitution cannot be said to remain there by choice when the sex industry and its legions of pimps, brothel owners, and buyers hold women in a vise of control, violence, debt bondage, and drug-induced endurance.

In 1990 at a UN Economic and Social Council (ECOSOC) meeting, the Dutch government argued for a woman's right to choose prostitution, including her right to choose her pimp: "The right to self-determination, enjoyed by every independent adult man or woman who has not been subjected to any unlawful influence, implies the right of that individual to engage in prostitution and to allow another individual to profit from the resulting earnings."<sup>60</sup> These words could have come out of a sex industry playbook.

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Another factor that makes the focus on choice problematic is that women in prostitution develop coping techniques, some of which involve minimizing the harm and exploitation they face day after day in prostitution. Coping can also generate denial or rationalization of one's own actions, or those of one's abusers, in order to save face. Survivors understand what Trisha Baptie tells us that, when in the sex industry, she would have told people "it was empowering and liberating—how could I look at myself in the mirror otherwise?"<sup>51</sup>

### Who Has the Real Choice in Prostitution?

If women really choose prostitution, why is it mostly disadvantaged and marginalized women who do? If we want to discuss the issue of choice, let's look at who is doing the actual choosing in the context of prostitution. Surely the issue is not why women allegedly choose to be in prostitution, but why men choose to buy the bodies of millions of women and children worldwide and call it sex.

Philosophically, the response to the choice debate is *not* to deny that women are capable of choosing within contexts of powerlessness, but to question how much real value, worth, and power these so-called choices confer. Politically, the question becomes, should the state sanction the sex industry based on the claim that some women choose prostitution when most women's choice is actually *compliance* to the only options available? When governments idealize women's alleged choice to be in prostitution by legalizing, decriminalizing, or regulating the sex industry, they endorse a new range of *conformity* for women. Increasingly, what is defended as a choice is not a triumph over oppression but another name for it.

### THE FALSE DICHOTOMY BETWEEN FORCED AND FREE PROSTITUTION

Sex work ideologues drive a wedge between sex trafficking and prostitution, conveying the impression that trafficking is forced and prostitution is voluntary. Thus, there arises the confusion of anti-trafficking NGOs and governments who are pro-prostitution, promoting the illusion that sex trafficking can be stopped without challenging prostitution itself.

The severing of forced and voluntary prostitution has proven to be a powerful legal tool for perpetrators of sexual exploitation. In systems of both legal and illegal prostitution, prostitution is only actionable when women can prove that their prostitution was coerced, almost at



the barrel of a gun. Sex work apologists put the burden of proof on the woman to prove she was forced. Forced prostitution is like shrinking the legal definition of rape, torture, or battering to only forced rape, forced torture, forced battering. As opinion writer Maureen Dowd has noted in one of her insightful columns, "What on earth is forcible rape? It's like saying nonlethal murder. Why define acts of aggression against women as non-acts of aggression?"<sup>52</sup> Because, in the case of prostitution, the act of aggression is wrapped in the cloak of consensual sex?

Legislation that makes only forced prostitution unlawful practically guarantees that the number of indictments and prosecutions will be minimal. If victims must prove that force was used in recruiting them into prostitution or keeping them there, very few women will have legal recourse, and very few offenders will be prosecuted.

### The UN Protocol on Trafficking

The line between voluntary and involuntary was vigorously debated during the negotiations that led up to the passing of the UN Protocol on trafficking, also called the Palermo Protocol. Whether to make the definition of trafficking exclusively dependent on the victim being forced was the most contentious part of this two-year drafting process that took place at the United Nations in Vienna. On the one side was a small group of NGOs that promoted the view that sex trafficking is forced prostitution. They fought to make force the basis of the definition of trafficking and to saddle posterity with the tautology of "forced trafficking."

On the other, the Coalition Against Trafficking in Women organized 140 NGOs into the International Human Rights Network that was instrumental in elaborating a definition of trafficking that protected all victims of trafficking. The network argued that a narrow definition of force does not protect large numbers of trafficked victims for whom the burden of proof of force or coercion will be too high. For example, many women who are trafficked into the sex industry have had pornography made of them, where they are portrayed as smiling and seductive. Many victims of trafficking do not fit the classic picture of those who are forced.

The Human Rights Network argued that consent is irrelevant. Trafficking can occur with or without the victim's consent. A human rights definition of trafficking should focus on *exploitation*, which is the core of the crime. Whether trafficked women consent, they are still exploited. Further, there are many vulnerabilities leading women and

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children into the sex industry that cannot easily be brought under a narrow definition of coercion or force. Feminist abolitionist organizations succeeded in expanding the conditions of trafficking to "abuse of a person's vulnerabilities."<sup>53</sup>

These organizations were also successful in promoting a definition of trafficking that included the provision that trafficking could occur "with or without the consent of the victim." Grounded in a human rights approach to trafficking, this definition draws no distinctions between deserving and undeserving victims of trafficking. It takes the burden of proof off the exploited and places it on the exploiters. And it provides the strongest support to international efforts to end trafficking because it is clear, unambiguous, and offers fewer loopholes for traffickers.

The problems associated with basing a definition of trafficking on force, rather than exploitation, are illustrated by several actual situations. In March 2007 Japanese prime minister Shinzo Abe announced there was no evidence that the Imperial Japanese Army had coerced thousands of Asian women into Japanese military brothels during World War II.<sup>54</sup>

Abe's statement was followed by a full-page advertisement in the *Washington Post* signed by a group of Japanese lawmakers who wanted to share "the truth with the American people" about those called "comfort women." The ad claimed that no historical document proves that these women were forced, but rather it alleges they were "embedded with the Japanese army . . . working under a system of licensed prostitution that was commonplace around the world at the time." Although the ad acknowledged there were some "breakdowns in discipline," it asserted many of these women "made more money than field officers and even generals."<sup>55</sup>

In this ad the Japanese government concealed its conscription of Asian women into military prostitution by "embedding" them within a system of legal prostitution that distinguishes between women who are forced and women who choose to be in prostitution. Additionally, it resorted to a smoke screen of women's financial gain to deny that the "comfort women" were forced and exploited. A 2004 ILO report stated "that victims of trafficking have been perceived in Japan as voluntary participants in illegal immigration, which thereby removes them from protection,"<sup>56</sup> another example of the Japanese legacy of victims as voluntary.

A further irony of this situation is that pro-sex work advocates argue that most trafficking is voluntary migration, playing into the hands of countries like Japan that would deprive women of protection because



they are seen as voluntary illegal migrants, not as victims of trafficking. Much of Laura Agustín's work can feed into this perception of confusing victims with criminality. Reviewing her book, *Sex at the Margins*, in the *New Statesman*, Brendan O'Neill cited her position:

Most migrant women, including those who end up in the sex industry, have made a clear decision to leave home and take their chances overseas. They are not "passive victims" who must be "saved" by anti-trafficking campaigners. . . . Rather, frequently, they are headstrong and ambitious women who migrate to escape "small-town prejudices, dead-end jobs, dangerous streets and suffocating families." . . . Some poor migrant women "like the idea of being found beautiful and exotic abroad, exciting desire in others."<sup>57</sup>

When trafficking is seen as migration for sex work, it reinforces the idea that prostituted women are victimizing society, not that they are the real victims.

### South Korea and U.S. Military Prostitution

Force takes many faces not limited to physical coercion. In the aftermath of the Korean War, South Korean lawmakers used official "persuasion" to encourage women to prostitute for the good of the country. In a system of "kijich'on" (military camp town) prostitution that was sponsored and regulated by both the South Korean and U.S. governments for the benefit of the U.S. military, thousands of women were designated "bar girls," "hostesses," "special entertainers," and "comfort women." Koreans called the women "Western whores."<sup>58</sup>

In the early 1990s when political scientist Katharine Moon set out to document kijich'on prostitution, she found that many South Korean activists and academics "never placed the kijich'on prostitutes in any framework of exploitation or oppression. . . . Even those who advocate on behalf of the former Korean 'comfort women,'" conscripted for Japanese military abuse believed "kijich'on prostitutes . . . voluntarily want to lead a life of prostitution, because they are lacking in moral character." In the context of U.S.-Korean foreign policy where Korea was a client state, these women were induced into prostitution as "personal ambassadors" for improving U.S.-Korea relations by keeping U.S. soldiers "happy." In any meaningful sense of choice, it was not the kijich'on women who chose to satisfy the sexual demands of U.S. soldiers but rather the government's "willingness to accommodate the U.S. military's interests."<sup>59</sup>

In 2000, the U.S. government accused the government of forcing thousands of women into prostitution but committed state-sponsored prostitution in Korea was one of the "Whore Wars" were all of the 'natural'.

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One of the ways the U.S. regulated prostitution was by forcing women to sacrifice for the U.S. I think the military.

It was not until the 1990s that women existed without being used in the context of prostitution. The U.S. encouraged women to buy and sell and prostitution was chosen.

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In 2009 a group of former prostituted women in South Korea accused their government of blatant hypocrisy. They pointed out the government's criticism of Japan's lack of responsibility for prostituting thousands of Korean women in military brothels during World War II but contended the Korean government directly implemented its own state-sponsored system of prostitution for the benefit of the U.S. military in Korea from the 1960s through the 1980s. "Our government was one big pimp for the U.S. military," stated one woman interviewed. "Whether prostitutes by choice, need, or coercion, the women say, they were all victims of government policies . . . to meet what one called the 'natural needs' of allied soldiers."<sup>60</sup>

The South Korean and U.S. governments were actively involved in ensuring that a supply of women existed for the U.S. military; that these women were medically examined for sexually transmitted diseases but not the men who used them; and if found infected, women were detained in so-called monkey houses in which they were guarded until cured by forced medications.<sup>61</sup> These actions replicate the system of Lock Hospitals set up for prostituted women in Britain during the era of the Contagious Disease Acts.

One Korean woman prostituted for U.S. military use articulated the way in which prostituted women were "sacrificed" in Korea's regulated system of prostitution. "Women like me were the biggest sacrifice for my country's alliance with the Americans. . . . Looking back, I think my body was not mine but the government's and the U.S. military's."<sup>62</sup>

It may be easier to understand that meaningful consent does not exist within a military context where women of another country are used in prostitution by the dominant power. However in a non-military context, governments can also be persuasive promoters of prostitution in countries that have legalized or decriminalized systems of prostitution. These countries become nations in which women are officially encouraged to prostitute *because* it is legal; men are given legal permission to buy women *because* prostitution is rebranded as a "sexual service"; and pimps preying on the vulnerabilities of women and children are transformed into acceptable business agents who assist women in their chosen occupational goals.

#### Social Consequences of Distinguishing Between Forced and Free Prostitution

When the city of Budapest, Hungary, established a legal tolerance zone for those in prostitution, hotline workers reported that many more

phone calls seeking help came from girls whose fathers and brothers were pushing them into prostitution for financial reasons. The girls didn't know how to defend themselves against the pressures of their male relatives. Activists fear that full legalization being debated in Hungary—a country with consistently high unemployment—will create hundreds of these requests for help, and that family members will have no compunction about requiring that daughters enter prostitution because it will be fully legal.<sup>63</sup> Advocates also fear that they will not be able to provide women with help from the criminal justice system, since police will no longer be able to prosecute pimps and brothel owners.

The weight of government approval of legal prostitution cannot be underestimated in giving the ethical and social go-ahead to women and families in need and to men to become prostitution users, all encouraged by government policy to participate in the sex industry. Active government complicity in the sex trade is just as present in the Netherlands, Germany, and Australia as it was in Japan and South Korea during the periods documented above. And the scope of what gets defined as voluntary is significantly enlarged in legal systems of prostitution.

An Israeli journalist writes that he once separated the women trafficked into Israel for prostitution into the good, who were forced or tricked, and the bad, who knew they would be in prostitution. In interviewing foreign women in prostitution in Israel, he asked if they knew what they were getting into. One woman, Natasha, responded, "They told me it was prostitution, but they didn't tell me the conditions." She went on to describe her horrendous experience of being transported across the Sinai, inspected like merchandise by pimps, sold to these pimps by her recruiters, subjected to ten buyers per day, assaulted by both buyers and bosses, kept in the brothel and not allowed out, phoning her father who cared nothing about her plight, and finally escaping. The journalist concluded, "Did Natasha 'choose' to become a prostitute? Does any girl who grows up desolate—without love, money, prospects, or self-esteem—really 'choose' that destiny?"<sup>64</sup>

### The U.S. Trafficking Victims Protection Act

U.S. policy has made clear that prostitution and trafficking are intimately connected. Likewise, UN Special Rapporteur Sigma Huda writes, "For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person's experiences within prostitution do not involve . . . an abuse of power and/or an abuse of vulnerability."<sup>65</sup>

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Under the leadership of Amb. John Miller, former director of the U.S. Office to Monitor and Combat Trafficking, the 2004 *Trafficking in Persons* report emphasized that legalized prostitution regimes do not curb trafficking. "The United States Government takes a firm stand against proposals to legalize prostitution. . . . When law enforcement tolerates or communities legalize prostitution, organized crime groups are freer to traffic in human beings. . . . Legalized prostitution is therefore a trafficker's best shield, allowing him to legitimize his trade."<sup>66</sup> The policy originated in an earlier 2002 National Security Directive "based on evidence that prostitution is inherently harmful and dehumanizing and fuels trafficking in persons, a form of modern-day slavery."<sup>67</sup>

A contradiction remains, however, between U.S. policy that rejects legalization of prostitution and the U.S. Trafficking Victims Protection Act (TVPA) passed initially in 2000. Ever since the TVPA came into force, the U.S. government is mandated to publish an annual Trafficking in Persons report. Countries that have legalized or decriminalized prostitution are ranked in the report's Tier 1 category, the best ranking. Obviously this classification does not square with U.S. policy asserting "prostitution is inherently harmful and dehumanizing and fuels trafficking in persons." The culprit is the definition of trafficking in Section 103 (8) of the TVPA, which makes only "severe forms of trafficking" actionable and requires "force, fraud or coercion."

Previous examples illustrate the difficulties with basing any remedies for the exploitation of prostitution on policies and legislation that make force a requirement for proof. The U.S. TVPA has many good points but prosecutors must *prove* that "force, fraud or coercion" was used in carrying out the trafficking. This requirement—a condition of criminalizing the trafficker—is very challenging to substantiate. Even when the traffickers have used force, fraud, or coercion, the burden of proof rests on the victim. Prosecutors depend on victim testimony, but victims may be reluctant to give evidence because their testimony can retraumatize them and endanger them or their families.

Dorchen Leidholdt, cofounding director of the Coalition Against Trafficking in Women, in her testimony before the U.S. House of Representatives committee considering reauthorization of the TVPA in 2007, described the cases of two Korean trafficking victims assisted by her organization. "These traffickers preyed on their victims' poverty and undocumented status, made them endure 14 to 16 hour days of sexual servitude, deprived them of sleep and food, and demanded that they endure sexual intercourse with as many as ten customers a shift."<sup>68</sup> Although these victims were subjected to physical and psychological

torture, their traffickers were not prosecuted under the federal Trafficking Victims Protection Act because the prosecutors could not meet the proof requirements of force, fraud, or coercion. Instead, the traffickers were prosecuted under another statute—the Mann Act—that metes out much less of a penalty.

It is unusual that U.S. federal prosecutors use the Mann Act to put traffickers on trial. The Mann Act is an older interstate trafficking law that has no force, fraud, or coercion requirement. Instead, it establishes that victims can be “persuaded, induced or enticed” into prostitution. As a stand-alone piece of legislation, this older and less punitive law is reluctantly used because trafficking cases consume much time and are costly to investigate. Prosecutors say that it isn’t worth the time and money to achieve a small penalty for a big-time trafficker who is guilty of gross human rights violations. A solution to this problem would be to incorporate the Mann Act’s broader definition of trafficking into the TVPA and give prosecutors the ability to inflict greater penalties on international and domestic traffickers.

In 2007 abolitionist anti-trafficking organizations worked with Rep. Carolyn B. Maloney and others to revise the U.S. federal anti-trafficking law. An amended version of the TVPA deleting the force requirement passed almost unanimously in the U.S. House of Representatives but was stonewalled in the Senate by a coalition of groups, including the Justice Department, that convinced legislators it would divert the federal government “from its core anti-trafficking mission against crimes involving force, fraud or coercion and child victims.”<sup>69</sup>

The Heritage Foundation, relying on the separation between trafficking and prostitution, argued the amended bill “trivialize[s] the seriousness of actual human trafficking by equating it with run-of-the-mill sex crimes—such as pimping, pandering and prostitution—that are neither international nor interstate in nature.”<sup>70</sup> A coalition between conservative and liberal groups—including members of the Freedom Network and certain governmental authorities, including then senator Joe Biden’s office—appeared not to believe that prostitution is a serious crime, nor pimps serious criminals, nor that most prostitution is in fact domestic trafficking. Unfortunately, Senators Joe Biden and Sam Brownback refused to support the amended anti-trafficking bill that had already passed the House of Representatives by a vote of 405 to 2.<sup>71</sup>

Legislation dictates how victims and perpetrators are treated. When anti-trafficking legislation and statutes rely only on force, fraud, or coercion requirements, victims suffer. The trafficker’s defense often includes evidence of women having signed prostitution “contracts.”

When anti-trafficking legislation and statutes rely only on force, fraud, or coercion requirements, victims suffer.

This remains a problem over the years. The high number of prosecutions were in 2007.

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When victims become dependent on their traffickers, sometimes marrying them, these actions seem to demonstrate consent.

Thus, the number of trafficking prosecutions in the United States remains low, as evidenced by the number of charges and convictions over the last five years (2004–2008) for which statistics are available. The highest number of those charged was 120 in 2005, and the highest number of those convicted was 103 in 2007.<sup>72</sup> Many of these convictions were for labor trafficking, not sex trafficking.

In 2002 T-visas, which allow victims of trafficking to stay in the country, became available. As reported in 2011, only an estimated nine-year total of 2,300 out of an available 5,000 a year had been granted to victims.<sup>73</sup> This means that law enforcement is not certifying victims for various reasons, including the requirement that victims must cooperate with authorities, the legitimate fear that women experience, and the inexperience and lack of knowledge among law enforcement agents who either don't understand the anti-trafficking law and program or are reluctant to certify.

Research shows that there is no clear boundary between those who are forced or trafficked and those who "consented" to prostitution. Perhaps the most telling admission of this lack of a dividing line between voluntary and involuntary prostitution is the comprehensive 2007 report, *Prostitution in the Netherlands Since the Lifting of the Brothel Ban*, commissioned by the Dutch Ministry of Justice. This evaluation stated, "It is virtually impossible to pronounce on possible developments in the number of prostitutes working under some kind of duress. In this context, it is worrisome that there seems to be no decrease in the number of prostitutes with pimps."<sup>74</sup> This is a significant finding because, of course, the foundation of the Dutch legalized system of prostitution is the distinction between voluntary and involuntary prostitution.

#### OFF-STREET IS SAFER THAN ON-STREET PROSTITUTION

Advocates of legalizing or decriminalizing the sex industry argue that violence is noticeably reduced or eliminated in most indoor settings. They claim that off-street prostitution venues are safer for women. Nevertheless, even proponents of decriminalizing prostitution, as well as some self-defined sex worker groups, admit the dangers of off-street prostitution when they distribute "occupational health and safety" tips to mitigate the violence to women in off-street prostitution locations.



Other pro-sex work groups admit the violence against women in their studies. In 2005 the Sex Workers Project (SWP) of the Urban Justice Center in New York City published a report on "indoor sex work" entitled *Behind Closed Doors*. The report includes interviews with fifty-two persons in "sex work" who operate independently or in other off-street locations such as brothels, escort agencies, dungeons, and private clubs in New York City. The report found that 46 percent of the respondents experienced violence from buyers; 42 percent had been threatened or beaten; and 31 percent were robbed by buyers. Fourteen percent experienced violence at the hands of police. Eight percent of the respondents, who had been trafficked into the country, told of being threatened, beaten, raped, and having money withheld by traffickers.<sup>75</sup>

A Transcrime report commissioned by the European Parliament, in its examination of the effects of prostitution legislation in eleven European countries, found, "The wide-spread view that the exploitation of victims of trafficking is always more violent outdoors than indoors does not seem to be confirmed. The level of violence is quite homogeneous between outdoor and indoor trafficked prostitution in the selected countries and furthermore, in some countries (such as Austria and Spain), the level of indoor violence is also greater than the level of outdoor violence."<sup>76</sup> The Transcrime report also noted that prostitution in Germany takes place almost exclusively indoors, with 96.3 percent exploited in bars, brothels, private services, and by escort services that go to private homes and hotel rooms. The report states, "The *indoor* market seems to be a little more violent than the *outdoor* one."<sup>77</sup> Austria and Germany have legalized prostitution; Spain has decriminalized aspects of the sex industry. The prevalence of violence against women in both systems refutes the claim of sex work advocates that legal off-street prostitution venues are safer.

Jody Raphael and Deborah Shapiro in their 2004 article on "Indoor and Outdoor Prostitution Venues," reporting interviews with 222 prostituted women in Chicago, found that the prostitution location made minimal difference to the violence women experienced. Fifty percent of women in off-street locations such as escort services reported forced sex; 51.2 percent of women in the strip clubs reported threats with weapons; and one-third of women engaged in prostitution in their own residences reported rape, unwanted fingers inserted into vaginas, or forced sex.<sup>78</sup>

Esohe Aghatise, president of the IROKO Association, has provided direct assistance to women and girls trafficked and prostituted in Italy since 1998. A large number of victims of trafficking for prostitution in Italy comes from Nigeria and Eastern Europe and is made to prostitute

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for pimps and madams along the roadsides in various areas of the country. Aghatise reports that the decriminalization of off-street prostitution venues in Italy would mean that traffickers would have the possibility of legally importing women to fill brothels or sequester them in private apartments where already isolated women from other countries could be further cut off from assistance. Currently the women in on-street prostitution that IROKO serves often meet people who may be willing to help them, including police, members of the public, or organizations on the road. Were it not for the fact that victims are out in the open, NGOs and others would find it difficult to offer assistance and intervention.<sup>79</sup> This is not an argument for off-street prostitution but rather a challenge to the myth that indoor prostitution is safer for women.

In the studies I have directed, and in my international experience speaking with women in prostitution, the majority of women in prostitution come from marginalized groups with a history of sexual abuse, drug and alcohol dependencies, poverty or financial disadvantage, lack of education, and histories of other vulnerabilities. These factors characterize women in both off- and on-street locations. A large number of women in prostitution are pimped or drawn into the sex industry at an early age. These are women whose lives will not change for the better if prostitution is decriminalized. Many have entrenched problems that are best addressed not by keeping women indoors but in establishing programs where women can be provided with an exit strategy and the services that they need to regain their lost lives. There is little evidence that decriminalization or legalization of prostitution improves conditions for women in prostitution, on or off the street. It certainly makes things better for the sex industry, which is provided with legal standing, and the government that enjoys increased revenues from accompanying regulation (see chapters 3 and 4).

Legal expert and writer Catharine MacKinnon's insight that the distinction between indoor and outdoor prostitution is "an inapt proxy" for the class structure of prostitution rings true. "The indoor/outdoor distinction basically functions ideologically to feed the illusion . . . that the women in prostitution who appear classy really have upper class options," such as choice and ability to leave anytime, and they are not subject to the same level and rates of violence as their outdoor sisters.<sup>80</sup>

This "inapt proxy" was at work during the Eliot Spitzer exposé, when the media made much of the fact that Spitzer used a high-class escort from an upmarket agency in New York City. The prices he paid for his sexual activities reinforced this picture. Nevertheless, we learned that the former governor of New York State subjected women to acts



that "you might not think were safe."<sup>81</sup> Men with money, whether rich or not, have the funds to spend on women who are mostly poor or poorer than they are, whether indoors or outdoors.

The Canadian decision to decriminalize brothels claimed that indoor prostitution would make it better for women in prostitution who would then be able to own their own businesses. In welcoming indoor prostitution, the court left the poorest and most marginalized women out in the cold. Those who will profit most from the Canadian decision are the current owners of brothels who will be transformed from criminals into comfortable capitalists overnight. Alan Young, the lawyer for the applicants, when asked during oral arguments whether it would be acceptable to the three "sex workers" he represented if street prostitution remained criminalized, responded yes.<sup>82</sup> He said, "I'm here representing the intelligent, independent and well-informed sex worker."<sup>83</sup> Despite their rhetoric about how street prostitution is more dangerous than off-street prostitution, Young and the threesome he speaks for were as good as telling the street prostituted women they were dispensable.

#### WOMEN IN PROSTITUTION ARE NOT VICTIMS: THE VICTIM DENIERS

For the sex industry apologists, the world of prostitution is a world of post-victimism where the sufferings of women are rationalized away as choice. The victim myth can only prevail by denying the gravity and prevalence of the exploitation experienced by women in prostitution, which apologists minimize. They denounce those who want to "rescue" (i.e., help and assist) women from a life of prostitution as extremists and ideologues. The actual extremists and ideologues are those who let the women continue to suffer.

Victimitis is a trivializing term used by sex work advocates who promote the "myth of the woman as victim." It is a term used almost in sneering disbelief by those who deny that women in prostitution are victims. This denial of women's victimization is illustrated in Phelim McAleer's commentary on the "Happy Hookers of Eastern Europe" in which she maintains that anyone "who isn't infected with victimitis" knows, "The overwhelming majority of girls going to the West understand before they leave that they will be working in prostitution." McAleer continues: "The sex slave myth also portrays Eastern European women as idiots." Those who accept this "myth," she argues,

assume that women from the East have never read a newspaper or seen a TV program on sex trafficking.<sup>84</sup>

In response to McAleer, certainly a number of women enter the sex industry knowing they must prostitute but have no idea of the abuse they will have to endure. Also many trafficked women believe that their experience will be different from the media exposés and that they will manage to avoid the traps of traffickers. In interviews with trafficked Nigerian women who were asked whether they and their families were familiar with the dangers of being trafficked into prostitution in Europe, many responded they believed these accounts to be exaggerated (as the sex work apologists maintain), or these harmful consequences could not happen to them or their relatives.<sup>85</sup>

Victim deniers make it sound as if pimps and traffickers are a girl's best friend. "The truth about human trafficking is that for desperate people it is usually a good bet. . . . Asylum seekers and migrants rely equally on traffickers and a crackdown impedes those fleeing persecution just as much as those fleeing poverty." The poor human traffickers are "always demonised, but most help desperate people."<sup>86</sup>

In his research on *Prostitution, Politics and Policy*, British criminologist Roger Matthews has found that women in prostitution are not only among the most victimized groups, but many are multiple victims. Thus, the term "victim" can be especially applied to women in prostitution. According to Matthews's research, women in street prostitution are eighteen times more vulnerable to being killed than other women.<sup>87</sup>

Victim deniers reject the abuse done to women in prostitution claiming the abuse is sensationalized, particularly in the media. There is some truth to media sensationalism, most notably in cases where a victim is mutilated or killed in gruesome ways, and where the focus is a voyeuristic preoccupation with the sexual graphics of her victimization. In U.S. TV shows like *Criminal Minds* and the proliferating *CSI* and its derivatives, we are treated to the autopsies that reduce victims to their organs extracted in the morgue. Victimization of women has become mass entertainment, and the *CSI* experts and criminal minds' profilers function as the "good guy" actors in a serial killer entertainment industry. Psychopathology and the idealization of scientific crime experts marry well, and the visual slaughter of women in all its gory details—especially of those in prostitution—captivates viewers.

One consequence of sensationalizing prostitution and its victims is that persons come to identify only women who resemble those in the crime shows as the "good victims." The victim deniers contribute to this perspective by insisting that the real victims of prostitution are few

and far between, and most women in the sex industry have chosen to be there.

Opposing the victim deniers, Suki Falconberg, a survivor of prostitution, states, "I only faced two acts of violence the whole time I was in prostitution. . . . No one hit me. No one slammed my head against a dashboard. I was not broken and controlled by a pimp. I could leave my apartment at any time I wanted. . . . I worked as a prostitute under optimal circumstances—compared to most of those . . . in the sex industry." Yet, "it was so damaging that I didn't have any will or commonsense or intellect or brain left—to fight or make other decisions for myself."<sup>88</sup>

Another set of victim deniers limit the agency of women only to their choices to remain *in* the prostitution industry. The sex work apologists romanticize "empowerment" for women in the sex industry and locate female power in the very behaviors that feminism has rejected—sexual objectification, acceptance of the use of women's bodies as commodities for male pleasure and for profit, and misrepresentation of this as rebellion.

Agency under oppression is usually found in those who *resist* their oppression in large or small ways. However, sex industry advocates locate women's agency in conformity to their roles in the industry, not in their resistance to them. Sex industry advocates argue that prostituted women are shrewd and savvy deciders of their own destinies who perform needed sexual services, and that many of the "bad guys" help them along the way, serving as trusty business agents and protecting women's interests.

Sex industry apologists use women's agency to rationalize and empower the victimizers, not to show how survivors of prostitution have resisted those who exploit them. The point is not to deny a prostituted woman's agency but to locate agency in the right places—in surviving and opposing a dehumanizing sex industry. A prostitution industry that objectifies and commodifies women is not a culture in which women are effective agents. It is a culture in which women are deceived and made satisfied with the pretexts that pass for empowerment. Trisha Baptie knows through experience how women in prostitution justify what they do to themselves: "What I remember about my years as a prostituted woman was how much I tried to find something empowering in what I found myself doing. That by choosing who raped me, based on their ability to pay, I was empowered. That by consenting to the abuse, I was free from it."<sup>89</sup>

What I constantly learn, in my discussions with survivors of prostitution and trafficking, is the human resilience that women possess and

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the innumerable ways they endure the worst of conditions. When you talk to women personally and hear what they have withstood and how they have done it, there is no essential victimization. Victims battle oppression in remarkable ways. Many women who have been abused in the sex industry act constantly to survive, resist, and rebuild their lives. But the victim deniers locate agency not in women's resistance but in their conformity to the sex industry.

Victim denial influences governmental views not only of women but also of young girls in prostitution. The legal system in most U.S. states criminalizes young girls caught in prostitution. This means that girls found prostituted on the streets and exploited by pimps and buyers can be charged with prostitution and sent to a juvenile detention center, rather than protected as victims of child sexual abuse. It was not until 2008 that the passage of the Safe Harbor law in New York State mandated that juveniles would be treated as victims the first time they are arrested for prostitution and offered services and protection from pimps.

In trumpeting the agency of women in prostitution, the victim deniers reinforce the view that women choose their own oppression. By reiterating that women are agents and make rational choices to enter prostitution, they ally themselves with a patriarchal culture of blaming women who "make their own beds and therefore must lie in them." This coincides with the view of conservative moralists, whether religious or secular, who hold women responsible for being pimped, exploited, and abused.

The conservative view of prostitution is to blame women and girls for their alleged choice to be in prostitution; the liberal view is to romanticize women's "choice" as self-determination and use it to normalize prostitution as "sex work." Both succumb to the belief that whatever happens to a woman in prostitution is normal because it's her choice. Both these views have facilitated the expansion of sexual slavery in many parts of the globe and the extensive ways in which women themselves become "goods and services"—as prostituted women, as trafficked instruments of exchange, as objects of sex tourism, and as indentured domestic workers who are often sexually exploited as well.

Denying or minimizing women's victimization in prostitution reverses decades of feminist activism that finally broke through the wall of societal denial that women *are* victims of male violence. Now that headway has been made in the campaign that domestic battering is violence against women, *whether women choose to stay in an abusive relationship or not*, it comes back to haunt us in the prostitution debate, not only from

those who want to suppress women's rights but also from those who claim to enhance women's rights.

When violence happens to women in prostitution, it is called sex; but when violence happens in a context that is not sexual, it is called a crime. Men's prostitution abuse is tolerated as inevitable and unassailable.

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13. Quoted in Hochschild, *Bury the Chains*, 160.
  14. Ibid., 87.
  15. Sheila Jeffreys, *The Idea of Prostitution* (North Melbourne: Spinifex Press, 1997), 3.
  16. Anne Summers, "Which Women? What Europe? Josephine Butler and the International Abolitionist Federation," *History Workshop Journal* 62, no. 1 (2006): 215–32.
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  22. Christabel Pankhurst quoted in ibid., 31.
  23. Malka Marcovich, *Guide to the UN Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (North Amherst, MA: Coalition Against Trafficking in Women, 2001), 9, <http://www.catwinternational.org/Home/Article/119-guide-to-the-un-convention-of-2-december-1949-for-the-suppression-of-the-traffic-in-persons>.
  24. See Janice Raymond, "Ten Reasons for *Not* Legalizing Prostitution and a Legal Response to the Demand for Prostitution," in *Prostitution, Trafficking and Traumatic Stress*, ed. Melissa Farley (Binghamton, NY: Haworth Maltreatment & Trauma Press, 2003), 315–32.
  25. Some women who claim the title of sex worker do so because they think it professionalizes and destigmatizes them and what they do. I am not including these women in the group of "sex workers" who actively work to promote prostitution.

# 1. MYTHS AND MYTHMAKERS OF PROSTITUTION

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# *The Swedish Law That Prohibits the Purchase of Sexual Services*

*Best Practices for Prevention of Prostitution  
and Trafficking in Human Beings*

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*After several years of public debate initiated by the Swedish women's movement, the Law That Prohibits the Purchase of Sexual Services came into force on January 1, 1999. The Law is the first attempt by a country to address the root cause of prostitution and trafficking in beings: the demand, the men who assume the right to purchase persons for prostitution purposes. This groundbreaking law is a cornerstone of Swedish efforts to create a contemporary, democratic society where women and girls can live lives free of all forms of male violence. In combination with public education, awareness-raising campaigns, and victim support, the Law and other legislation establish a zero tolerance policy for prostitution and trafficking in human beings. When the buyers risk punishment, the number of men who buy prostituted persons decreases, and the local prostitution markets become less lucrative. Traffickers will then choose other and more profitable destinations.*

**Keywords:** *prostitution; Swedish law; trafficking in human beings*

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*Prostitution and trafficking in women and girls for sexual exploitation have shown an alarming increase during the past several decades. The prostitution industry<sup>1</sup> is booming and expanding in a world where many countries subscribe to the ideology of a free market economy, a market in which women and girls are just one among an infinite number of highly saleable items. Thus, trafficking and prostitution of women and girls for profit is one of the fastest growing global enterprises, after drug and arms trafficking. Meanwhile, prostitution has been normalized by neoliberals as a form of sexual entertainment, with equal players exchanging*

services for money. "Working" as a "sex worker"<sup>2</sup> is seen as a legitimate career path for women, and employment centers in the Netherlands, where prostitution and brothels are legalized, suggest *brothel worker* as an appropriate professional choice. What previously was viewed as a severe form of sexual exploitation is now a woman's right to do what she wants with her body and a way to sexual liberation and self-determination. This change is a contemporary and pertinent example of the revival of a stagnant repressive political agenda, which now permeates virtually all current political, academic, and popular discourses on prostitution and trafficking in human beings.

However, not every country in the world is equally enthusiastic about the idea that prostitution should be seen as a form of work, or that sexual exploitation of women by men should be commercialized and legalized. In its proposal to prohibit the purchase of sexual services, the Swedish government states,

By prohibiting the purchase of sexual services, prostitution and its damaging effects can be counteracted more effectively than hitherto. . . . The government considers, however, that it is not reasonable to punish the person who sells a sexual service. In the majority of cases at least, this person is a weaker partner who is exploited by those who want only to satisfy their sexual drives. (Ministry of Labour, 1998, p. 55)

#### **PRINCIPLES BEHIND SWEDISH POLICIES AND LEGISLATION AGAINST PROSTITUTION AND TRAFFICKING IN HUMAN BEINGS**

For a long time, the work against prostitution and trafficking in human beings has been a political priority in Sweden, at the national level as well as international level. The work is considered an essential part of efforts to create a contemporary and democratic society where full gender equality is the norm, and to recognize the right to equal participation of women and men, girls and boys, in all areas of society.

In Sweden, it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold, and

sexually exploited by men. To do otherwise is to allow that a separate class of female human beings, especially women and girls who are economically and racially marginalized, is excluded from these measures, as well as from the universal protection of human dignity enshrined in the body of international human rights instruments developed during the past 50 years (Ministry of Industry, Employment, and Communications, 2004).

In Sweden, prostitution is officially acknowledged as a form of male sexual violence against women and children. One of the cornerstones of Swedish policies against prostitution and trafficking in human beings is the focus on the root cause, the recognition that without men's demand for and use of women and girls for sexual exploitation, the global prostitution industry would not be able to flourish and expand.

Prostitution is a serious problem that is harmful, in particular, not only to the prostituted woman or child but also to society at large. Therefore, prostituted women and children are seen as victims of male violence who do not risk legal penalties. Instead, they have a right to assistance to escape prostitution.<sup>3</sup> Pimps, traffickers, and prostitution buyers knowingly exploit the vulnerability of the victims caused by high rates of poverty, unemployment, discriminatory labor practices, gender inequalities, and male violence against women and children. On a structural level, Sweden recognizes that to succeed in the campaign against sexual exploitation, the political, social, and economic conditions under which women and girls live must be ameliorated by introducing development measures of, for example, poverty reduction, sustainable development, and social programs focusing specifically on women.

In Sweden, 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. It is understood that the purpose of the recruitment, transport, sale, or purchase of women and girls by traffickers, pimps, and members of organized crime groups within countries or across national borders is, in the overwhelming majority of cases, to sell these female human beings into the prostitution industry. Accordingly, it is argued that trafficking in human beings for sexual purposes will never be eliminated unless the international community also takes a vigorous stand and puts in place concrete measures



against prostitution and sexual exploitation. In fact, as early as the first decades of the 20th century, pioneering Swedish feminists, in their efforts to combat prostitution and the traffic in women and girls, illuminated the link between the international trafficking in women and the position of women and girls in society.<sup>4</sup>

In Sweden, 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 seen as some of the most serious present-day threats to gender equality and the rights of women and girls to live lives free of male violence. It is understood that the legalization of prostitution will inevitably normalize an extreme form of sexual discrimination and violence and strengthen male domination of all female human beings. Legalization of prostitution means that the state imposes regulations with which they can control one class of women as prostituted.

The work against prostitution and trafficking in human beings requires a broad perspective and a will to act in a wide range of policy areas. It also requires the involvement and collaboration of a broad variety of public and private actors. In Sweden, this work is undertaken not only by the Swedish government and public authorities but also by the women's movement, the shelter movement, and other nongovernmental organizations (NGOs) (Ekberg, 2003).

To further its commitment to work toward gender equality and to prevent and suppress prostitution and trafficking in human beings, the Swedish government, under the coordination of the Division for Gender Equality, is presently preparing a National Action Plan to Combat Prostitution and Trafficking in Human Beings, especially Women and Children (the Plan; Government Communication to the Parliament, 2002/03; Wahldén, 2003). The Plan, which will be presented to the *Riksdag* (the Parliament) during 2005, will include additional measures that prevent prostitution and trafficking in human beings, including special measures to counteract the demand that furthers all forms of sexual exploitation of human beings, especially women and children. In addition, an overhaul of measures to combat prostitution and trafficking in human beings within the justice system and, more important, measures that concern protection of and assistance to

victims of prostitution and trafficking will also be developed and implemented.

### THE LAW THAT PROHIBITS THE PURCHASE OF SEXUAL SERVICES

On January 1, 1999, the Swedish Law that Prohibits the Purchase of Sexual Services (the Law) entered into force (Law That Prohibits, 1998:408). This Law recognizes that it is the man who buys women (or men) for sexual purposes who should be criminalized, and not the woman. The Law is gender neutral and is, as mentioned previously, a fundamental part of the comprehensive Swedish strategy to combat prostitution and trafficking in human beings.

The initiative to criminalize the prostitution buyers originally came from the Swedish women's movement. Feminists analyzed women's position in society, including how men used some women and girls for prostitution purposes. In agreement with other feminists worldwide, they concluded that prostitution was another patriarchal tool of oppression that has deleterious effects on the women and girls who are induced and kept in prostitution, as well as an extreme form of male violence used to control female human beings as a class.<sup>5</sup> Since the beginning of the 1980s, Swedish feminists have consistently argued that men who buy prostituted women should be criminalized (Sachs, 1912; Welborn, 1990), and that the women and girls in prostitution should be seen as victims of male violence who have a right of assistance to escape prostitution.

In 1987, the National Organization for Women's Shelters and Young Women's Shelters in Sweden (ROKS) made this demand part of its yearly Plan of Action, a plan that includes a list of demands that the organization presents to the female parliamentarians every year. Thanks to the intense lobbying and policy-setting work of these dedicated feminists, and with the assistance of female politicians from across party lines,<sup>6</sup> the Law was brought to the Parliament, approved with little opposition, and finally entered into force on January 1, 1999.

The Law was part of an Act on Violence Against Women (*Kvinnofrid*), which was enacted on July 1, 1998 (Swedish Govern-

ment Offices, 2001). The Act, which was the outcome of two Commissions of Inquiry, the Commission on Prostitution (1995) and the Commission on Violence against Women (1995), included several amendments to laws relating to male violence against women, including a strengthened sexual harassment law. In addition, a new offense was named—gross violation of a woman's integrity and gross violation of integrity—punishing repeated instances of male violence against a woman in an intimate relationship (Ministry of Labour, 1998).

It is important to note that this legislation only targets buyers of persons in prostitution. The persons who are in prostitution, the victims of male violence, are not subject to any kind of criminal or other legal repercussions. The government pledged money and assistance to women who are victims of male violence, including prostituted women. Thus, the state, to a certain extent, is responsible for assisting women to leave violent situations, including prostitution, and for providing women with access to shelters, counseling, education, and job training. The direct responsibility for the provision of services to victims of prostitution and trafficking in human beings, according to law, remains with the Swedish municipalities (Ministry of Social Affairs, 2001).

The Law is currently worded as follows:

A person who obtains casual sexual relations in exchange for payment shall be sentenced—unless the act is punishable under the Swedish *Penal Code*—for the purchase of sexual services to a fine or imprisonment for at most six months. Attempt to purchase sexual services is punishable under Chapter 23 of the Swedish Penal Code.<sup>7</sup>

The offense comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage parlors, from escort services, or in other similar circumstances. To put the length of imprisonment in context, the longest sentence that can be imposed on anyone for any individual criminal offense in Sweden is 10 years. The Supreme Court has set the fine to at least 50-day fines; however, in cases where prostitution buyers have purchased sexual services more than once, the courts have imposed fines up to 150 days.<sup>8</sup>



### **MONEY FOR POLICE ENFORCEMENT**

When the Law came into force, SEK\$7 million (approximately US\$1 million) were set aside by the government for police enforcement. The money was allotted to four police districts, including the three largest cities. In 2003, the Swedish government granted another SEK\$30 million (approximately US\$4.1 million) for 3 years to the National Board of Police, specifically earmarked for measures to combat prostitution and trafficking in human beings. During the first year of the Law's operation, the police enforcement efforts were directed mainly at men buying women in street prostitution; however, since then, prostitution buyers of women in apartment brothels, porn clubs, massage parlors, and escort agencies are also being targeted.

### **NUMBER OF WOMEN IN PROSTITUTION IN SWEDEN**

In 1999, it was estimated that 125,000 Swedish men bought about 2,500 prostituted women one or more times per year. Of these women, approximately 650 were street prostituted. From 1999 until today, the number of women involved in street prostitution has decreased by at least 30% to 50%, and the recruitment of new women has come almost to a halt. It is estimated that the number of women in prostitution has decreased from 2,500 in 1999, before the Law came into force, to no more than 1,500 women in Sweden in 2002 (T. Ekman, Director for the Anti-Trafficking Group at the Police Authority in Gothenburg in charge of investigating crimes related to prostitution and trafficking, personal conversation, January 16, 2004; Gripenlöf, 1991-2002; S-A. Månsson, School of Social Work at Gothenburg University, personal conversation, January 12, 2004; M. Sjöstrand Persson, Director for the Prostitution Group at Social Services in Malmö, personal conversation, January 16, 2004).<sup>9</sup>

Significantly, the number of women in street prostitution in Sweden today is no more than 500 (Sweden has 9 million inhabitants). This number should be compared with the number of women involved in street prostitution in Denmark (with 4.5 million inhabitants). In the beginning of the 1990s, approximately

2,000 women were in Danish street prostitution, compared with 5,500 to 7,800 in 2004 ("Love Bestemmer Antal Prostituerede," 2004). Denmark does not have legislation that prohibits the purchase of sexual services.

There is no evidence that the sale of women has moved from the streets to the Internet (Gripenlöf, 1991-2002). The global prostitution and pornography industry has always been quick to take advantage of every new technological advance that can benefit their activities and promote the sale of their products. The Net Sex Project at the University of Gothenburg, a research project that studies the use of the Internet for sexual purposes, concludes in its report that the number of Swedish women who are prostituted via the Internet remains stable at around 80 to 100 women, with the same women advertised on many different Web sites. The report also concludes that the use of the Internet for prostitution purposes is a consequence of the rapid development of Internet technology and not a consequence of the Swedish legislation (S-A. Månsson, School of Social Work at Gothenburg University, personal conversation, January 12, 2004; Månsson & Söderlind, 2004).<sup>10</sup> The presence of foreign women in street prostitution has come almost to an end (IOKSP, 1999-2001; Kärrman, 2000), and the number of buyers has decreased by 75% to 80% (Gripenlöf, 1991-2002).

### **WHO ARE THE SWEDISH MEN WHO BUY PROSTITUTED WOMEN?**

Every eighth man older than 18 years in Sweden, or approximately 13% of men ages 18 years and older, have, at least once, bought a person for prostitution purposes within Sweden or in other countries (Månsson, 2001; National Institute of Public Health, 2000). These men represent all ages and all income classes. The majority are, or have been, married or cohabiting, and they often have children. Men who have or have had many sexual partners are the most common buyers of prostituted persons, effectively dispelling the myth that the buyer is a lonely, sexually unattractive man with no other option for his sexual outlet than to buy prostituted women. In addition, in a study undertaken in Stockholm in 2000, the researchers found that of boys and young

men between the ages of 16 and 25, 10% had paid for a sexual service (National Institute of Public Health, 2000).

### ENFORCEMENT OF THE LAW

The primary purpose of the Law is to prevent the purchase of sexual services. Accordingly, under the legislation, the Swedish police are to intervene before a crime is committed. However, the arrest and prosecution of the perpetrators is, of course, of equal importance. Most police reports give evidence of attempts by men to buy sexual services. It is considered an attempt when a buyer offers something, such as money, drugs, or a place to stay to a prostituted person as payment for a sexual service.

According to the latest statistics from the National Council for Crime Prevention provided by Leif Petersson (*Brottsförebyggande rådet*, 2003), 734 male individuals have been reported under the Law from January 1999 to April 2004. Of the 300 men who were arrested for purchasing sexual services during 2003, more than 200 of the arrests took place in the county of the capital of Sweden, Stockholm. Around 140 male individuals have been convicted of purchasing sexual services or have pleaded guilty during the first 4 years (1999 to 2002) of the Law's operation. Conviction rates for 2003 are not yet available. However, it is expected that the 2003 conviction rates will show a considerable increase. Most men arrested under the Law pled guilty to avoid not only a court trial but also the possibility that their partners or wives will find out about their having bought and used prostituted women. The oldest man arrested under the Law was age 70 years and the youngest age 16 years. The average age of the buyers was age 44 years (*Brottsförebyggande rådet*, 2003).

The police and the prosecutors successfully enforce the Law against buyers who are apprehended in brothel investigations and in cases concerning trafficking in human beings. In one trafficking-related case, which was investigated during the latter half of 2002 and prosecuted during the spring of 2003, the pimp who operated his business solely on the Internet, received approximately 25,000 e-mail inquiries about women advertised on his Web sites from men around Sweden and elsewhere. The pimp kept a customer registry with the names of more than 1,500



buyers. In 571 cases, the men were suspected of having bought sexual services under the Law. Of these, 40 men have been prosecuted for purchasing sexual services. Fines totaling SEK\$379,000, or approximately US\$53,000, have been imposed. At least another 16 are waiting to be prosecuted (Solna Tingsrätt, 2001).<sup>11</sup>

The effective enforcement of the Law is ultimately determined by the attitude of the leadership within the local police forces, as well as that of the individual police officer. In Sweden as in other countries, the police force is a male, homosocial, and conservative working environment—a police force that is being asked to enforce a law that seriously threatens traditional male values. Therefore, initially, representatives of the police were critical of the law, suggesting that it would be difficult to enforce (“Polisen Kritiserar nya Sexköpslagen,” 2000). For example, in some cases in which men have been apprehended for purchasing sexual services, the police officers involved have agreed to send the letter of notification of a crime committed to an address of the offender’s choice, rather than to his home address, presumably to protect the offender from scrutiny by his spouse or other family members.

To increase the police officers’ competence and knowledge about prostitution and trafficking in human beings, the National Criminal Police in collaboration with the Division for Gender Equality, as well as several local and regional police forces, have established education programs for its personnel on this subject. This has had noticeable and immediate effects. The initial criticism of the law as being difficult to enforce has ceased. One year after the program began in 2003, there was a 300% increase in arrests, believed to be the result of the investigating officers’ better understanding of the reasons behind the legislation, their deeper comprehension of the conditions that make women vulnerable to becoming victims of prostitution and trafficking, and the development of better investigation methods.

### EXTRATERRITORIAL JURISDICTION

All Swedish laws are extraterritorial. This means that Swedish citizens can be charged, prosecuted, and convicted under Swedish laws when having committed a crime in another country, if that country has legislation similar to Swedish legislation.<sup>12</sup> It is a well-known and increasing problem that men from many

Western countries travel to developing countries where women and children are vulnerable because of difficult living conditions, and where the social, political, and economic situation of women and girls is seriously impaired. In countries where prostitution is legalized or tolerated, the idea that women are objects for male sexual pleasure and, therefore, can be sold and bought, is normalized. It is then perfectly acceptable that men go to brothels to buy and sexually exploit women. Obviously, this has an effect on how all women and girls are regarded by men in these countries. The highest numbers of sex tourists (per capita), consequently, come from Australia and the Netherlands. By contrast, since the Law came into force, there is no notable increase in the number of Swedish men who travel to other countries as sex tourists.

#### APPLICATION TO PEACEKEEPING FORCES

The United Nations Security Council is responsible for maintaining international peace and security according to Article 24 of the United Nations Charter. Included in these duties is the ability to initiate peacekeeping operations. Between 1985 and 1992, the United Nations undertook more than 13 peacekeeping missions to different parts of the world (Peck, 1995). Several more have been initiated since then, such as the Somalia peacekeeping operation and, in recent years, the UN missions to East Timor and Kosovo. Despite the objective of all peacekeeping missions to ease the strain of the conflict and facilitate a peaceful solution, many women and girls in the countries where these troops have been stationed have been excluded from this protection (Peck, 1995). In fact, UN peacekeeping forces have been directly implicated in prostitution and trafficking in women in several places around the world.

Sexual access to women and girls on demand is taken for granted by men who serve in the military, or who are fighting in a war or armed conflict. Anywhere there is a military base, pimps, striptease, nightclub, and brothel owners see a potential market. As an example, the presence of 16,000 United Nations Transitional Authority in Cambodia (UNTAC) soldiers in Cambodia from February 1992 to September 1993 led to an increase from 6,000 to 20,000 women and girls in prostitution in Phnom Penh. The chief commander, Yasushi Akashi, of UNTAC, explained,

when he was confronted with complaints about the male peacekeepers' conduct, that "Boys will be boys!" He also suggested that "18-year-old hot-blooded soldiers" have a right "to chase young beautiful beings of the opposite sex." Consequently, he did not do anything to stop their behavior (Orford, 1996, p. 373).

Members of peacekeeping forces in places such as Bosnia-Herzegovina, East Timor, Slovenia, Cambodia, Mozambique, and Kosovo have prostituted and trafficked women and girls who are members of the local population they have been sent to protect. Despite international attention to the problem, very little or no action has been taken by the political and military leadership of these missions. In fact, the current Danish Minister for Gender Equality, Henriette Kjaer, argued in 2003 against the implementation of ethical rules prohibiting the purchase of sexual services by Danish peacekeeping troops. She based her opinion on the belief that Danish soldiers will be well-behaved while stationed abroad (Danish Women's Council, 2003).

In contrast to peacekeepers from other countries, Swedish peacekeeping forces stationed abroad are subject to the Law.<sup>13</sup> In 2002, three military officers stationed at the Swedish Kosovo Force (KFOR) battalion in Kosovo were charged and convicted for purchasing sexual services in Macedonia during a furlough (FN-befäl, 2002; Södertälje Tingsrätt, 2001). The soldiers visited brothels where they sexually used women and then stamped the inside of the women's thighs with their official stamps. The officers then took pictures of the women and on their return compared trophies. As a result of the conviction, they are no longer allowed to serve in peacekeeping operations and have been discharged from the military. As a result of the conviction, one of the former officers has also been dismissed from his civilian job.<sup>14</sup> According to Brig. Gen. Fleming Christensen, who was the commanding officer for the first contingent of Swedish peacekeeping troops in Kosovo, the best way to curb the use of women for prostitution purposes by peacekeeping troops is that all countries involved in peacekeeping missions develop ethical rules against the purchase of sexual services or pass legislation similar to the Law. He suggests that the Law is a superior tool to prevent soldiers from purchasing sexual services and that it, in fact, functions as a deterrent. During his command in Kosovo, the rules



regarding the purchase of sexual services were strictly enforced. Any soldier who used women in prostitution was immediately discharged and sent back to Sweden to face prosecution under the Law (Brig. Gen. Fhleming Christensen, personal conversation, November 28, 2002).<sup>15</sup>

### EFFECTS OF THE LAW ON TRAFFICKING IN WOMEN

The National Rapporteur for Trafficking in Women at the National Criminal Investigation Department (NCID), Kajsa Wahlberg, is responsible for the collection of data related to investigations and convictions for trafficking crimes in Sweden and for reporting annually to the Swedish government about the trafficking in women in Sweden.<sup>16</sup> In her reports published in 2003 and 2004, she noted that there are clear indications that the Law has had direct and positive effects in limiting the trafficking in women for prostitution to Sweden.

The NCID estimates that between 400 and 600 women are trafficked into Sweden every year, mainly from the Eastern European countries such as Estonia and Lithuania, as well as from Russia. This number has remained fairly constant during the past several years (National Criminal Investigation Department [NCID], 2004). This figure should be compared to the numbers of women who are victims of trafficking for sexual purposes in neighboring Scandinavian countries, such as Finland, Denmark, and Norway, where the purchase of sexual services is not prohibited. In Denmark, 5,500 to 7,800 women are prostituted every year. It is estimated that 50% or more of these women are victims of trafficking in human beings (Ledberg, 2003; D. Otzen, director for Reden,<sup>17</sup> Copenhagen, Denmark, personal conversation, December 15, 2003). According to a 2003 report from the Finnish Criminal Intelligence Division of the National Bureau of Investigation, approximately 10,000 to 15,000 women from Estonia, Russia, Latvia and Lithuania are prostituted in Finland every year (Leskinen, 2003). In its report from 2003, the Swedish NCID stated that, despite the increase in information and knowledge of trafficking cases in other countries in the area, there is no equivalent increase in the number of women who are victims of trafficking to Sweden.

There is also no conclusive evidence that the number of women trafficked to Sweden has decreased (NCID, 2001, 2003).

Before July 1, 2002, when a new law against trafficking went into effect, cases of trafficking in human beings for sexual purposes in Sweden were prosecuted under the procuring provisions or, depending on the individual case, under the provisions on kidnapping, unlawful deprivation of liberty, placing a person in a distressful situation, coercion, or sexual exploitation. Between 1999 and 2002, 25 persons have been convicted and sentenced to prison for trafficking-related crimes. Since the implementation of the new legislation criminalizing the trafficking in human beings for sexual purposes, two individuals have been convicted and sentenced.<sup>18</sup> During 2003, 21 preliminary investigations under the same legislation were initiated. Similarly, during 2003, approximately 20 cases of procuring were investigated. The women victims of trafficking for sexual purposes came mainly from Eastern Europe, the Baltic countries, and Russia, and most of them were prostituted in apartment brothels in Sweden (Riksrevisionsverket, 2001<sup>19</sup>; Kajsa Wahlberg, National Rapporteur on Trafficking in Women, at the NCID, personal conversation, January 16, 2004). In the trafficking cases, most of the implicated pimps were of foreign heritage but lived in or were citizens of Sweden and had connections with organized crime networks in their countries of origin that supplied the victims. However, this does not give a full picture of trafficking of women to Sweden. There are some indications that Swedish and Danish motorcycle gangs are involved in prostitution and trafficking in Sweden, mainly in the south.

The NCID has received signals from Europol and national police forces in other European countries that Sweden no longer is an attractive market for traffickers. Traffickers and pimps are businessmen who calculate profits, marketing factors, and risks of getting caught when they decide in which countries they will sell women into prostitution. In conversations recorded during crime investigations, pimps/procurers and traffickers have expressed frustration about setting up shop in Sweden and attracting customers who are willing to buy their women in prostitution. According to these intercepted telephone conversations, and from additional testimonies given by women who are victims of trafficking, the pimps and traffickers experience the following difficulties:

- Prostituted women must be escorted to the buyers, therefore giving less time to fewer buyers, and gaining less revenue for pimps than if women had been in street prostitution.
- Swedish men who want to buy women for prostitution purposes express serious fear of being arrested and prosecuted under the Law and hence demand absolute discretion from the pimps/traffickers.
- To minimize the possibility of exposure/detection, the pimps/traffickers are forced to operate apartment brothels in more than one location and to change locations regularly. Thus the mode of operation is expensive and requires that the pimp have local contacts. The necessity of several premises is confirmed in almost all preliminary investigations that have been carried out in 2002.

According to victim testimonies, pimps and traffickers prefer to market their women in countries such as Denmark, Germany, the Netherlands, and Spain, where the operating conditions are more attractive, where the buyers are not criminalized and where certain prostitution activities are either tolerated or legalized. In addition, Detective Inspector Kajsa Wahlberg mentioned that the Latvian police have concluded that Latvian traffickers do not sell women in Sweden because of the negative effects of the Law on their potential business. In its 2004 report, the NCID concluded that the law that prohibits the purchase of sexual services "continues to function as a barrier against the establishment of traffickers in Sweden" (NCID, 2004, p. 35). Clearly, the Law functions as a deterrent. Traffickers are choosing other destination countries where their business is more profitable and not hampered by similar laws (Detective Inspector K. Wahlberg, personal conversations, April 18, 2002).<sup>20</sup>

### THE LAW AND COMPLIANCE WITH INTERNATIONAL AGREEMENTS

Article 9 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations, 2000; the Protocol) requires states to implement comprehensive measures to prevent trafficking such as social and economic initiatives, as well as information and mass media campaigns. When implementing these measures they must, when appropriate, collaborate with NGOs and other organizations that have competence in this area. Countries must also



strengthen measures to alleviate the factors that make women and children vulnerable to trafficking, such as poverty, underdevelopment, and lack of equal opportunity.

Importantly, the Protocol is the first international instrument that mentions the demand that promotes all forms of exploitation that lead to trafficking. Accordingly, Article 9.5 states, "States Parties shall adopt or strengthen legislative or other measures . . . to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking." In its passage of the Law, Sweden complies with the requirements in Article 9.5, in targeting the men who create the demand for prostituted women.

Another measure highlighted in Article 9 of the Protocol recommends national awareness campaigns against trafficking in human beings, especially women and children. In 2002 to 2003, a national Campaign against Prostitution and Trafficking in Women (the Swedish Campaign) was carried out. The Swedish Campaign had as its overall objective to increase awareness and knowledge about prostitution and the global trafficking in women through information to, and education and training of, government and other public authorities, NGOs, the media, and the public. Most important, the Swedish Campaign implemented innovative measures directed toward buyers and potential buyers of prostituted women and children in Sweden, as well as toward those men who travel to neighboring countries and to other countries in Europe, Asia, Latin America, and Africa for the specific purpose of buying and exploiting prostituted women and children. In addition, the Swedish Campaign drew public attention to the conditions of women and children who are victims of prostitution and trafficking.

Activities targeting the male demand for prostitution and the sexual exploitation of women and children were undertaken during this period, including a nationwide poster campaign in May 2002. The Law was a central theme in the poster campaign, aimed at increasing public awareness about prostitution and trafficking in women by pinpointing the buyers.

Three posters were displayed in 2,215 public locations around the country, including bus shelters, subway stations, and street-cars. The posters illustrated several themes and were designed with messages and graphics. Poster #1 depicts a well-dressed

man in a business suit and displays a prominent wedding band on his hand. It asserts: "Time to flush the johns out of the Baltic." The specific reference is to Swedish men traveling as sex tourists to their favorite prostitution havens in Baltic countries. Poster #2 is a close-up of 11 different men looking directly into the camera, accompanied by the message, "One man in eight has bought sex." Poster #3 states, "More and more Swedish men do their shopping over the Internet." On this poster, a young man is surfing the Net on his computer, supposedly to find pornography and Web sites that direct men to where they can buy prostituted women (posters available at <http://naring.regeringen.se/fragor/jamstallldhet/pdf/affisch.pdf>).

According to a study of the poster campaign conducted by a media analysis company, more than 1 million people noticed the posters during the campaign week (Clear Channel, 2002). The majority of viewers responded positively to the messages of the posters, although more positive reaction came from women than men. Nonetheless, a considerable number of men also appreciated the content of the campaign (Clear Channel, 2002). The poster campaign attracted a great deal of media and public attention inside and outside Sweden mainly because of the subject matter and the unusual fact that buyers of sexual services were depicted on posters intended to combat prostitution and trafficking in human beings.<sup>21</sup>

### FUTURE AMENDMENTS TO THE LAW

In 2001, the Parliamentary Sexual Crimes Committee released its extensive report on amendments to the sexual crimes legislation in chapter 6 of the Swedish Penal Code (Ministry of Justice, 2001). The Committee proposed a series of changes to existing crimes, not only to the procuring offense but also to the crimes of rape and sexual assault. In this report, the Committee recommended that the law prohibiting the purchase of sexual services be amended and strengthened. Currently, the Law excludes from criminal liability those men who regularly purchase the same prostituted woman. In addition, the Law does not cover situations in which a person or a group of persons purchase a sexual service for someone else. This situation often occurs when a group of men come together for a stag party to celebrate the

marriage of one of them, and friends buy a woman for the bridegroom as a sending-off gift. By criminalizing these group situations, the Law would also apply to corporations who provide escort services for male customers and business associates.<sup>22</sup> The Swedish government will propose an amendment to the present legislation during 2004.

### SUPPORTERS AND DETRACTORS OF THE LAW

Does the Law fulfill its expectations? The Swedish women's movement and groups that work with prostituted women respond to this question with a firm "yes." They maintain that prostituted women and girls, and a few men in prostitution, contact them in greater numbers to get assistance to leave prostitution. They also report that the existence and the enforcement of the Law deter young women who are not yet in prostitution but who are runaways or soft drug abusers.

Representatives of the Pros-Centre in Stockholm, a group assisting women leaving prostitution, describe the positive effects the Law has had on their clients. Of the 130 persons with whom they had contact during the past 3 years, 60% have left prostitution permanently, and many of these women point to the Law as an incentive in their having sought assistance (Prostitution Centre representatives, Stockholm, personal conversation, August 20, 2001). Most important, groups organized by women who have been in prostitution, as well as women who are attempting to leave prostitution, support the Law for the same reason. They claim that the Law has provided an incentive for women wanting to escape prostitution to seek the assistance that they need. In addition, in some cases, women themselves have brought their buyers to justice, denouncing them to the police who have been able to arrest and bring successful prosecutions against the men not only for the purchase of sexual services but also for other sexual crimes such rape, battering, and child sexual exploitation (Bellas Vänner representatives, a NGO working with young women escaping prostitution and sexual exploitation, personal conversation, June 16, 2002).

The prohibition against the purchase of sexual services has strong support in Sweden. Several polls conducted in 1999, 2001, and 2002 show that approximately 80% of the Swedish

population supports the law and the principles behind its development. Of the small number of individuals who want to repeal the Law, the majority are men, with only 7% of women interviewed in support of repeal. The latest poll, conducted in November 2002, shows that 8 of 10 persons interviewed in Sweden continue to support the Law (Engström & Olsson, 2001). Consequently, the issue today is more about how the Law is enforced, than questioning the existence of the Law itself. In fact, Minister of Gender Equality, Mona Sahlin, pointed out in a recent newspaper article in which she presented her Plan for Gender Equality for the next 3 years, that the Law is here to stay, and that the coming National Action Plan will look at how the Law can be strengthened (Jämställdhetsminister Mona Sahlin, 2004).

### **NORMATIVE EFFECTS OF THE LAW**

As with all laws, the Law has a normative function. It is a concrete and tangible expression of the belief that in Sweden women and children are not for sale. It effectively dispels men's self-assumed right to buy women and children for prostitution purposes and questions the idea that men should be able to express their sexuality in any form and at any time.

### **THE EFFECTS OF THE LAW ON THE PUBLIC DEBATE IN OTHER COUNTRIES**

For many countries, the options available for solutions to the problem of prostitution and trafficking in human beings for sexual purposes have been very limited. Some countries, such as Canada and the United States, have opted to criminalize the victims of prostitution—the women and children—as well as the buyers, through solicitation laws. These laws have generally been put in place for reasons of public order and are not based on gender equality or with concern for the well-being of the victims. The effects of such legislation have been that these laws are applied mainly to the victims. Victims have been arrested, fined or imprisoned, and have rarely been given access to services that could assist them to leave prostitution. The buyers usually escape punishment.<sup>23</sup>



Many countries are looking for better and more effective solutions to the problem of prostitution than punishing the victims or, at the other extreme, legalizing prostitution activities, which, in reality, is capitulation to the prostitution industry. The Law in Sweden is an effective alternative to state-legitimated systems of prostitution. The success of the Law in Sweden, combined with a deeper understanding of the reasons and principles behind it, is having a positive impact on regional and national policy makers in Europe. In Finland and Russia, for example, discussions are under way to enact legislation similar to the Law (Naisjärjestöt Yhteistyössä, 2002). On July 3, 2003, the Working Group on Trafficking in Human Beings appointed by the Finnish Minister of Justice, Johannes Koskinen, proposed legal measures to combat prostitution and trafficking in human beings, including that the purchase of sexual services would be criminalized in Finland (Ministry of Justice, 2003). In addressing these proposed measures to combat prostitution, trafficking, and the serious problem of organized crime in Finland, Minister Koskinen pointed to the successful experience of the Law and indicated that he wants to criminalize the purchase of sexual services as one part of this package of measures (Ministry of Justice, 2003; Skogberg, 2003).

In 2003, Russian State Duma Member, Jelena Mizulina, introduced legislation that criminalizes trafficking in human beings into, through, and from Russia. The legislation also includes protection and support measures for victims, measures that criminalize different forms of procuring, as well as a total prohibition on the purchase of sexual services (Deputy Mizulina, personal conversations, May 5 and 15, 2003).

In Denmark, a country where certain prostitution activities are tolerated and where close to 8,000 women are believed to be in prostitution, Mette Fredriksen, a member of the Social Democratic Party, suggested that Denmark should follow in the footsteps of Sweden by enacting similar legislation (Agence Press France, 2002; Fredriksen, 2002). Her proposal was met with scorn and contempt from some prominent writers; however, many others wholeheartedly supported her initiative, including the Women's Council, the largest coalition of women's organizations in Denmark, who have voted to support criminalization of the buyers (Danish Women's Council, 2002). In a welcomed move in June 2003, Denmark's Confederation of Trade Unions (LO)

prohibited its employees and elected leaders from using women/ persons for prostitution purposes when traveling abroad on business ("Danish Union Bans Prostitutes," 2003). In addition, in 2003, the Danish Social Democratic Youth Association (DSU) initiated a campaign to criminalize the buyers of prostituted persons and to assist persons in prostitution to leave prostitution (Danish Social Democratic Youth Association, 2003).

In France (Caresche, 2002), Belgium (Dorzée, 2001), and Iceland (Halldorsdottir, 2003),<sup>24</sup> parliamentarians have raised the need for legislation that prohibits the purchase of sexual services.

In Latvia, President Vaira Vike-Freiberga, promised that if reelected in the presidential elections of June 2003, she would introduce legislation that criminalizes the buyers of women and children for prostitution and sexual exploitation. President Freiberga also pointed out that the trafficking of human beings from the Baltic countries to Western Europe would not exist if there were no demand for these women and children by men in the richer Western countries (Lauén, 2003; Nickström, 2003, personal interview with President Uaira Vike-Freiberga, March 2004). Ms. Freiberga was reelected as Latvian president. However, according to the president's legal advisor, no further steps have yet been taken to effect the promise; however, the discussions continue.

In Estonia, Lithuania, Venezuela, South Africa, and several other countries, parliamentarians and organizations are using the Law as an example of best practices and as a tool to oppose moves to legalize different forms of prostitution activities or decriminalize the prostitution industry.

At the Annual General Meeting of the European Women's Lobby (EWL) in September 2001, a resolution was passed requiring its more than 3,500 member organizations to lobby their governments to adopt a similar law while ensuring that it does not criminalize the women and girls in prostitution (European Women's Lobby, 2001).<sup>25</sup>

In 2002, at the 54th session of the Nordic Council,<sup>26</sup> the majority of the Nordic parliamentarians issued a statement saying that future work against prostitution and trafficking in women in the Nordic countries must focus on the root cause, the demand for women and children for prostitution (Uttalande, 2002). At an informal ministerial meeting in Stockholm in April 2003

concluding the Nordic Baltic Campaign against Trafficking in Women, the Nordic and Baltic Ministers for Gender Equality, Justice, and Interior, agreed on a number of concrete measures for the continuing long-term cooperation between the Nordic and Baltic countries to combat trafficking in women and children, including collaboration in developing and implementing measures that discourage the demand (Statement and Recommendations, 2003).

In the Baltic countries, the parliamentarians of Estonia, Latvia, and Lithuania decided to follow suit. At a meeting of the Baltic Assembly (BA) in November 2003, an international organization for cooperation between the parliaments of the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, parliamentarians issued a resolution against the trafficking in women and children, calling on members "to draw up harmonized legal acts in all Baltic States, related to combating prostitution, including criminalized purchase of sexual services" (Baltic Assembly Resolution, 2003).

### COMMENTARY

The Law Prohibiting the Purchase of Sexual Services was enacted through a joint effort of feminists and dedicated female politicians. These women understood the importance of and fought for the right of all women to have full control of their bodies. They fought against the claim that women exist only to provide sexual pleasure for men, and they recognized that men who buy women and girls in prostitution are committing a crime of violence and therefore should be punished.

Sweden has its share of prostitution academics and journalists;<sup>27</sup> however, in general, prostitution is seen as male violence against women and girls. The Law is supported by the majority of the population and is an expression of the current political will in Sweden. Buying women and girls for sexual exploitation and prostitution purposes is seen to be firmly against the basic tenets of Swedish gender equality politics. As Margareta Winberg (2001), former Swedish deputy prime minister with responsibility for issues of gender equality, stated, "In Sweden, women and girls cannot and must not be bought."

It often takes many years after a law is enacted until the norm expressed in that particular law is firmly inscribed in a society. The Law in Sweden has been in effect for 5 years. During that time, street prostitution has declined in all parts of the country, and the majority of the prostitution buyers have disappeared. Service providers and the police maintain that the law also functions as a deterrent for men who use women in brothels, at porn clubs, and through escort agencies.

The number of women trafficked to Sweden for prostitution purposes has remained relatively stable. The traffickers, who are pragmatic businesspeople, do not want to go through the trouble of setting up activities in Sweden. Instead, they bring women to other countries, such as Holland, Germany, Denmark, and Spain, where the climate is friendlier and where prostitution is tolerated or legalized, or soon may be. The Law's detractors are inevitably groups and individuals who support prostitution and the prostitution industry in one form or another, as well as men who defend their own and other men's unconstrained right to buy women/persons in prostitution.

Some have criticized the alleged low number of arrests and convictions obtained under this Law. It is important to remember that the main purpose of the Law is normative. If we were to base the effectiveness of laws on the number of convictions in relation to the number of crimes committed, then rape laws, laws against other forms of male violence against women, and laws addressing financial crimes would have to be discarded as mostly ineffectual in stopping the flow of criminals and such crimes. Moreover, the specific task of the police in enforcing the Law is to work preventatively and, therefore, to intervene before a potential buyer commits a crime rather than when the crime is a fait accompli.

In March of 1998, Samverkansforum for kvinnor i Sverige (SAMS), now called the Women's Lobby, an umbrella organization representing 50 Swedish women's organizations, had its annual meeting. The representatives discussed which proposals were to be brought to the General Assembly of the European Women's Lobby later that spring. Ebon Kram, former chairperson of ROKS (the National Organization for Women's Shelters in Sweden), recommended that prostitution be put on the agenda. Her proposal was ignored in favor of other matters perceived to be



more important. This angered Marianne Kekonius, member of the battered women's shelter in Enköping, Sweden, who rose to deliver these words, reminding women of the importance of supporting prostituted women: "Remember, all women can become prostituted. What if our country is invaded, do you really think that the women in Yugoslavia were imagining a future in prostitution before the war started?" After this speech, the proposal passed unanimously.

The ultimate goal of the Law is to protect the women in prostitution by, among other measures, addressing the root cause of prostitution and trafficking: the men who assume the right to purchase female human beings and sexually exploit them. From the Swedish experience, we know that when the buyers risk punishment, the number of men who buy prostituted women decreases, and the local prostitution markets become less lucrative. Traffickers will then choose other and more profitable destinations. The Law That Prohibits the Purchase of Sexual Services is a law that recognizes the harmful effects of prostitution on the women and girls who are the victims. This law is a fundamental step in abolishing prostitution and trafficking in women and girls. If more countries would address the demand for prostituted women, by criminalizing not only the pimps and the traffickers but also the buyers, then the expansion of the global prostitution industry would be seriously threatened.

## NOTES

1. In the concept of the prostitution industry, I include brothels; sex-, night-, and strip-tease clubs; street prostitution; escort services; Internet marketers of prostituted women and children; mail-order-bride agencies; phone sex operations; sex tourism agencies, as well as the creators and distributors of pornography. I also include third-party beneficiaries, such as travel agencies, hotels, and air companies that benefit from the prostitution of women and children in the tourism industry.

2. As I do not subscribe to the idea that prostitution is *work*, that prostituted women and girls are *sex workers*, or that prostitution is a *sex industry*, I use the words *prostituted woman* (or girl) to make clear that prostitution is done by someone (most often a man) to someone else (most often a woman). I also use the word *prostitution industry* to show that what is done is prostitution of a woman, not sex. Although not all persons exploited in the prostitution industry are women or girls, I use the female gender throughout the article. Prostitution is sex specific, and although some men and boys are prostituted (about 10% according to several sources; see, e.g., Rosca, 1998), they are not abused because they are men and boys, they are abused because they are less powerful, that is, oppressed because of class and/or race, unlike women and girls who are raped because we are female.

3. To better understand why prostitution is harmful to those who are prostituted, the following three questions and answers can be of help:

- *Who are the women and girls who are prostituted?* We know that a number of oppressive conditions increase the likelihood of women and girls being drawn into prostitution by pimps and traffickers, such as poverty, homelessness, drug dependency, gender inequality, sex and race discrimination, as well as sexual, physical and psychological violence perpetrated by male relatives, boyfriends, husbands, pimps, and others. In addition, in different studies from around the world, the majority of women and girls involved in prostitution report that they have been victims of male sexual violence in their youth.
- *What do women in prostitution experience?* Pimps, traffickers, and buyers subject women and girls in prostitution to brutal rapes and physical abuse to break down their resistance and to season them into prostitution. A prostituted woman or child is in a position of extreme dependency on the man who buys her and who then sexually uses and abuses her. She must do anything he expects her to do. She has to endure all kinds of bodily violations and invasions, and must service many buyers—anonymous men—every day while pretending that she enjoys these violations.
- *What are the short- and long-term consequences of having been in prostitution?* Women and girls who have escaped prostitution after years of abuse consistently describe lives filled with terror and unimaginable cruelty at the hands of the buyers and the pimps. They have been subjected to sexual torture in the guise of particular sexual practices such as sadomasochism, systematically humiliated, sexually harassed, threatened, raped, beaten, and sometimes kidnapped. In addition, many women and girls have acquired sexually transmitted diseases (STDs), including HIV/AIDS, from the buyers and the pimps. The pimps and buyers often film and photograph the violation, sell the films as pornography, and post the photos on Internet Web sites. The effects on prostituted women's physical, mental, and emotional health are, of course, grave and cause long-term physical and emotional harm. International studies show that prostituted women suffer psychological injuries similar to war veterans and survivors of torture, such as flashbacks, anxiety, depression, sleep disturbances, and stress. Suicide and suicide attempts are also common.

4. See, for example, the work of the Swedish radical feminist and physician, Alma Sundqvist, who, in 1930, was one of three people appointed to the League of Nations' Commission of Enquiry into Traffic in Women and Children in the East. In its report and recommendations, most of which were written by Dr. Sundqvist, the Commission observed that

the principal factor in promoting the international traffic in women in the East is the brothel and the chain of brothels which are at the disposal of the trafficker, particularly the brothel in the place of destination of the victim. The most effective remedy against the evil is, therefore, in the Commission's opinion, the abolition of licensed or recognized brothels in countries concerned (Commission of Enquiry into Traffic in Women and Children in the East, 1932, C.849.M393.IV).

See also the interview with Dr. Sundqvist, "Österns kvinnor revoltera mot kvinnohandel - Intervju med Alma Sundqvist" 1932, p. 1.

5. See Densmore (1973):

When men say to us, "But aren't you already liberated?" what they mean is, "We said it was okay to let us fuck you. . . . What more could you want?" The unarticulated assumption behind this misunderstanding is that women are purely sexual beings, bodies and sensuality, fucking machines. Therefore freedom for women can only mean sexual freedom. (p. 111)

6. At the time, approximately 43% of the parliamentarians were women. As a result of the election in 2002, 45% of the parliamentarians are now women.

7. *Lag om förbud mot köp av sexuella tjänster* (1998, p. 405): Den som mot ersättning skaffar sig en tillfällig sexuell förbindelse, döms - om inte gärningen är belagd med straff enligt Brottsbalken - för köp av sexuella tjänster till böter eller fängelse i högst sex månader. För försök döms till ansvar enligt 23 kap. Brottsbalken.

8. According to Penal Code, chapter 25, section 1: Fines shall be imposed according to the provisions laid down for the crime in question as day fines, summary fines or standardized fines. If a particular form of fine is not prescribed for the crime, fines shall be imposed as day fines or, if the crime is punishable with less than thirty day fines, as summary fines (Law 1993:201). Day fines are based on the seriousness of the crime and the financial situation of the offender, resulting in that two persons who have committed the same crime can be convicted to pay very different amounts. For example, in a March 2003 trafficking case, one man who was convicted under the Law was sentenced to 50 day fines; in his case SEK \$50,000, the equivalent of US\$7,000.

9. See also Otiz (2001), Parkrun (2004), and "Sextopslagen biter, Prostitutionen minskar i Sverige," (2004).

10. See also interview with Månsson (Edvall, 2003). For more information about how the pornography and prostitution industry successfully uses the Internet for profit, see also Lane (2001).

11. The case was cross-appealed to Svea Hovrätt (Court of Appeal), *Lilius*, case number: B 3065-03, where the pimp was convicted and sentenced to 4 years in prison for procuring and subsequent deportation.

12. According to the Penal Code, chapter 2, section 2,

Crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court where the crime has been committed: 1. by a Swedish citizen or an alien domiciled in Sweden; 2. by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in the Realm; or 3. by any other alien, who is present in the Realm, and the crime under Swedish Law can result in imprisonment for more than six months. The first paragraph shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine. In cases mentioned in this Section, a sanction may not be imposed which is more severe than the severest punishment provided for the crime under the law in the place where it was committed. (Law 1972:812).

13. According to the Penal Code, chapter 2, section 3(2),

Even in cases other than those listed in section 2, crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court: for example, 3. if the crime was committed in the course of duty outside the Realm by a person employed in a foreign contingent of the Swedish armed forces or a foreign contingent of the Swedish police force.

14. He has filed a complaint with the European Court of Justice asking the court to rule on whether employers are allowed to dismiss employees on these grounds. See Aschberg (2002).

15. See also Kvinna till Kvinna (2002), p. 6.

16. The Swedish National Rapporteur was appointed by the Swedish government in 1998 following a joint declaration of the European Union (The Hague, 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" (Article III.1.4).

17. Reden is an organization assisting women in prostitution and victims of trafficking in human beings.

18. On July 1, 2002, legislation that imposed criminal liability for the trafficking in human beings for sexual purposes entered into force. It includes criminal responsibility for the crime of trafficking in human beings for sexual purposes for anyone who (a) by the use of unlawful coercion, deception, or of any other similar improper means, induces another to go to or to be transported abroad for the purpose of sexual offenses, prostitution, or other forms of exploitation for sexual purposes; (b) for such a purpose and by the use of such improper means as mentioned transports, harbors, or receives someone who has arrived to a country under such conditions; (c) commits any such act against a victim who has not attained age 18 years, even if no improper means have been used. Attempt, preparation, and conspiracy to traffic in human beings for sexual purposes, or failure to report such a crime, are also punishable. The area of application covers all cross-border trafficking for sexual exploitation in which the perpetrator exploits the vulnerability of another person. Under this legislation, a trafficker can be sentenced to a minimum of 2 years and, at the most, 10 years in prison, or in less serious cases, to a maximum of 4 years in prison. The Swedish government submitted a government bill proposing an amendment to the legislation concerning trafficking in human beings for sexual purposes to the Riksdag (the Parliament) in March 2004. The amendment extends criminalization to all forms of trafficking in persons, including trafficking within national borders and trafficking for other forms of exploitation, such as forced labor and slavery. The new legislation entered into force on July 1, 2004.

19. See pp. 86-87 for the numbers from 1998 to 2001.

20. See also many newspaper articles, for example, Olsson (2001), p. 2.

21. The Swedish Campaign was part of the Nordic Baltic Campaign against Trafficking in Women, coordinated by me. In 2002, no less than eight campaigns against trafficking in women were conducted in the Nordic and Baltic countries. These campaigns were the outcome of an initiative taken by the Swedish Minister for Gender Equality during the conference, Women and Democracy, in Vilnius, Lithuania, in June 2001. The Ministers for Gender Equality in these eight countries resolved to launch a joint campaign in 2002 as a contribution to international efforts to stop trafficking in human beings. Later in the same year, the Justice Ministers of these eight countries joined the campaign. The campaign was financed and carried out under the auspices of the Nordic Council of Ministers. For more information about the Swedish Campaign, see Ekberg (2003).

22. The government prepared a bill, presented to the Parliament in the spring of 2004, in which the amendments to chapter 6 of the Penal Code, including to the Law, are incorporated.

23. Some cities, such as San Francisco in the United States and Vancouver in Canada, have organized so-called johns' schools, with the intention of rehabilitating buyers. Whether these johns' schools are effectively deterring male offenders from sexually exploiting women and girls is debated.

24. Member of Parliament Kolbrún Halldórsdóttir has, no less than four times, submitted a draft bill to the Althing (Icelandic Parliament) to make it a punishable offense to purchase sexual services. In addition, a coalition of 11 women's organizations has put forward a proposal to prohibit the purchase of sexual services in Iceland. Information available online at [www.feministinn.is/english.htm](http://www.feministinn.is/english.htm)

25. "The Membership of the EWL shall lobby their respective governments to adopt a similar law, one that will make it a crime for men to buy and use women in the context of prostitution. The law shall not in any way criminalize the woman, the victim. On the contrary, the law must be combined with efforts to help the women out from prostitution by



providing them with financial assistance, education/job-training, housing and health care. Members should also work for strong policies against pimping. EWL shall lobby the commissioners of the European Parliament to put pressure on their respective governments to make it a crime to buy women in prostitution and to develop strong policies against pimping. EWL shall provide their members with the information they need" (European Women's Lobby, 2001, n.p.).

26. A regional body of Parliamentarians from the five Nordic countries (Iceland, Norway, Denmark, Sweden, and Finland).

27. Prostitution academics include Östergren, (2003). In her work, Östergren analyzes Swedish prostitution policies using the theories of U.S. sexual liberals such as Gayle Rubin and Carol Vance. Kulick is another academic who wrote *Sex in the New Europe: The Criminalization of Clients and Swedish Fear of Penetration* (2003), in which he rather remarkably argues that

the law is a response to Sweden's entry into the EU. For a variety of reasons, anxiety about Sweden's position in the EU is articulated through anxiety about prostitution. The Swedish case is where we can see that sexuality is one site where boundaries and roles in the new Europe are being imagined and negotiated. (p. 199)

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2010



REGERINGSKANSLIET  
Government Offices of Sweden

Press release  
02 July 2010  
Ministry of Justice

## Evaluation of the ban on purchase of sexual services

The Inquiry on evaluation of the ban on purchase of sexual services today submitted its report *Förbud mot köp av sexuell tjänst* (Prohibition of the purchase of sexual services). En utvärdering 1999-2008 (An evaluation 1999-2008) (SOU 2010:49) to Minister for Justice Beatrice Ask. The purpose of the evaluation was to investigate how the prohibition, which has been in force for over ten years, works in practice and what effects it has had on the incidence of prostitution and human trafficking for sexual purposes in Sweden.

The evaluation shows that the ban on the purchase of sexual services has had the intended effect and is an important instrument in preventing and combating prostitution and human trafficking for sexual purposes.

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### Effects of the ban

The Inquiry concluded that prostitution in Sweden, unlike in comparable countries, has not in any case increased since the introduction of the ban. The ban on the purchase of sexual services has also counteracted the establishment of organised crime in Sweden. Hence criminalisation has contributed to combating prostitution and human trafficking for sexual purposes.

Prohibiting purchases of sexual services also has a normative effect. There has been a marked change in attitude to the purchase of sexual services that coincides with making it a criminal offence to buy sex. There is now strong support for the ban on purchasing sexual services in Sweden. The ban has proved to act as a deterrent to sex purchasers. The Inquiry could find no indication that criminalisation has had a negative effect on people exploited through prostitution.

### Application of the ban

The investigation of the application of the ban shows that, following an initial period of some uncertainty, police officers and prosecutors now consider that, in general, the application works well. However, it is clear that the effectiveness of application depends on the resources deployed and the priorities made within the judicial system.

### Proposed measures

The Inquiry stresses the value and necessity of continued and sustained social work to prevent and combat prostitution and human trafficking for sexual purposes. Efforts must be coordinated if this work is to succeed. Consequently the Inquiry proposes the establishment of a national centre tasked with coordinating efforts against prostitution and human trafficking for sexual purposes.

The Inquiry also proposes that the maximum penalty for the purchase of sexual services be raised from imprisonment for six months to imprisonment for one year. The examination of case law made by the Inquiry shows that there is a need to be able to make a more nuanced assessment in more serious cases of the purchase of sexual services than is possible within the current penalty scale for the offence. According to the Inquiry, the current level of penalties for certain sexual purchase offences is not proportionate to the seriousness of the crime.

In the opinion of the Inquiry, a person exploited through prostitution may be regarded as the injured party in purchases of sexual services. The issue of whether the person exploited is to be regarded as the injured party must be determined in each individual case.

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Selected extracts of the  
Swedish government report SOU 2010:49:

**“The Ban against the Purchase of Sexual  
Services. An evaluation 1999-2008”**

Contents

- A. Preface (translated by Mireille L. Key)
- B. English summary of the report
- C. Chapter 4: Prostitution in Sweden 1999-2008 (translated by Jennifer Evans)
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## A. PREFACE

For a long time, Sweden's official attitude to prostitution has been that it is an unacceptable phenomenon in our society and must be combated. Since 1 January 1999, it has been a crime to buy sexual services in Sweden, and an individual who obtains a casual sexual relation for compensation is sentenced to pay fines or serve a prison term of up to six months for the *purchase of sexual services*. In contrast to previous measures against prostitution, the criminalization of the purchase of sexual services targets the demand, i.e., the sex buyer or the prospective sex buyer. Since then, discussions on the ban have sprung up in both Sweden and internationally, and various interpretations of the consequences of criminalization have been put forth.

In spring 2008, as part of an action plan against prostitution and human trafficking for sexual purposes, the Swedish government appointed a special committee of inquiry, known as the Committee of Inquiry to Evaluate the Ban against the Purchase of Sexual Services. Chancellor of Justice Anna Skarhed, formerly a Justice of the Supreme Court, headed the committee; she was assisted by a team of experts and secretaries. The committee's objective was to evaluate the ban against the purchase of sexual services. It was tasked with determining how the ban functions in practice and the effects of criminalization on the incidence of prostitution and human trafficking for sexual purposes in Sweden.

With regard to the *application* of the ban, the committee examined reports of crime and sentences in order to determine how the ban has been applied in practice by the police, prosecutors and courts. As to the matter of the *effects* of the ban, the inquiry compared the incidence and forms of prostitution in Sweden today with circumstances prior to the ban's introduction. In addition, it compared the circumstances in Sweden with those in five other comparable countries—Norway, Denmark, Finland, Iceland and the Netherlands.

On 2 July 2010, the committee delivered its report, "The Ban against the Purchase of Sexual Services. An Evaluation 1999–2008" [*Förbud mot köp av sexuell tjänst. En utvärdering 1999–2008* (SOU 2010:49)] to Minister of Justice Beatrice Ask. The report encompasses the inquiry's work and its conclusions.

Since there also appears to be interest in the inquiry's results outside of Sweden, this document consists of translations of those sections that are presumed to be of particular interest to foreign readers.

First, the English *summary*, which is part of the complete report, describes the contents of the report in concise terms. Further, *chapter 4* describes how prostitution has changed in Sweden during the ten years that the ban has been in force and the effects of criminalization on the incidence of human trafficking for sexual purposes in Sweden. Finally, *chapter 5* consists of a comparison between the circumstances in Sweden and those in some comparable countries.

To carry out its task, the committee of inquiry used a variety of sources, including a substantial number of studies, reports and other publications that deal with issues of prostitution and human trafficking for sexual purposes. It also gathered information from individuals who work with these issues and from others who have personal experience with



prostitution. Both chapters that are part of this translation include sections entitled “Our Sources.” These present the most important reports, investigations and other information that constitute the basis of the inquiry’s conclusions. An appendix to the complete report (but not included in the present document) includes a list of the written material that the committee used as the foundation for its work.

It is difficult to describe prostitution. Questions related to sexuality arouse strong feelings, and prostitution is a complex social phenomenon that touches on fundamental values.

Traditionally, prostitution has referred primarily to heterosexual prostitution, where women provide sexual services and men buy them. Prostitution has often been synonymous with “the prostitute,” while the buyer of sexual services has been invisible. This picture of prostitution is still prevalent in spite of the fact that it is not entirely consistent with today’s reality. Even if most of those who are exploited sexually are girls and women, it is not unusual for women to buy sexual services and for boys and men to be exploited in prostitution, mainly by other men but also by women. The ban against the purchase of sexual services transfers the focus from the supply, that is, the prostitutes, to the demand, namely, the buyers, human traffickers and procurers. During the period that the ban has been in force, it has also become more obvious that there is a very strong connection between the incidence of prostitution and human trafficking for sexual purposes.

What to call persons who are involved in prostitution is a sensitive issue. The report uses the term *sex buyer* and the expression *to buy sex*. On the other hand, the terms *sex seller* and *to sell sex* were avoided because they give the impression that prostitution is a business transaction between two equal parties, a scenario that, according to the report, very rarely corresponds to reality. At times, the report uses the word *prostitute* to designate the person who is exploited sexually. However, the phrases *person who is exploited in prostitution* and *person with experience of prostitution* also occur in the text. Regardless of the choice of words, it is important to stress that this is not about what the persons involved *are* but rather what they *do*.

*Anna Skarhed*  
Chancellor of Justice

*Ulrika Kullman*  
Secretary

## **B.**

### **SUMMARY**

#### **The inquiry's assignment and work (Chapter 1)**

On 1 January 1999, Sweden became the first country in the world to introduce legislation criminalizing the purchase, but not the sale, of sexual services. The penal provision—the prohibition of the purchase of sexual services—is currently found in Chapter 6, Section 11 of the Penal Code.

The ban on the purchase of sexual services was introduced because it was deemed that fighting prostitution was a pressing social concern. Unlike previous measures and initiatives, criminalization targeted the demand for sexual services, i.e., the buyers of sex and prospective buyers 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 should obtain casual sexual relations with women in return for payment. Further, by introducing a ban on purchasing sexual services, Sweden also sent an important message with regard to our outlook on the purchase of sexual services and prostitution to other countries. It pointed out that prostitution results in serious harm to both individuals and to society. It was expected that criminalization would have a deterrent effect on prospective buyers 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 inhibiting effect on the prevalence of prostitution here.

The ban on the purchase of sexual services has now been in force for more than ten years. Different views have been presented on the consequences of criminalization. The issue of an evaluation of the ban has been raised in Parliament on several occasions. The legislation prohibiting the purchase of sexual services has also received international attention, and there is great interest in learning about the effects of the ban. For example, the growing problem with human trafficking for sexual purposes and prostitution has meant that many countries have found reason to consider new methods of combating the purchase of sexual services and human trafficking.

Our task has been to evaluate the application of the ban on the purchase of sexual services and its effects. We have investigated how the provision has worked in practice and its effects on the prevalence of prostitution and human trafficking for sexual purposes in Sweden. One starting point of our work has been that the purchase of sexual services is to remain criminalized.

#### **Some general starting points (Chapter 2)**

The proposal to criminalize the purchase of sexual services was part of the Government Bill on Violence against Women (*Kvinnofrid*, 1997/98:55). The bill proposed a large number of measures in different social sectors to combat violence against women, prostitution and sexual harassment in working life. According to the bill, one issue that was closely related to that of

violence against women and a lack of gender equality was the issue of men who purchase sexual services, usually from women, namely, the issue of prostitution.

The most important insight regarding the issue of prostitution presented in the bill was that attention must be directed to the buyers. 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.

On 10 July 2008 the government presented Government Communication 2007/08:167, which was an action plan against prostitution and human trafficking for sexual purposes. Through the action plan, the government once again emphasized that prostitution and human trafficking are not acceptable in our society and that far-reaching measures are needed to combat them. The action plan notes that the underlying reasons for people to be involved in prostitution vary, but the primary factor that perpetuates both human trafficking and prostitution is demand, that is, that people, primarily men, purchase sex. Human trafficking for sexual purposes affects mainly young women and girls. The exact scale of human trafficking around the world is not known since many cases go unreported, but it is generally accepted that human trafficking represents one of the most profitable forms of international organized crime.

Thus, there is a clear link between the existence of prostitution and human trafficking for sexual purposes.

Since it was introduced, the ban on the purchase of sexual services has given rise to debates 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 morality. However, from a gender equality and human rights perspective and a shift in focus from what is being offered—those who are exploited in prostitution—to demand, that is, traffickers, procurers and sex buyers, the distinction between voluntary and non-voluntary prostitution is not relevant.

### **Background and current law (Chapter 3)**

The issue of criminalizing prostitution was raised in Sweden in the 1970s and 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 rather a human problem, the inquiry chose to try to expand the concept and defined prostitution in the following manner: 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 on freedom of the individual and gender equality, which have long been prevalent in Sweden. In its report "Prostitution in Sweden, Background and Measures" (*Prostitution i Sverige, bakgrund och åtgärder*, SOU 1981:71), the inquiry proposed that prostitution should remain exempt from punishment, but highlighted other social and legal solutions designed 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 and which is intended to satisfy the purchaser’s sex drive. In its report “Sex Trade” (*Könshandeln*, SOU 1995:15) the inquiry proposed that prostitution be criminalized by introducing a ban on both purchasing and selling sexual services. The inquiry considered that the criminalization of prostitution was a necessary step in making it completely clear that prostitution as a phenomenon is not accepted by society. The inquiry’s proposal, particularly the idea of also criminalizing the person exploited by prostitution, was met by extensive 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, as described above. The proposal was based on the report of the 1993 Prostitution Inquiry and on the final report of the Commission on Violence against Women, “Violence against Women” (SOU 1995:60).

According to Chapter 6, Section 11 of the Penal Code, a person who obtains a casual sexual relation in return for payment has committed the crime of purchasing sexual services. 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 with alcohol or drug, for example. Promising compensation so that payment is a condition for the service is sufficient to establish liability. A crime is committed even if someone other than the person who avails himself 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 up to six months’ imprisonment.

As is the case with the crime of human trafficking, the ban on the purchase of sexual services is an important instrument in preventing and combating human trafficking and in protecting 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 in this area. Several instruments dealing with prostitution and human trafficking have been adopted by the United Nations, the Council of Europe and the EU.

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

Extensive work aimed directly at individuals who are exploited in prostitution is being carried out in Stockholm, Gothenburg and Malmö. People with experience of prostitution have complex needs, and special knowledge and skills are required when implementing initiatives that target these individuals. Work in the prostitution groups involves a number of different components, including outreach activities, motivational interviews, different forms of therapy and psychosocial support. Less is known about the extent to which persons in prostitution and victims of human trafficking are identified and helped in other areas. 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 the demand for sexual services are crucial for dealing with the problem. For some ten years, social services in Stockholm, Gothenburg and Malmö have been



operating what are known as KAST groups (Purchase of Sexual Services) to motivate potential and active sex buyers to change their behavior.

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

## **Prostitution in Sweden 1999–2008 and a comparison with the situation in several other countries (Chapters 4 and 5)**

Evaluating the effects of the ban on the purchase of sexual services has proven to be a difficult task. Prostitution and human trafficking for sexual purposes are complex, multifaceted social phenomena that occur in part in secret. Increased internationalization and the Internet as a new arena for prostitution also make it difficult to assess its prevalence. Even though there are many reports, articles and essays that address these phenomena, knowledge on the scale of prostitution and human trafficking for sexual purposes is consequently limited. In particular, this applies to knowledge about individuals who are active as prostitutes in arenas other than street settings and on the Internet and to knowledge about the prevalence of prostitution outside metropolitan areas.

On the whole, “prostitution” has traditionally referred to heterosexual prostitution, with women providing the sexual service and men purchasing it. The measures that are implemented and the knowledge available are also largely based on this customary view. Accordingly, we do not know very much about men who provide sexual services and about young people who are exploited in prostitution. Buyers of sexual services are still fairly invisible despite the political will to shift the focus.

The empirical surveys that have been carried out have, in some cases, been limited in scope, and different working procedures, methods and purposes have been used. In light of these and other factors, there are times when caution must be used in interpreting the results. However, despite these reservations, we still consider it possible to draw conclusions based on the material to which we had access and, in our view, the results we are presenting based on this data provide as clear a picture as it is currently possible to produce.

### **Street prostitution reduced by half**

It is believed that the data available on the scale and prevalence of street prostitution describes the actual conditions. Since the introduction of the ban on the purchase of sexual services, street prostitution in Sweden has been reduced by half. 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 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 economic and social similarities that exist among these three countries, it is reasonable to assume that the reduction in street prostitution in Sweden is a direct result of criminalization. According to a study by Bergen Municipality, this assumption is supported

by the fact that an immediate, dramatic reduction of street prostitution occurred there when, on 1 January 2009, Norway became the second country 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.

### **Internet—a new arena**

Prostitution whereby the initial contact is made over the Internet is an important and growing arena for prostitution, which has received increased attention in recent years. Compared to street prostitution, the scale of Internet prostitution is more difficult to verify and assess, but knowledge about 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 a change in arenas, that is, from street prostitution to the Internet, in Sweden. In light of this it should be possible to conclude that the reduction of street prostitution by half 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.

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 come into contact with the buyer via the Internet. The results of other questionnaire-based 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.

### **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, for instance, 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 undetected.

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 not increased in Sweden. There may be several explanations for this but, given the major similarities in all other respects among 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. Therefore, criminalization has helped to combat prostitution.

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

Human trafficking for sexual purposes is a growing form of serious economic crime in large areas 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 Swedish Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers who are considering establishing themselves in Sweden.

### **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 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, which 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 had a positive view of the ban.

### **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 vulnerable persons 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 with the issue of prostitution, these fears have not been realized.

Police officers and social workers report that buyers 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, buyers are afraid to be caught, but they are more concerned about the possibility that the offense of which they are suspected will become known to family and acquaintances than about the penalties they risk. The impression that buyers 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 buyers 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 the respondents 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 buyers of sexual services.

It is clear, and 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 had with women with experience of prostitution.

## **Application of the ban 1999–2008 (Chapter 6)**

Since the ban was introduced, the police have directed special operations against prostitution on many occasions. The majority of the investigations and operations against prostitution-related crime have been, and continue to be, carried out by the various special groups that have been established during this period in Stockholm, Gothenburg and Malmö, and in the Swedish Police.

Operations have mainly targeted street prostitution and more organized forms of prostitution that are linked to procurement or human trafficking. The police have not normally prioritized, or had the resources for, interventions against the purchase of sexual services via other forms of prostitution.

Street prostitution is seen by police to have great symbolic value in the eyes of the public, and the street setting is also used to market other forms of prostitution. The police officers with whom the inquiry had contact consider that operations against street prostitution have an immediate effect in terms of deterring prospective buyers of sexual services, but they also believe that such operations have a more long-term effect in terms of deterring and limiting the numbers of other promoters and organizers of prostitution.

The majority of prosecutions for infringements of the ban are cases where the buyer of sexual services made the initial contact in a street setting. A new penal provision, human trafficking for sexual purposes, came into force on 1 July 2002, and since the beginning in 2003 there has been a dramatic increase in the number of prosecutions for infringements of the ban on the purchase of sexual services that originate from procuring and human trafficking cases. The prevalence of these cases varies widely from year to year, depending on the resources invested and the priorities that the police, in particular, have set.

It is clear that monitoring compliance with the ban depends largely on the priorities set by the police and the resources they have available. According to both police officers and prosecutors with whom the inquiry spoke, a substantially larger number of buyers of sexual services could be prosecuted if priority was given to this type of crime in day-to-day activities. One reason why priority is not given to sex purchase offenses is the low penal value of this type of offense.

Eight out of ten cases in which buyers of sexual services are prosecuted involve situations in which the buyer has admitted to the offense. 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 buyer 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. Most often, they paid cash for sexual services.



Our review of the judgments 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 days of fines proportional to the offender's income. The offense is generally reported rather summarily, and judgments seldom refer to any extenuating or aggravating circumstances associated with the offense.

When the ban was introduced, some feared that it would be difficult to monitor compliance with the ban and to define and prove the criminal act. However, our investigation of the application of the ban shows that, following an initial period of some uncertainty, police officers and prosecutors now consider that in general the provision works well. The prosecutors with whom the inquiry spoke have stated that they 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.

The uncertainties that remain when it comes to applying the provision concern whether those who have been exploited should be considered witnesses or injured parties in court proceedings, and the point in time at which an attempted offense has been committed. It is considered difficult to prove attempted crimes, with the result that, in connection with street prostitution, the police deliberately wait until the sexual act has begun before intervening, and the offense has thus been committed in full.

## **Deliberations and proposals (Chapter 7)**

Our assessment shows that the ban on the purchase of sexual services has had the intended effect and is an important instrument in preventing and combating prostitution.

### **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 human trafficking for sexual purposes. It is important to increase the measures directed at buyers of sexual services. Further research is needed with regard to 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 emphasizes in particular—the value and necessity of continued and sustained social measures.

### **A national center against prostitution and human trafficking for sexual purposes should be set up**

In the course of our work, we have established that there is an improbably large amount of information available in the form of reports, articles and essays produced by both government

agencies and researchers and containing facts and discussions linked to prostitution and human trafficking. One important conclusion we have drawn is that, despite the great interest in this issue, there is a lack of both continuous follow-up and systematic knowledge of these phenomena. The knowledge available is difficult to grasp and, in part, difficult to assess, and is shaped by the operational focus and perspective of the agencies and organizations concerned.

This makes it impossible to draw entirely reliable assessments and comparisons using the available knowledge. This hampers efforts to establish the training, methods development and support initiatives needed in order to combat prostitution and human trafficking for sexual purposes as effectively as possible. It is necessary to create better conditions for coordination, follow-up and knowledge production for the future, in order to both utilize existing knowledge and also make new knowledge available to everyone who works in some capacity with these issues.

We therefore propose the establishment of a national center against prostitution and human trafficking for sexual purposes.

### **Maximum penalty for the purchase of sexual services should be raised**

In our view, variations among different sexual purchase offenses are taken into account far too infrequently when deciding on a penalty. From the review of current practice undertaken by the inquiry, it is clear that in some cases there is reason to take a more serious view of the offense than has been the case in practice. Examples of such cases include exploitation of a person with a mental disability, contact being made through a third party or an ordering service, exploitation of one person for several hours by several sex buyers or exploitation of a young person or a person under the influence of drugs. In our view, the current level of penalties for certain sexual purchase offenses is not proportionate to the seriousness of the crime. There is a need to be able to make a more nuanced assessment in more serious cases of the purchase of sexual services than is possible within the current penalty scale for the offense. Therefore, we propose that the maximum penalty for the purchase of sexual services be raised from six months' imprisonment to imprisonment for one year.

### **The person exploited in prostitution may normally be considered the injured party**

Neither legislation nor legal doctrine offers a clear answer to the question of who is to be considered an injured party. In our assessment, there is nothing to prevent a person who has been exploited in prostitution from having the status of injured party in proceedings concerning the purchase of sexual services. An examination should be undertaken in each case to determine whether the person providing the sexual service is so directly affected by the offense that she or he should be entrusted with exercising the public function implied by a penal claim.

### **The question of where to draw the line in attempted crimes should be resolved through the application of the law**

The question of the point in time at which the offense of the purchase of sexual services begins has been discussed, and it engenders certain problems with regard to its application in practice. In our view, the problems described by police officers and prosecutors with regard to the application of the offense of the purchase of sexual services do not differ fundamentally from those encountered with other types of offenses. It would hardly have been possible, let alone appropriate, to attempt to pin down in legislation the point at which an attempted offense has been committed. The problems encountered should therefore be viewed as a

matter for interpretation and application, not for legislation. Nor are the evidentiary problems such as to warrant any proposed legislative amendments or other measures.

**There is a need to expand the scope of the application of the ban with regard to offenses committed abroad, but without deviating from the dual criminality requirement**

We consider that there is a need to expand the opportunities for prosecuting sexual purchase offenses committed abroad in Sweden, particularly with a view to the fact that it should be possible to apply the Swedish ban in cases where a person representing Swedish public interests purchases sexual services abroad. The question of the ban's applicability for offenses committed abroad was not referred to in any detail in the preparatory work on which the ban was based. Now that the offense is contained in Section 6 of the Swedish Penal Code, it is reasonable to regard it as universally applicable and not limited to offenses committed in Sweden. Since the ban on the purchase of sexual services is universally applicable, there are no national or territorial limits on its applicability. However, this conclusion does not mean that the Swedish courts have the competence to pass judgment on the offense. The competence to pass judgment on offenses committed outside Sweden is normally conditional on dual criminality.

The majority of countries do not have a ban on the purchase of sexual services equivalent to that in force in Sweden, nor is there international consensus on what methods should be used to combat prostitution. Therefore, allowing the purchase of sexual services to be an exception to the dual criminality requirement for Swedish penal jurisdiction would involve a clear deviation from the principles behind the introduction of a general requirement for dual criminality to prosecute a crime committed in another country. An exception of this kind could not be based on international consensus on the nature of the crime or a general perception of the crime as being a particularly serious one. Nor could it be justified on the grounds of protecting any private or public Swedish interest. In light of this, we have deemed it impossible to propose that the dual criminality requirement be removed with regard to the crime of the purchase of sexual services.

## C.

### CHAPTER 4: PROSTITUTION IN SWEDEN 1999-2008

#### 4.1 Introduction

Sweden criminalized the purchase of sexual services in an effort to curtail prostitution. The Government Bill on Violence against Women (*Kvinnofridspropositionen*) dealt with measures for counteracting violence against women, prostitution and sexual harassment at work. In the bill, the government stated that in an equal society it is undignified and unacceptable to have casual sexual relations with women for money. In addition, the bill stated that prostitution leads to serious harm both to individuals and to society, and banning the purchase of casual sexual relations would highlight the societal attitude toward this.

This is the background of our assignment to assess the ban. What effect has the ban had on the purchase of sexual services? Have the existence and types of prostitution in Sweden today changed compared with the situation prior to the ban? If a change has occurred, is it due to the ban or can it be explained by other reasons? What significance has the ban had on the types and occurrence of human trafficking for sexual purposes in Sweden? How has criminalization affected sex buyers? Has criminalization changed the situation for the people involved in prostitution?

These are some of the questions we have tried to answer. In chapter 3 (which is not included in the present translated document) we discussed the two inquiries on prostitution, which presented their reports in 1981 and 1995. In this chapter, we describe what we know today about prostitution in Sweden over the nearly eleven years that the ban has been in force. We discuss the scope and types of prostitution, the situation of people who are or have been active in prostitution, and Swedes' attitudes toward prostitution and the ban against purchasing sexual services.

We should say right here that the task is very difficult. Prostitution and human trafficking for sexual purposes are complex, multifaceted social phenomena that take place to some degree behind closed doors. Factors such as increased internationalization and a growing number of people advertising on the Internet make it difficult for the police and social services to fully grasp the extent of these activities. The knowledge we have about prostitution and sex trafficking can rarely be described with precise figures. When we started our task there was an ambition to conduct our own surveys in order to "map out" prostitution. However, after having read the extensive number of existing reports and studies from authorities and researchers on the subject, we realized that it would not be possible in the framework of this inquiry to produce the precise knowledge about prostitution that politicians and debaters request, but which no authorities or researchers have been able to generate in the nearly eleven years that the ban against the purchase of sexual services has been in place.

Our description of prostitution in Sweden between 1999 and 2008 is thus primarily based on already published written material. Certain additional information has been obtained through interviews we conducted with police officers in the framework of our study of how the ban



has been applied (see chapter 6, not included in the present translated document), with social workers from the Prostitution Unit (*Prostitutionsenheten*) in Stockholm, the Prostitution Group (*Prostitutionsgruppen*) in Gothenburg, the Prostitution Knowledge Center (*Kompetenscenter Prostitution*) in Malmö and the KAST network (*Köp Av Sexuella Tjänster, Purchase Of Sexual Services*) in Gothenburg, as well as the responses to questions we have asked of people with personal experience of prostitution. However, we feel that the situation we describe based on this data is the clearest picture it is currently possible to achieve.

## **4.2 Our sources**

The following sections describe the most important reports, studies and other information that form the basis of our conclusions in this chapter. It should be emphasized that the reports and studies named below are only a selection of what has actually been written in the past decade. *Appendix 5* (not included in the present document) contains a list of the most important written material on which we based our work.

### **4.2.1 National Board of Health and Welfare**

When the ban against the purchase of sexual services went into effect in 1999, the Swedish National Board of Health and Welfare (*Socialstyrelsen*) was put in charge of monitoring changes in and the scope of prostitution in Sweden and also changes internationally. This assignment generated three reports: “Knowledge about Prostitution” (*Kännedom om prostitution*) dated 1998–1999, 2003 and 2007.

The first report was based on data collection from questionnaires sent out to all municipalities, police departments and police districts, the local chapters of the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (*Riksförbundet för sexuellt likaberättigande, RFSL*) and to a selection of restaurants and hotels. In addition, an inventory was conducted of websites related to prostitution and interviews with key informants to the police, social services, health services and volunteer organizations. Moreover, 19 men with experience of purchasing sex were interviewed.

The 2003 report was mainly based on qualitative material in the form of interviews with about 35 people whose jobs brought them into contact with prostitution. Interviewees included people representing the social authorities and administrations, the Swedish Police and several volunteer organizations in various locations throughout the country. A woman with personal experience of prostitution was also interviewed. In addition to these interviews, several youth clinics were asked in writing about their encounters with young people who had experience of prostitution or prostitution-like situations.

For the 2007 report, data were collected through questionnaires, interviews and an Internet survey. Questionnaires were sent out to all police departments and 100 of the country’s 290 municipalities. Representatives from the social services and police departments in Stockholm, Gothenburg, Malmö, Umeå and Luleå, the Swedish Police, a few special social projects and a number of volunteer organizations were interviewed, as were 16 people with personal experience of prostitution. An Internet survey of the marketing of prostitution, with a focus on Sweden, was also conducted.

#### **4.2.2 The Swedish Police**

Since 1997, the Swedish National Police Board (*Rikspolisstyrelsen*) has been the national rapporteur to the government on matters dealing with trafficking in women. Until 1 November 2008, the Board conferred the assignment as national rapporteur to the Swedish Police (*Rikskriminalpolisen*), but after that the responsibility was transferred to the police division of the National Police Board. Thus far, the assignment has resulted in ten reports on trafficking in women and human trafficking for sexual and other purposes. To some degree, these reports also cover prostitution that is not tied to organized crime. These reports are based on information from the nation's police stations, other authorities such as the Swedish Migration Board, volunteer organizations and the general public, and on information that has been obtained in the Swedish Police's own work, primarily in human trafficking, for example via Internet surveys. The reports present crime statistics for such crimes as human trafficking and procurement, as well as analyses of crime trends over time and adjudication regarding these crimes.

#### **4.2.3 Prostitution groups**

In 2006 and 2007, the Prostitution Unit in Stockholm, the Prostitution Group in Gothenburg and the Prostitution Knowledge Center in Malmö published several regional studies, mainly focusing on prostitution in which contact was established over the Internet.

Two surveys from the KAST group in Malmö describe prostitution and the marketing of sexual services on the Internet in the Öresund region, "Survey of the Purchase of Sexual Services over the Internet in the Öresund Region" (*Kartläggning av köp av sexuella tjänster på Internet i Öresundsregionen*, Scaramuzzino and Malmström, 2006) and "The Social Geography of the Sex Trade" (*Sexhandelns sociala geografi*, Scaramuzzino and Weman, 2007). One further survey of how the Internet is used to offer/market sexual services in the Scania/Öresund region was published in 2007 ["When Prostitution Moved into the Living Room" (*När prostitutionen flyttade in i vardagsrummet*, Olsson, 2007)]. Over a six-month period in 2005, the Prostitution Unit in Stockholm conducted a survey of prostitution on the Internet in the Stockholm area. The survey material consisted of various types of ads offering sexual services for money ["Final Report from the Internet Prostitution Project" (*Slutrapport från projektet Nätprostitution*, Johansson et al., 2006)]. In 2007, the Prostitution Group in Gothenburg conducted a study of young people's experiences of sexual services for money ["In the Border Zones of Sexuality—A Study of Young People in the Greater Gothenburg Area Who Sell and Exchange Sexual Services" (*I sexualitetens gränstrakter – en studie av ungdomar i Göteborg med omnejd som säljer och byter sexuella tjänster*, Abellsson and Hulusjö, 2008)].

There are also annual reports and directors' reports from the prostitution groups containing information about prostitution in their area of operation.

#### **4.2.4 Swedish National Council for Crime Prevention**

In 2000, the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*, BRÅ) generated a report about how the ban against the purchase of sexual services has been applied ["Ban against the Purchase of Sexual Services. Application of the Law in the First Year" (*Förbud mot köp av sexuella tjänster. Tillämpningen av lagen första året*, BRÅ report 2000:4)]. A later report from BRÅ includes not only a description of human trafficking, prostitution related to it and the people involved in it, but also a special section on people who purchase sexual services ["Sex-Related Human Trafficking: a Matter of Supply and Demand" (*Sexuell människohandel, en fråga om tillgång och efterfrågan*, BRÅ report 2008:24)].

BRÅ was also asked by the government to monitor and evaluate the action plan against prostitution and human trafficking for sexual purposes. A preliminary interim report was presented in the spring of 2010 [“Prostitution and Human Trafficking for Sexual Purposes” (*Prostitution och människohandel för sexuella ändamål*, BRÅ report 2010:5)].

#### **4.2.5 Prostitution in the Nordic countries**

The Nordic Institute for Women’s Studies and Gender Research (*Nordiska Institutet för Kunskap om Kön*, NIKK) conducted a research project called “Prostitution in the Nordic Countries” (*Prostitution in Norden*) in 2007–2008 on behalf of the equal-rights ministers of those countries. Eleven Nordic researchers worked on the project, describing, examining and analyzing the situation with regard to prostitution and human trafficking for sexual purposes in the Nordic countries.

The project’s final report includes an article discussing the extent of prostitution in Sweden. The article is based on reports and compilations of data on prostitution and human trafficking for sexual purposes in Sweden from the past 30 years. The written material is supported by interviews with representatives from the nation’s prostitution groups, the police, volunteer organizations and the health services [“Prostitution and Human Trafficking for Sexual Purposes in Sweden: Extent, Incidence and Generation of Data” (*Prostitution och människohandel för sexuella ändamål i Sverige: Omfattning, förekomst och kunskapsproduktion*, Holmström, 2008)]. The final report also includes a population-based survey conducted in Sweden in 2008 regarding, among other things, attitudes toward buying and selling sex [“Ten Years with the Law: Attitudes toward and Experiences with Prostitution in Sweden” (*Tio år med lagen: Om förhållningssätt till och erfarenheter av prostitution i Sverige*, Kuosmanen, 2008)] and a study of how authorities perceive and use the ban against the purchase of sexual services [“Sex Trade, Sex Purchase Legislation and Authorities’ Understanding: A Swedish Example” (*Sexhandel, sexköpslagstiftning och myndighetsförståelse: Ett svenskt exempel*, Siring, 2008)].

#### **4.2.6 Attitude surveys**

The attitudes of the Swedish people toward sex purchases, and to some degree their experience of it, have been the subject of several quantitative studies. “Bought Sexuality” (*Den köpta sexualiteten*) was a population-based survey conducted by Sven-Axel Månsson in 1996, which asked questions about prostitution and the purchase of sexual services.<sup>1</sup> In 1999 and 2002, the daily press hired the market research company SIFO (*National Institute for Consumer Research*) to conduct telephone interviews with people over the age of 15 (SIFO 1999 and 2002). And as mentioned above, a population-based questionnaire survey was conducted in 2008 under the research project “Prostitution in the Nordic Countries,” in which questions were asked regarding attitudes toward sex purchases and prostitution (Kuosmanen, 2008).

There are also several studies about young people’s attitudes and behaviors. The first involved just over 4,300 young people from the standard population in their third year of upper-secondary school [“Young People’s Sexuality—Attitudes and Experiences” (*Ungdomars sexualitet – attityder och erfarenheter*, Svedin and Priebe, 2004)]. A new survey involving 3,498 upper-secondary students and 362 members of the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) was conducted in 2009 [“Young People, Sex

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<sup>1</sup> The study was published by the Swedish National Institute of Public Health (*Folkhälsoinstitutet*) in the anthology “Sex in Sweden – on Sexuality in Sweden in 1996” (*Sex i Sverige – om sexuallivet i Sverige 1996*, Lewin (ed.) et al. 1998).

and the Internet” (*Unga, sex och Internet*, Svedin and Priebe, 2009)]. A corresponding study of 957 upper-secondary students was conducted in the County of Jönköping in 2008 [“Young People’s Attitudes and Behaviors Regarding Buying and Selling Sex” (*Ungdomars attityder och beteende när det gäller att köpa och sälja sex*, Näslund, Ahlgren and Rosander, 2009)].

In 2008 and 2009 the Swedish National Board for Youth Affairs (*Ungdomsstyrelsen*) conducted three surveys regarding experience of and attitudes toward sexual exposure on the Internet and sex for money [“Experiences of Sexual Exposure and Sex for Money” (*Erfarenheter av sexuell exponering och sex mot ersättning*, 2009)]. As a part of the government action plan, the Board for Youth Affairs has been working in 2009 and 2010 to prevent the sexual exploitation of young people on the Internet. Their report “See Me—Young People on Sex and the Internet” (*Se mig – unga om sex och Internet*) was submitted to the government in September 2009.

#### **4.2.7 Studies of prostitution on the Internet**

In addition to the reports from authorities listed above, several studies and research projects have dealt with prostitution in which contact was made on the Internet. In 2003 the Swedish Association for Sexuality Education (*Riksförbundet för sexuell upplysning*, RFSU) published a survey of prostitution on the Internet based in part on an analysis of some 200 websites and interviews with people with knowledge of prostitution [“Prostitution on the Internet” (*Prostitution på Internet*, Söderlind, 2003)].

The role of the Internet in providing sexual contacts and sex in commercial contexts has been described by several subprojects under the Internet Sex Project (*Nätsexprojektet*), which was conducted in 2002–2004 at the Departments of Social Work at the University of Gothenburg and Malmö University. An even broader view of the importance of the Internet in sexual contexts was provided by an Internet-based survey of over 1,800 people in June 2002 [“Love and Sex on the Internet” (*Kärlek och sex på Internet*, Månsson et al., 2003)]. Yet another study analyzes websites in order to assess the sex industry and prostitution on the net [“The Sex Industry on the Net” (*Sexindustrin på nätet*, Månsson and Söderlind, 2004)]. A three-year study conducted by the juvenile psychiatry department of the University Hospital in Linköping resulted in a report published in 2009, which compiled experiences from contacts with children and adolescents who have been subjected to sexual abuse via the Internet [“Children and Sexual Abuse via IT” (*Barn och sexuella övergrepp via IT*, Jonsson, Warfvinge and Banck, County Council of Östergötland, 2009)].

#### **4.2.8 Responses from women with experience of prostitution**

Several of the studies mentioned above included interviews with or survey responses from people with personal experience of prostitution. On the individual level, these people naturally have the most reliable knowledge of how prostitution has changed and any possible effect of the ban against purchasing sexual services. During our work, we were contacted by two groups, or networks, of people who have been or still are being exploited in prostitution: a group called Prostitutes’ Revenge in Society (*Prostituerades revansch i samhället*, PRIS), which consists of people who have escaped prostitution, and the Rose Alliance, which describes itself as an organization for workers in the field of sex and erotica. We e-mailed questions to both networks, asking for replies from members who would like to share their experience and knowledge about prostitution. We received replies from 14 individuals, seven from each network. The questions are listed in *Appendix 2* (not included in the present document).

## 4.3 The scope and types of prostitution

### 4.3.1 Introduction

The two inquiries on prostitution, “Prostitution in Sweden” (*Prostitutionen i Sverige*, SOU 1981:71) and “The Sex Trade” (*Könshandeln*, SOU 1995:15), as well as the report “Prostitution in Sweden” (*Prostitutionen i Sverige*, Ds S 1980:9), contain a great deal of detailed information, presented as reliable, on the scope and incidence of prostitution in Sweden.

More recent studies rarely provide specific information on the number of people involved in various forms of prostitution. In its latest follow-up, in 2007, the National Board of Health and Welfare does not provide a collective assessment of the scope of prostitution. The introduction to its methods section states that the task of surveying prostitution is complicated, that many aspects of that world are hidden, inaccessible or considered shameful, that studies of prostitution encounter a range of obstacles, and that this makes it impossible to obtain a precise picture of prostitution and its scope, regardless of the method used. Therefore, the report *narrows down* the phenomenon to the perspectives of certain players. The authors of the report point out that people’s *knowledge* of prostitution is the only aspect that may possibly be surveyed, or rather the *perceptions* and *estimates* provided by various players, and that they can be interpreted based on the contradiction between perspective and definitions. The closing section of the report states that the different voices in the empirical material are speaking from their own perspectives, activities and positions, resulting in data that sometimes conflict with one another. The conclusion is that it is difficult to detect a clear line where things have changed, and the report does not give a definitive answer to the question of whether the extent of prostitution has increased or decreased.

In her contribution to the research report “Prostitution in the Nordic Countries,” Charlotta Holmström summarizes the data available on the scope of prostitution in Sweden. She states that analyzing the data available on the scope and incidence of prostitution reveals gaps in our knowledge. This, she says, can be explained by the fact that it is a very complex procedure to generate knowledge about this type of phenomenon, and her conclusion is that there does not currently seem to be a uniform method of continuously and systematically collecting and summarizing information about the incidence of and change in prostitution and human trafficking in Sweden.

However, the data available vary between different types of prostitution. The information on the scope and extent of street prostitution is believed to accurately describe the situation. Openly advertised prostitution on the Internet has received much attention in recent years, and both the police and the various prostitution groups continuously monitor it. Compared with street prostitution, however, the extent of Internet prostitution is harder to verify and assess. Even if ads and offers of sexual services are checked and followed up, it is often difficult to assess to what degree they represent the actual supply of sexual services for money. One ad and one telephone number may refer to several people providing sexual services, but it is even more common that several ads and phone numbers come from one single prostitute. Ads may also remain online after the operations have ceased.

When it comes to indoor prostitution in which contact is made at restaurants, hotels, sex clubs or massage parlors, the available information on the extent to which this occurs is limited. We have not been able to find any in-depth studies of these forms of prostitution in the past decade.



#### 4.3.2 Number of women in street prostitution decreased by half

In 1998, the Swedish social services' prostitution groups stated that they were aware of about 730 women in the country involved in street prostitution. At the start of 1999, when the sex purchase law went into effect, street prostitution practically disappeared; but it increased again later that year, although the number of people involved was significantly lower. Since the law went into effect, street prostitution has only been found to occur in Stockholm, Gothenburg and Malmö, and the number of women involved in street prostitution has varied, according to the prostitution groups, between 300 and 430 per year.

Table 4.1 summarizes the data available on the number of people involved in street prostitution in Stockholm, Gothenburg and Malmö between 1998 and the end of 2008. It shows that although a certain increase did occur after the dramatic drop in 1999, the data available indicate that the total number of people in street prostitution has been halved.

**Table 4.1 Number of people involved in street prostitution, 1998–2008**

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Stockholm	280	170	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	200	N/A <sup>1</sup>	150	200	N/A <sup>1</sup>	180
Gothenburg	286	90	N/A <sup>1</sup>	N/A <sup>1</sup>	N/A <sup>1</sup>	100	30	30	N/A <sup>1</sup>	N/A <sup>1</sup>	64 <sup>2</sup>
Malmö	160	80	111	123	135	106	98	92	67	74	52

*Source:* National Board of Health and Welfare, data from the prostitution groups in Stockholm, Gothenburg and Malmö and Population Statistics from Statistics Sweden.

<sup>1</sup>In some periods, no annual tallies were done in Gothenburg and Stockholm, only estimates based on information such as how many prostitutes were out per evening.

<sup>2</sup> Refers only to the second half of 2008 because the prostitution group did not pursue any outreach that spring.

#### A greater proportion of foreign women in street prostitution

According to the prostitution inquiry of 1993, between 20 and 30 percent of women involved in prostitution were of foreign background at that time. The prostitution groups showed an increased proportion of foreign women when the number of women in street prostitution decreased in 1999. Today the Stockholm and Gothenburg groups report that more than half, and in Malmö one quarter, of the women in street prostitution are of foreign background. Many of these women come from the “new Schengen countries” in the Baltic region and Eastern Europe, but they also include women from Thailand and countries in South America and Africa. In Stockholm and Malmö, most of these women are reported to be established in Sweden, while the majority of the foreign women in street prostitution in Gothenburg are only in Sweden temporarily. In the past two years, the number of women from Nigeria has increased dramatically in Gothenburg, which is believed to be connected to the criminalization of sex purchases in Norway. Police state that the Nigerian women are transported by human traffickers or procurers to new markets when the competition becomes too tough or when conditions in the European countries they first came to deteriorates (see section 5.4.2 for more information).

#### 4.3.3 The Internet—a new arena

The prostitution inquiry of 1993 assumed that most of the contacts regarding indoor prostitution were made via ads in the press. Today marketing via the Internet has completely overshadowed all other methods, and this is clearly a growing arena for prostitution contacts. These days, there is always a large number of websites specifically focused on prostitution, offering sexual services to Swedish buyers. Other sites as well, often with links to

pornographic material, contain ads for sexual services or links to such ads. There are also websites with special forums for the exchange of information on prostitution. A large number of websites and meeting places with no direct link to pornography or sex are also said to convey contacts that are directly linked to the sale of various sexual services. Contact via online communities, chat forums or instant messaging programs such as MSN, is also believed to support a significant part of the prostitution market. A majority of the young people who stated in the 2009 survey that they had come into contact with sex buyers had done so via the Internet.

There are data from the prostitution groups and other sources that people involved in street prostitution have turned to the Internet as a new or alternative method of contact. However, it is unknown how many previous street prostitutes this may apply to; at the same time, some information suggests that the criminalization of sex purchases led many street prostitutes to abandon those activities for one reason or another.

With regard to our ability to estimate the extent of prostitution, the forms of prostitution in which contact is made via specific sex sites on the Internet—in contrast to other contact pages where prostitution is found alongside other services or products—are equally visible as street prostitution, so it cannot be considered to be hidden or taking place in the shadows. However, what is visible on the Internet is primarily the marketing of the sexual services, which does not in itself provide any more information about the actual extent of prostitution.

Various surveys have been conducted on the range of sexual services available via the Internet. However, the methods of these surveys have varied, and it is difficult to assess to what degree the information provided in ads on the net is correct. Thus, an ad may refer to more than one individual, although it is more common that several different ads refer back to a single individual.

When the National Board of Health and Welfare conducted a national survey in 2007, it registered 299 websites in which 301 people were offering sexual services for money in Sweden. Most of the ads targeted buyers in the Stockholm area. In 2008 the Swedish Police's IT crime section investigated websites specializing in prostitution ads and found 417 ads in which 376 women, ten transgender persons and 31 men were offering their services. The Prostitution Group in Stockholm and the Prostitution Knowledge Center in Malmö have also conducted local surveys of Internet advertising. In 2007 they found that 57 people were selling sex via the Internet in the "Swedish part" of the Öresund region (the straits between Sweden and Denmark). The corresponding figure in 2008 was 78, of which 61 were believed to be new people who had not been active in the market the previous year. The Prostitution Knowledge Center in Malmö has described a dramatic upswing in ads on the Internet, with the number of ads for sexual services doubling between 2008 and 2009. The national survey conducted in 2009 found that among the young people who had experience of selling sex on the Internet, 56 percent use the Internet to find buyers. This is a tripling of the 2004 figures, when just over 16 percent named the Internet as their method of contact. It is clear that the Internet is now an important avenue for those who want to sexually exploit young people.

An Internet contact is virtually always followed up by one or more mobile phone contacts. Phone contact, particularly by mobile phone, has become pivotal in the past decade for prostitution. Providing the mobile phone number of people offering sexual services for money has also been pointed out as an important contact interface, which seems to have decreased the need to expose oneself in other types of prostitution. For example, some people with

experience of offering sexual services in the street environment now say that they only go out on the street “when the phone stops ringing.” Some contacts that are made in street prostitution now only involve exchanging phone numbers for later use. The use of mobile phones has facilitated contacts between people in prostitution, but there are no data showing that this in itself has led to an increase in prostitution.

#### **4.3.4 Prostitution in connection with sex clubs and massage parlors**

In the early 1990s, prostitution occurred in modeling studios/massage parlors, solariums and similar businesses in the three major cities. The sex clubs were also said to be linked to trafficking in sexual services, even though there was no direct evidence that actual prostitution occurred in the clubs or that prostitution contacts were made there. Today, sex clubs, featuring nude modeling, are still said to exist in several places in the country. According to police, the same women are found in the sex clubs in different parts of the country. Both the police and people who have worked at sex clubs state that prostitution occurs at these clubs, and that they also serve as methods of contact for prostitution. With regard to massage parlors, solariums and similar facilities, the police in the three major cities say they are aware that some businesses of this kind do pursue prostitution as well. The police have also conducted surveillance and taken action against such operations in Stockholm, Malmö, Gävle and other places, which has led to several convictions and orders of summary punishment for sex purchase crimes.

There is no information to support the notion that people who were previously involved in street prostitution have moved to sex clubs and massage parlors.

It is significant to note that of the young people who stated in surveys that they have provided sexual services, none have come into contact with their buyers at a sex club, massage parlor or similar establishment.

There is no information to indicate that this type of prostitution has increased in scope.

#### **4.3.5 Prostitution in hotel and restaurant environments**

In connection with the first survey done by the National Board of Health and Welfare, a questionnaire was sent to companies with bar licenses in Stockholm, Gothenburg, Malmö and Norrköping, asking if any prostitution contact had been made in their businesses in 1998 and 1999. About 7 percent of the respondents stated that such contact had been made. The businesses included hotels and restaurants, bars, pubs, cafés and nightclubs. No similar investigations have been done in connection with later surveys of prostitution. However, the National Board of Health and Welfare’s later surveys indicate that prostitution still occurs in hotels, restaurants, casinos and similar operations. It is difficult to distinguish between cases in which the first contact is made directly on location at this place of business and cases in which the contact was the result of an Internet ad, for example. However, several convictions for sex purchasing, procurement and human trafficking make it abundantly clear that sexual services have been marketed and prostitution contacts have been made in these environments.

As with sex clubs and massage parlors, there is no indication that people who were previously involved in street prostitution have moved into hotel and restaurant prostitution.

“Restaurants, discos and clubs” are named as common places where contacts are made with sex buyers, according to the young people who have stated in surveys that they have provided sexual services.

There is no more detailed information about the extent to which prostitution occurs in hotels and restaurants or similar businesses, but there is no indication that it has increased in recent years.

#### **4.3.6 Other methods of contact in indoor prostitution**

Thus far, all of the types of prostitution we have described require external exposure in order to make contact with clients. This means that with the application of resources it should be possible to locate and assess the extent of this prostitution. However, we also know that prostitution occurs in which contacts are made in such a way that they are very difficult to trace. In some cases, the police have found that the sex buyers are members of small groups or networks of people who make joint “orders” from procurers or human traffickers.

A different kind of prostitution occurs among drug users and in vulnerable social environments, in which sexual services are offered in exchange for such things as drugs, food and lodging.

Among the young people who stated in surveys that they have provided sexual services, several have come in contact with their buyer through friends or an adult they know.

We have no more detailed information about the extent of these types of prostitution. In general, it seems reasonable that our knowledge of these more hidden forms of prostitution are heavily dependent on the resources applied, how the prostitution groups prioritize their outreach operations and how successful the police are in their surveillance.

#### **4.3.7 The average age is lower in indoor prostitution than on the street**

According to the National Board of Health and Welfare’s surveys, prostitution involving younger women primarily takes place elsewhere than in the street environment. Recent surveys of teens also support the idea that young people are primarily involved in indoor prostitution. This is a change compared with the assumptions made in the 1977 prostitution inquiry, which stated that those who were involved in non-street prostitution were generally 25 years of age or older.

The latest survey by the National Board of Health and Welfare shows that the majority of people who stated that they had made contact via the Internet were between 18 and 30 years of age. The 2008 survey by the Swedish Police found that the majority of ads with offers of sexual services referred to women between the ages of 22 and 35.

According to the court verdicts that this inquiry had access to, young women around 20 years of age are most often used in procurement and human trafficking.

#### **4.3.8 Prostitution is primarily, but not solely, a big-city phenomenon**

National Board of Health and Welfare reports indicate that prostitution is not solely a big-city phenomenon, but also occurs in smaller towns in many parts of the country. However, there is no information as to whether street prostitution occurs outside the three red-light districts in Stockholm, Gothenburg and Malmö.

In connection with the National Board of Health and Welfare’s first survey in 1998, 44 of what were then 288 municipalities in the country stated that they were aware that prostitution occurred in the municipality. The corresponding figure in 1999 was 48. In its latest report, the

National Board of Health and Welfare states that the proportion of municipalities that are aware of having prostitution in 2006 was about the same as in 1999.

With regard to judicial practice in connection with the ban against purchasing sexual services, procurement and human trafficking, the majority of such crimes are committed in and around Stockholm, Gothenburg and Malmö. However, even in this material, there are examples of prostitution occurring outside of the big-city areas, in places like Bollnäs, Jönköping, Gävle, Katrineholm, Luleå, Norrköping, Oskarshamn, Umeå and Örebro. Similarly, the Swedish Police report that suspicions of prostitution crop up regularly in counties such as Kronoberg, Västerbotten and Norrbotten. The results of questionnaire surveys of young people in different parts of Sweden indicate that young people are exploited in prostitution even outside the big cities.

With respect to Internet-based prostitution, surveys indicate that ads are published on the Internet targeting sex buyers throughout Sweden. However, the majority of ads still target the big-city areas.

Considering how many municipalities and police departments have stated in the National Board of Health and Welfare's surveys that they are aware of prostitution occurring in their area, there is no indication that the incidence has changed significantly between 1998 and 2007.

#### **4.3.9 Men who are exploited in prostitution**

When men are exploited in prostitution, the buyer is usually a man, according to available data. The 1993 inquiry on prostitution stated that homosexual prostitution occurs to a lesser degree than heterosexual prostitution, and that it is less visible.

In the National Board of Health and Welfare's first survey in 2000, social services in twelve municipalities stated that they were aware that prostitution occurred in which men bought sex from men. Later surveys by the Board show that knowledge of this form of prostitution is limited, even though the authorities know that it occurs. Their knowledge is limited because neither municipalities nor police districts focus on men being exploited.

It seems to no longer be true that men who are exploited in prostitution are an invisible group. Most players with an awareness of the sex market on the Internet state that there are men who provide sexual services in this arena, which is also confirmed by the National Board of Health and Welfare's Internet survey. A very recent survey conducted under the government's action plan against prostitution and human trafficking for sexual purposes shows that Internet advertising for men and transgender persons providing such services occurs openly, and that it is relatively easy to locate people who offer such services.<sup>2</sup>

However, there is no detailed data about how many men in total are exploited in prostitution in Sweden.

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<sup>2</sup> See "The Invisible Visible Men Who Sell Sex. Two Quantitative Studies of Men Who Sell Sex and Safer Sex, and Men and Transgender Persons Who Sell Sex on the Internet" (*De osynliga synliga männen som säljer sex. Två kvantitativa studier över män som säljer sex och säkrare sex samt män och transpersoner som säljer sex på Internet*, Larsdotter, 2010). This study was conducted in the framework of the government's action plan against prostitution and human trafficking, in which RFSL was asked to examine the scope of, and the situation of LGBT people who buy and sell sexual services and who are victims of sex trafficking in this group in Sweden.



#### **4.3.10 Young people who are exploited in prostitution**

According to the report that the Swedish National Board for Youth Affairs published in autumn 2009, about 10 percent of young people between the ages of 16 and 25 have posted “sexy pictures” of themselves at some point on the Internet. At the same time, nearly half of the girls had experienced someone trying to convince them to send sexual pictures, talk about sex or act in front of a web camera. For boys that figure was 13 percent.

The Internet is an important arena in young people’s social lives, and they see it as a positive influence. Technology has increased contact interfaces and at the same time has also led to more undesired contacts. Many young people have accepted that this is how it works, and are said to have strategies for dealing with uncomfortable situations.

The Board for Youth Affairs draws the conclusion that most young people who have been exploited sexually for money made contact with their buyers via the Internet, which is supported by the results of other questionnaire-based surveys regarding young people’s experiences of providing sexual services.

The Youth Questionnaire sent out by the Board for Youth Affairs found that 1.7 percent of respondents, which is said to correspond to 20,000 girls and boys, stated that they had taken money for sex. Young people appear to have a generally liberal attitude toward sex for money. Just over four out of ten felt that it is acceptable to have sex for money if both parties are willing. One of ten would consider taking payment for sex, and boys had a more positive attitude than girls. However, it was more common for young people to accept that others perform sexual acts for money than to consider doing it themselves. The report states that the share who say that they have taken payment for sex has not increased since 2004, even though the proportion of young Internet users has increased dramatically.

The Swedish National Board for Youth Affairs report also shows that young people who state that they have provided sexual services often have a problematic living situation. They have poor mental health, unsatisfactory contact with adults and difficulty setting boundaries. The Internet is an important arena for contacts, but the technology itself is not the reason that these young people are providing sex for payment via the Internet.

The fact that young people who are exploited in prostitution have difficulties with mental health, sexualized behavior and transgressive behaviors, such as alcohol consumption, drug abuse and criminality, is confirmed by other studies that confirm a strong link between exposure to sexual abuse and providing sex for money. A survey among LGBT youths conducted for the same Board for Youth Affairs report showed that those who stated that they had provided sexual services also stated to a larger extent that they were anxious and depressed compared with other LGBT youths. The many typical qualities and difficulties among young people who state that they provided sex for some form of payment is also confirmed by the National Board of Health and Welfare’s informants. They can be girls growing up in families with drug abuse or who were drugged and sexually abused at an early age, as well as girls from what appear to be seemingly stable families who get involved in not only prostitution but other self-destructive actions such as anorexia, bulimia, self-harm and attempted suicide.

Surveys indicate that virtually none of the Internet ads state that the person offering sexual services is under the age of 18.

However, the National Board of Health and Welfare reports indicate that the people with experience of prostitution who come into contact with social services were often abused for the first time at around the age of 14 or 15. This is confirmed by the responses to the questionnaire-based surveys of young people. The Prostitution Unit in Stockholm also states that the majority of the over 400 people who received some form of counseling there state that they began providing sexual services at the age of 13 or 14.

There is no more detailed information about the number of young people being exploited for sexual services via the Internet or in some other kind of indoor prostitution. Therefore, it is not possible to determine whether or not the number of young people being exploited this way has increased in the past decade.

#### **4.3.11 Summary and conclusions**

When data are presented about the extent of prostitution, they are usually based on estimates, which in turn are based on the number of people active in street prostitution. This method was used by the 1993 prostitution inquiry, which estimated that the number of women in indoor prostitution in Sweden was twice as large as the number of women in street prostitution. Since this inquiry assumed that there were a certain number of hidden cases, the calculated total was increased by 25 percent to 50 percent.

In its summary of the scope and turnover of the sex trade, the 1993 inquiry based its calculations on those used in the report of the previous inquiry, in which the total number of female prostitutes in the country was estimated at about 1,800 in 1980. The 1993 inquiry team felt that, with the calculation method described above, the number of women in prostitution in Sweden in 1993 was between 2,500 and 3,000.

To support the claim that the number of people in indoor prostitution was twice as large as the number in street prostitution, the report referred to an investigation in 1992 in the ARENA project, in which the Prostitution Group in Gothenburg surveyed indoor prostitution in Gothenburg. The estimate arrived at by the 1993 prostitution inquiry, based on the ARENA project—that one third of prostitution takes place on the streets and two thirds indoors or in more hidden situations—has since become a norm in many contexts where the scope of prostitution is assessed and discussed. However, this method of calculation has been questioned, particularly since 1999, when street prostitution in Sweden dropped dramatically. A 2004 survey by BRÅ, for example, determined that four-fifths of prostitution occurred in more hidden circumstances.

There are no available data to indicate that the estimates made by the 1993 prostitution inquiry were incorrect; however, nor are there any later investigations that confirm a relationship of 1:2 between street prostitution and other forms. Nor are there any investigations that give empirical support to the assumption that a general shift has occurred between the different types of prostitution.

We do have information that people working in street prostitution also come into contact with sex buyers through Internet ads. This means that estimates of the scope of prostitution defined as the number of prostitutes, based on the two most visible arenas of prostitution in Sweden, the Internet and the red-light districts in the three major cities, may be misleading.

The three reports that the National Board of Health and Welfare has published since the ban went into effect contain no data about the total extent of prostitution in Sweden as a whole.

However, the Board makes several judgments regarding the question of what changes have occurred in prostitution during this period. Thus, in a comparison between the years 1998 and 1999, the total number of women known to be in prostitution was said to have decreased. The 2003 report states that there is no evidence that prostitution overall has increased or decreased since 1999, but that there has been some increase in street prostitution in Malmö. The only more significant change mentioned in the 2007 report is that street prostitution had decreased in Gothenburg and Malmö.

In the research report “Prostitution in the Nordic Countries,” Charlotta Holmström’s article summarizes the available knowledge about the situation in Sweden in 2008. It shows that approximately 300 women were involved in street prostitution and that about 300 women and 50 men were involved in prostitution on the Internet. However, the article points out that this does not mean that we can estimate the number of people in prostitution in Sweden to be 650. As described above, people in prostitution may be active in several arenas at once, for example both on the Internet and on the street, which would mean that the same person was counted more than once. On the other hand, Holmström felt that the estimate could be rather low, as it was dependent on how social work was organized and what surveys were conducted. Thus, rather than providing a reliable picture of the actual situation, the estimates might in fact say more about the resources and priorities of the police and social services. In summary, she states that the number of women in street prostitution in the three major cities in Sweden appears to be relatively well-defined and that knowledge about women who offer sex over the Internet is somewhat more limited, but under development, while the knowledge of men who provide sexual services and people who offer sex in other arenas than on the street and the Internet, as well as our knowledge of the incidence of prostitution outside the big-city areas, is very limited. Holmström also states that “at the same time, authorities believe” that the majority of prostitution activities occur in less visible arenas.

As described in section 4.3.2 above, street prostitution largely disappeared at the end of 1998, which must be directly related to the introduction of the ban against the purchase of sexual services. During 1999, street prostitution resurfaced, but only in Stockholm, Gothenburg and Malmö. Since then, street prostitution has remained at a level that seems to indicate that the number of people involved in it has decreased by half compared with prior to the ban. This reduction can be viewed as a direct consequence of the criminalization of buying sex. This conclusion is supported by the observation that, just as in Sweden, street prostitution almost completely disappeared in Bergen when Norway introduced a ban against the purchase of sexual services in 2009.<sup>3</sup> There is also information, both from the police and from people with personal experience of prostitution, that the ban has had a deterrent effect on buyers, and that it has allowed women in street prostitution to leave the business.

However, it has been said that the observed reduction in street prostitution has led to a corresponding increase in other types of prostitution. As described above, there is no detailed information about the scope of the prostitution that occurs in hotels and restaurants or in connection with sex clubs. Still, nothing indicates that the scope of these types of prostitution has increased in recent years. As described in section 4.3.3, the Internet has become a vital and growing arena for prostitution since the ban went into effect. The scope of this form of prostitution is uncertain. Chapter 5 will describe in more detail the situation in Sweden compared to that in Denmark and Norway. There is nothing to indicate that Internet-based prostitution has increased more in Sweden than in these comparable countries. This contradicts the idea that street prostitution has simply changed arenas to the Internet. With this

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<sup>3</sup> Municipality of Bergen, 2009.

in mind, it seems reasonable to conclude that the 50 percent decrease in street prostitution that has occurred is a real reduction of prostitution in Sweden, and that this reduction is probably primarily an effect of the criminalization of sex purchases.

All of the above indicates that since the ban against the purchase of sexual services went into effect, street prostitution has been halved, and the Internet has arisen as an important contact interface for prostitution, but that there is no definite information as to the extent of Internet-based prostitution and that there is no indication that other forms of indoor prostitution have increased. There is no information from people working in the field to indicate that they have perceived an increase in prostitution activities. Because this type of activity is typically dependent on some form of advertising in order for contacts with clients to occur, it is unlikely that there would be any extensive type of prostitution that is completely unknown.

Altogether, this means that we can feel somewhat secure in the conclusion that prostitution as a whole has at least not increased in Sweden since 1999.

With regard to young people being exploited in prostitution, the Internet is a new arena that has grown explosively in the ten years since the introduction of the ban against the purchase of sexual services. The National Board for Youth Affairs draws the conclusion that most young people who are exploited sexually for money made contact with their buyers via the Internet. This is supported by the results of other surveys regarding young people's experiences of prostitution. The Board's report also indicates that young people who provide sexual services have problems with mental health, sexualized behavior and transgressive behaviors such as alcohol consumption, drug abuse and criminality, and that there is a strong link between a history of sexual abuse and being exploited in prostitution.

The exposure of young people on the Internet has developed independently of the ban against the purchase of sexual services. However, the risks of sexual exploitation and abuse created by this exposure intensify the need to protect young people from getting caught up in prostitution. Regardless of whether the problems that have been found among young people with experience of prostitution are caused in whole or in part by their having been sexually abused, or whether they came to be exploited because they were already in a vulnerable situation, it is crucial to reduce the demand in every way, so that young people are not enticed into prostitution.

#### **4.4 Human trafficking for sexual purposes**

Efforts to prevent and combat human trafficking for sexual purposes have long been a top priority issue for Sweden. Since the 1950s, member states of the United Nations have agreed on the need to prevent and combat prostitution and human trafficking for sexual purposes, with the idea that these offenses are a form of sexual slavery and incompatible with human integrity and value.

Swedish government bill 2003/04:11, "Expanded Penal Liability for Human Trafficking" (*Ett utvidgat straffansvar för människohandel*), states that the UN estimates that between 700,000 and 2 million people, most of them women and children, fall victim to human trafficking each year. According to the International Organization for Migration (IOM), an estimated 500,000 women come to one of the EU member states each year as victims of human trafficking.

In its 2004 status report, the Swedish Police estimated the number of women who were victims of sex trafficking in Sweden at 400 to 600. The 2007 report avoided any specific figures and pointed out that the number of court sentences from year to year cannot serve as a basis for determining an increase or decrease in human trafficking or procurement. Instead, these data indicate police priorities, resources and the kinds of problems they face in different parts of the country. The latest report from the Swedish Police states that it is difficult to estimate how many people may have been victims of human trafficking in Sweden in 2007 and 2008. Thus, it has not been possible for the police to identify or even locate all girls and women whose names have been heard in wiretaps or who have been observed during police surveillance.

The total analysis of the situation in the 2007 report stated that human trafficking for sexual purposes is a widespread crime taking place virtually throughout the entire country, but with a focus on the three big city regions, and that in the Swedish Police's estimate there is a clear link among human trafficking and crimes that are typically seen in organized crime such as drug, weapon and human smuggling. Efforts to combat human trafficking for sexual purposes must include all elements of the criminal activity, from the buyers to the human trafficking organizers within and outside of Sweden. The ban against the purchase of sexual services may possibly contribute to a reduction in the establishment of heavy crime organizations in Sweden by reducing demand.

Although it is difficult to assess the exact scope of human trafficking for sexual purposes in Sweden, some data indicate that the scope has been affected by the ban against the purchase of sexual services. Police in the field as well as social workers working with these issues state that criminal groups that sell women for sexual purposes view Sweden as "a poor market" and choose not to establish here because of the ban against the purchase of sexual services. The few cases where such activity has been established have a significantly lower scope than in other countries. In the rest of Europe, it is common for 20 to 60 women to be involved in a given criminal network, but when Swedish police raid a brothel, as a rule they never find more than 2 to 4 women and a handful of sex buyers. Studies of wiretaps in cases of procurement and human trafficking also indicate that the demand in Sweden is not as great as the procurers and human traffickers would like. According to the Swedish Police, it is obvious that the ban against the purchase of sexual services works as a barrier for human traffickers and procurers to establish themselves in Sweden.

## **4.5 Attitudes of the general public toward the ban**

The ban against the purchase of casual sexual relations was intended to reflect society's attitude that prostitution is an undesirable social phenomenon that is important to combat because it leads to serious harm both to the individuals involved in it and to society as a whole. When the sex purchase law went into effect in 1999, an anthology entitled "Sex in Sweden—on Sexuality in Sweden in 1996" (*Sex i Sverige – om sexuallivet i Sverige 1996*) had just been published. Among other things, it contained information about Swedish women's and men's attitudes toward prostitution. Although the response frequency of 59 percent, or 2,810 individuals, was considered notably low, the results were judged to be reliable. The survey results have also been widely used and assumed to be applicable comparisons. The survey contained questions about the sexual practices of the Swedish people, and the questionnaire included questions about the criminalization of buying and selling sex.

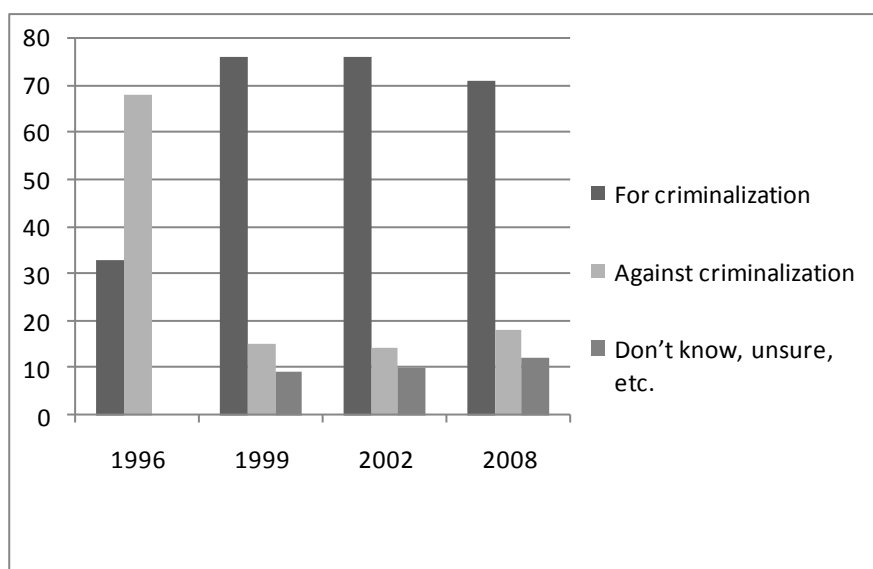


Since the ban went into effect, three more surveys with questions directly related to the ban against the purchase of sexual services have been carried out. In 1999 and 2002, SIFO, on behalf of the daily press, conducted surveys based on telephone interviews with a selection of about 1,000 people over the age of 15, and in 2008 a questionnaire-based study was done within the research project “Prostitution in the Nordic Countries,” which included questions about attitudes toward buying and selling sexual services. Just over 1,100 people between the ages of 18 and 74 responded to the survey; the response frequency was about 45 percent.

Some caution must be used when comparing the results of the four surveys, as their methods and formulations differ. As stated above, the response frequency was also low. But a question on buying sex has been in each of them in some formulation. The questions were as follows: *A man pays for sexual relations with a woman. Should the man’s actions be treated as criminal?* (1996); *Since the beginning of the year it is forbidden to buy sexual services. Do you think that this ban is right or wrong?* (1999); *It is illegal to buy sex in Sweden. It is legal in other countries. Do you think it should be legal to buy sex in Sweden, or should it be illegal?* (2002); and *Should we keep the sex purchase law, which forbids the purchase of sex?* (2008).

Of those who responded to the 1996 survey, 67 percent felt that buying sex should not be considered a criminal act. However, in the 1999 survey 76 percent said that it was right to ban the purchase of sexual services. Support for the criminalization has been equally strong in the two latest surveys: 76 percent in 2002 and 71 percent in 2008.

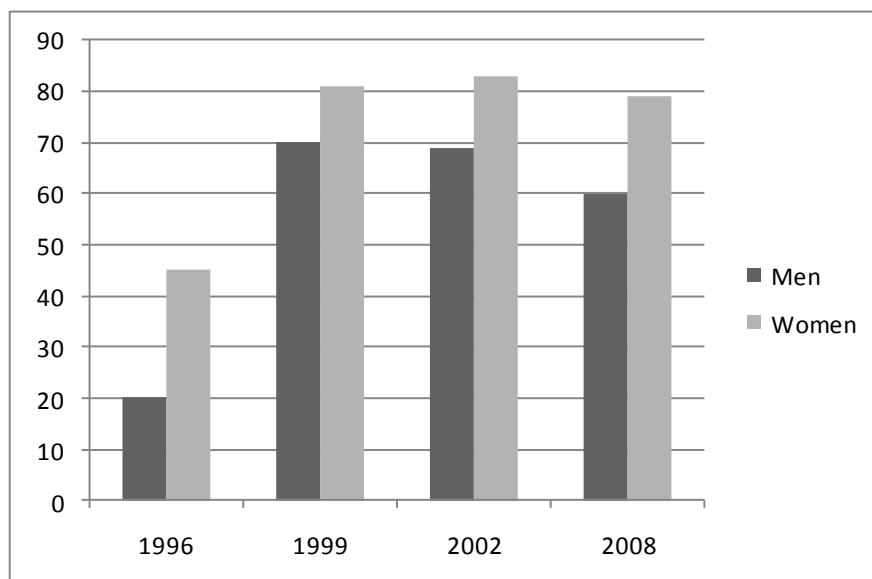
**Figure 4.1** Attitudes toward the criminalization of buying sex, as found in four quantitative surveys of the Swedish population in 1996–2008. Shown as percentages



Source: Månsson, 1996, SIFO 1999, SIFO 2002 and Kousmanen, 2008.

The following graph shows the differences in attitudes toward the criminalization of buying sexual services between men and women.

**Figure 4.2** People in favor of criminalization, according to four quantitative surveys of the Swedish population in 1996–2008. Shown by sex in percentages



*Source:* Månsson, 1996, SIFO 1999, SIFO 2002 and Kuosmanen, 2008.

For a more detailed comparison of the results of the four attitude surveys, please see Kuosmanen’s article in the research report “Prostitution in the Nordic Countries.” It is interesting to note that the support for the criminalization of sex purchases in the three surveys conducted since the introduction of the ban was greater among younger people than older people. The two SIFO surveys in 1999 and 2002 show the greatest support in the 15–29 age groups: 84 percent of the respondents in 1999 and 87 percent in 2002 were in favor of criminalization. Similarly, in the 2008 survey, support was highest in the 18–28 age group, in which 78 percent wanted to keep the sex purchase law.

Although these results should be interpreted with caution, the difference between the first survey, which was conducted before the ban went into effect, and the later ones is so great that it is reasonable to assume that an actual change in attitudes has occurred. This means that a change has occurred in attitudes toward purchasing sexual services, which coincides with its criminalization. This change in attitude must be interpreted in such a way that the ban itself has had a normative effect, and that this can be expected to last, considering that the support is greatest among the young.

## **4.6 How the ban has affected people in prostitution**

### **4.6.1 Introduction**

As stated in the introduction to this chapter, the purpose of criminalizing the purchase of sexual services was to contribute to combating prostitution. In its Bill on Violence against Women, the Swedish government stated that in an equal society it is undignified and unacceptable that men can purchase casual sexual relations with women. As regards prostitution, the bill stated that it causes serious harm both to individuals and to society, and that it is an obstacle to the right to live a dignified life and to society’s efforts to achieve equality between the sexes. A ban against the purchase of casual sexual relations would highlight society’s attitude toward this issue.

Reports and official statements from authorities have sometimes been criticized for giving a one-sided, simplistic picture of people involved in prostitution. In particular, this refers to the people being exploited, because the research conducted and the debate in the public arena are still about “female prostitutes,” despite the stated intention of shifting the focus from the exploited to the exploiters. The criticism is that people in prostitution are described as socially deprived and often drug addicts. At the same time, the buyers have received far less attention, despite the stated political will to change the focus. When they are brought up in the general public debate, they are often described as “everyday men,” while other groups, such as young people and LGBT people, are rarely mentioned at all.

In the material to which this inquiry has had access, a more nuanced image has emerged, one that indicates that both authorities and current research have an understanding that prostitution is a multifaceted phenomenon, which includes groups that are sometimes described as “invisible.” However, in the question of how the ban has affected people involved in prostitution, we have only found data on the buyers and the people being exploited in prostitution.

#### **4.6.2 The sex buyers**

In previous sections, we have stated that police and social workers in the field describe sex buyers as more cautious than before, and state that demand, at least in street prostitution, has decreased as a result of the criminalization. Some of the prostitutes and former prostitutes who answered our questions also state that since the ban went into effect, clients are more nervous and afraid of being discovered, while others state that the criminalization has not affected the buyers because so few of them get caught and the sentences are so mild.

The questionnaire-based survey that formed the basis of Kuosmanen’s 2008 study, which is presented in the research report “Prostitution in the Nordic Countries,” contained questions intended to determine whether the ban against the purchase of sexual services may have affected the pattern of actions of prospective sex buyers. In analyzing these responses, Kuosmanen states that the proportion of men stating that they had bought sex was less in the 2008 study (8 percent) than in Månsson’s 1996 study (13.6 percent), that both surveys showed that it was more common to buy sex abroad than in Sweden, and that several of those questioned in the 2008 survey stated that the ban had affected their actions, making them give up or cut back on buying sex. Somewhat less than half of the men who responded in the 2008 study that they had paid for sex had done so since the ban went into effect.

#### **4.6.3 The people being exploited in prostitution**

When the ban against the purchase of sexual services went into effect, the Bill on Violence against Women presented several arguments that were described as reasons against criminalization, with the motivation that it would adversely affect the prostitutes. One of these arguments was that criminalization would risk driving prostitution underground, which would make it harder to reach out to vulnerable people with social assistance. Another fear was that the ban would increase the risk of physical abuse and generally poor conditions for prostitutes.

As far as we can tell from the written material and the contacts we have had with authorities and people with experience of prostitution, these fears have not been realized.

There are no statistics about cases reported to the police and criminal proceedings regarding assaults against people involved in prostitution. The Gothenburg police conducted a special review of violence against women in street prostitution and found no increase since the ban went into effect. The Stockholm police have also stated that they found no evidence that violence against prostitutes has increased. In its 2003 report, however, the National Board of Health and Welfare states that reports of assaults against people involved in prostitution in Malmö increased in the early 21st century. The summary of this report, however, stated that it was not possible to draw a conclusion as to whether the violence in the world of prostitution had increased since the ban went into effect. Some people who provided information for the report described a more risky situation, but few felt that the actual violence had increased. The report also stated that both researchers and people with experience of prostitution speak of the close relationship between violence and prostitution—regardless of legislation—and that many of the women exploited in prostitution are subject to violence from men other than the clients, for example the men with whom they live.

With regard to street prostitution, the 2003 report stated that some information indicated that it had become more risky and difficult. The reason for this, it stated, was that with fewer sex buyers, competition became keener and clients began to demand more kinds of sex than before. However, no real explanation of this information was given, and an alternative explanation to why the situation for street prostitutes has become harsher is that access to and use of heroin has increased. Both police working in the field and women who have left prostitution stated to the investigators that it is a myth that clients have become more dangerous and violent since the ban went into effect; however, they confirm that violence has always existed in prostitution and that men also “buy the right” to use violence against prostitutes.

Some critics believed that the criminalization of buying sex would make it less likely that the people being exploited in prostitution would dare to contact authorities or seek help. However, the lack of faith in authorities among prostitutes is nothing new.<sup>4</sup> Still, many people in street prostitution above all have regular contact with social services, medical services and volunteer organizations. The prostitution groups state that interest in contacting them for advice, support and assistance has not changed since the law went into effect. Since 2000, the Prostitution Unit in Stockholm has seen a substantial increase in the number of client contacts in its operations, and the number of individual conversations they conduct is in the thousands each year. The Prostitution Knowledge Center in Malmö states that many women seek contact with them to get help obtaining medical care and treatment and to get them out of prostitution.

Thus, the likelihood of people being exploited in prostitution to make contact with authorities and seek help does not seem to have decreased since the criminalization of buying sex.

Police officers who have worked specifically with street prostitution state that prostitutes regard a police presence in the street environment as an added security. There are no indications that the criminalization of sex purchases has made it more difficult for people being exploited in street prostitution to get in touch with the authorities. In connection with the measures targeting street prostitution, including those from the police, it appears that the opportunities to seek help from and contact with authorities have become better, not worse.

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<sup>4</sup> See e.g. Hedin and Månsson, 1998.

#### **4.6.4 The view of exploited individuals with regard to criminalization**

It is clear, and appears to be logical, that those who have escaped from prostitution are positive to the criminalization, while those who are still being exploited in prostitution are against the ban. This pattern is reflected in many reports and is also confirmed by the contacts this inquiry has had with the members of PRIS and the Rose Alliance.

People who are currently being exploited in prostitution state that the criminalization has intensified the social stigma of selling sex. They describe having chosen to prostitute themselves and do not consider themselves to be unwilling victims of anything. Even if it is not forbidden to sell sex, they feel they are hunted by the police. They feel that they are being treated as incapacitated persons because their actions are tolerated but their wishes and choices are not respected. Moreover, they state that there is a difference between voluntary and forced prostitution.

Those who have left prostitution say that the criminalization of the buyer's actions has made them stronger. They were able to stop blaming themselves and to feel instead that it is the buyers who are in the wrong and who are responsible for the emotional scars and painful memories they must deal with for the rest of their lives. This is why people who managed to escape prostitution are consistently positive to the ban. In particular, they point out that the buyers are the ones who entice young people into prostitution, and that there is no voluntary prostitution, the buyer always has the power and the people selling their bodies are always being exploited; however, no one wants to see it that way as long as they are still being exploited.

For people who are still being exploited in prostitution, the above negative effects of the ban that they describe must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution.



## **D.**

# **CHAPTER 5: A COMPARISON OF THE SITUATION IN SOME OTHER COUNTRIES**

## **5.1 Introduction**

In chapter 4, we described what we know today about prostitution in Sweden during the just over ten years since the ban went into effect, and we have tried to compare the scope and forms of prostitution in Sweden today with the era before the introduction of the ban against the purchase of sexual services. As is clear from the previous chapter, this task is a difficult one, and there is no irrefutable knowledge about the scope of and changes in prostitution during the period, in spite of the production of a vast number of reports and studies. However, in our opinion, the written material, together with the information we received from, among others, the police and social workers, offers a sufficiently reliable basis for stating that in any event, prostitution in Sweden has not increased to any great extent since 1999, even though the forms of prostitution have changed somewhat. Nor do we have completely reliable knowledge about the occurrence of human trafficking for sexual purposes in Sweden; however, we believe that we can conclude that the scope is clearly more limited here than it is in other European countries.

Our task includes the analysis of the significance the ban against the purchase of sexual services has had for the forms, incidence, and changes with reference to prostitution and human trafficking for sexual purposes in Sweden. However, it is difficult to determine whether changes in prostitution are a result of the ban or of other measures or circumstances. It is also difficult to know with any certainty how prostitution and human trafficking might have changed if there had been no ban. One way of arriving at an assessment is to investigate how the change has looked in other comparable countries. Therefore, the aim of this chapter is to draw a comparison, primarily with the situation in our neighboring Nordic countries. Because of the great similarities among the Nordic countries with regard to social structure, culture and economy, one would expect the change in these countries to correspond to the change in Sweden. Furthermore, there is more knowledge available about prostitution, especially in Norway and Denmark, than there is in other countries that are comparable to Sweden. Nor are uncertainty factors with regard to legal boundaries and definitions likely to be as great in comparisons among the Nordic countries as in comparisons with non-Nordic countries. In our conclusion, we also draw a shorter comparison with the situation in the Netherlands, which is also a country that, in many respects, is similar to ours but where views on—and regulation of—prostitution are markedly different from Swedish ones.

In the Nordic countries, the surveys and studies regarding prostitution's scope have been carried out primarily in Sweden, Norway and Denmark. In the introduction to the research report, "Prostitution in the Nordic Countries" (*Prostitution i Norden*), Charlotta Holmström and May-Len Skillbrei declare that the results of completed studies can, to a certain degree, constitute the basis for descriptive comparisons as far as prostitution's scope, incidence, legal management and social measures are concerned. On the other hand, they do not believe such comparisons can be made with reference to people's attitudes to prostitution.

As for Finland, information about prostitution is limited. No comprehensive assessments or in-depth national survey have been carried out. The case is the same for Iceland, where

information about the scope of prostitution is also lacking. Therefore, our comparison will concentrate on the situations in Norway and Denmark. Comparisons with Finland and Iceland will only be made when we believe that there is sufficient data to do so.

## 5.2 Our sources

As in the previous chapter, we will begin by presenting the most important reports and studies—those that constitute the basis for our comparisons and conclusions below.

Some information is taken from the reports that the Swedish Ministry for Foreign Affairs (*Utrikesdepartementet*) compiles on the adherence to the laws governing human rights in countries around the world. These reports are based on data from Swedish embassies.

### 5.2.1 Prostitution in the Nordic Countries: the Nordic Institute for Women's Studies and Gender Research (NIKK)

A substantial portion of the information presented in this chapter comes from various articles in the research report, “Prostitution in the Nordic Countries” (see section 4.2.5). In the introduction to the final report, the project leaders summarize the project's results in “The Nordic Prostitution Market in Change: An Introduction” (*Nordiska prostitutionmarknader i förändring: En inledning*, Holmström and Skillbrei, 2008). One article, “Knowledge about Prostitution and Human Trafficking in Norway” (*Kunnskap om prostitusjon og menneskehandel i Norge*, Tveit and Skillbrei, 2008), deals with human trafficking in Norway and is based on, among other sources, interviews with key individuals. Another, “Socio-political Actions and the Feminist Impact on Human Trafficking in Denmark” (*Socialpolitiske tiltag og feministisk gennemslagskraft indenfor menneskehandel i Danmark*, Spanger, 2008), treats policies with reference to human trafficking in Denmark.

One article in the final report compares the public's experiences of sex purchases [“Ten Years with the Law: Attitudes toward and Experiences with Prostitution in Sweden” (*Tio år med lagen: Om förhållningssätt till och erfarenheter av prostitution i Sverige*, Kuosmanen, 2008)]. The article is based primarily on a population-based poll conducted in Sweden; however, it also makes comparisons with similar surveys conducted in other countries. In addition, the report includes information from a Norwegian sub-study that investigated how the Norwegian media elucidated the issue of the criminalization of sex buyers in Norway during 2006-2007 [“Norway Is Not an Island: Media Coverage of the Criminalization Debate in Norway” (*Norge er ikke en øy: Mediedekningen av kriminaliseringsdebatten i Norge*, Jahnsen, 2008)]. The study also comprises an analysis of discussions on the debate forum, Sex-handel.no, an Internet site launched in January 2006 by Norway's Ministry of Children, Equality, and Inclusion (*Barne- og likstillingsdepartementet*) and that in particular is directed to men who buy sex and to potential sex buyers. Another study reports on an attitude survey carried out by Claus Lautrup in Denmark in 2002, as well as the results of a 2004 inquiry conducted by Instant-Answer for the newspaper *Urban* and a 2006 study conducted by Vilstrup Synovate for the newspaper *Politiken* [“Views on Prostitution in Denmark” (*Holdninger til prostitution i Danmark*, Bjørnness, 2008)]. Claus Lautrup's investigation is based on qualitative interviews with representatives of the courts, the police, social workers and prostitutes, as well as on a quantitative population-based poll of a representative sample of 1,000 individuals between 16 and 75 years of age, of which 557 responded. Further, a study entitled “(In)equality through Control of Prostitution? A Discussion on the Criminalization of Sex Purchases in Finland” [(O)jämsliddhet genom prostitutionskontroll? Diskussion kring

*kriminalisering av sexköp i Finland*, Marttila, 2008)] reports on population-based surveys carried out in Finland by the publication “Gender Equality Barometer” (*Jämställdhetsbarometern*). One of the final report’s studies, “Prostitution and Trafficking in Women in Iceland” (*Prostitution og kvindehandel i Island*, Hrafn, Atlason and Guðmundsdóttir, 2008), describes the situation in Iceland.

### **5.2.2 Pro Center in Norway**

In Norway, the state- and municipality-funded organization Pro Center (*Pro Sentret*) serves as a national knowledge center for prostitution. Pro Center’s task is to systematize and convey up-to-date knowledge on prostitution in Norway. Pro Center carries out numerous studies and surveys and conveys its findings in detailed annual reports. It also publishes research reports on prostitution on a regular basis.

### **5. 2. 3. The Ministry of Justice and the Police in Norway**

On 8 October 2004, the Working Group on the Legal Regulation of the Purchase of Sexual Services (*Arbeidsgruppe om rettslig regulering av kjøp av seksuelle tjenester*), delivered a report to the Norwegian Ministry of Justice and the Police (*Justis- og politidepartementet*). In the report, entitled “Sex Purchases in Sweden and the Netherlands—Regulations and Experiences” (*Sexkjøp i Sverige og Nederland – reguleringar og erfaringer*), the working group gathered various experiences that would speak for or against the criminalization of buying sex and then compared the situations in Sweden and the Netherlands.

In connection with the work of introducing a ban against the purchase of sexual services in Norway, the Ministry asked the research foundation Fafo to conduct a survey of the Norwegian prostitution market as it was in 2008. This survey resulted in a Fafo Report, entitled “A Diverse Market—Prostitution’s Scope, Content, and Organization” (*Mangfoldig marked – prostitusjonens omfang, innhold og organisering*, Faforapport 2008:43). The report is based on several sources that complement each other, including interviews with professionals from the police and social services, observations of and participation in field work at these social services, interviews with 20 women involved in indoor prostitution and a review of the contributions of research and knowledge to this field.

### **5.2.4 The National Board of Social Services in Denmark**

The National Board of Social Services (*Servicestyrelsen*) is under Denmark’s Ministry of Social Affairs (*Socialministeriet*) and serves in a development and advisory capacity within the area of social services. Among its other tasks, it develops and conveys knowledge about social work with socially vulnerable groups, including persons in prostitution. The National Board of Social Services regularly publishes reports on these topics, for example, “Prostitution in Denmark” (*Prostitution i Danmark*, Rasmussen, 2007) and “Prostitution’s Scope and Forms” (*Prostitutionens omfang og former*, 2008). The 2007 report builds in part on the 2004 “Report on Prostitution in Denmark” (*Redegørelse om prostitution i Danmark*) by the Danish Center for Research on Social Vulnerability (*Videns- og Formidlingscentret (VFC) Socialt Udsatte*). The center became part of the National Board of Social Services on 1 January 2007. The knowledge and experience of the Danish Center of Prostitution (*Kompetencecenter Prostitution*)’s outreach, advisory and social efforts with regard to women in prostitution are also included in the report.

### **5.2.5 Research and Documentation Center in the Netherlands (Wetenschappelijk Onderzoeken Documentatiecentrum)**

In 2007, at the request of the Dutch Ministry of Justice, the law that was enacted in the Netherlands in 2000, which, among other things, included the repeal of the ban against brothels, was evaluated (*Prostitution in the Netherlands since the Lifting of the Brothel Ban*, A.L. Daalder, 2007). Several sub-studies were presented, including one entitled “An Evaluation of Lifting the Ban on Brothels. The Social Position of Prostitutes” (*Evaluatie opheffing bordeelverbod, de sociale positie van prostituees*, Dekker, Tap and Homburg, Regioplan Beleidsonderzoek, 2006), which deals with the social situation of prostitutes in the licensed sector. The sub-study was limited to commercial prostitution and focused on window prostitution, sex clubs, private homes, escort services and massage parlors. In-depth interviews were conducted with 354 so-called sex workers and 49 owners of licensed enterprises. The majority of the prostitutes were not born in the Netherlands, and most of them worked in window prostitution. Another sub-study, which lays the foundation for the evaluation, is a survey of illegal prostitution entitled “Banned Brothels. An Evaluation of Lifting the Ban on Brothels: Illegal Prostitution” (*Verboden bordelen. Evaluatie opheffing bordeelverbod: Niet-legale prostitutie*, Biesma, van der Stoep, Naayer and Bieleman, Intraval, 2006).

## **5.3 The legal regulation and social management of prostitution and human trafficking for sexual purposes**

### **5.3.1 Introduction**

When Sweden enacted the ban on the purchase of sexual services in 1999, it was unique in the world. Unlike other countries that also ban prostitution, the Swedish ban targets the buyer, not the prostitute. For this reason, the Swedish sex purchase law has received considerable attention, not only in this country, but internationally as well.

Most countries have legislation that, in one way or another, regulates prostitution; however, views on prostitution and how to regulate it differ markedly from one country to another. Some countries look on prostitution as something socially reprehensible, which must be eliminated. With this approach, they believe that prostitution in all its forms and expressions must be illegal, which means that both the purchase and sale of sexual services must be criminalized. However, in several European countries, the attitude to prostitution is relatively liberal, and in a number of countries, it is legal to both purchase and sell sex. If anything, in these countries, prostitution is looked on as a necessary evil that must be accepted but also controlled. In these cases, prostitution is often governed by special rules; for example, it may only be carried out in certain forms or at certain places, or those involved in the prostitution business must undergo regular health checks or must apply for different kinds of licenses or permits. In addition, those countries that have chosen to manage prostitution this way apply different sanctions with regard to prostitution that is conducted outside the given body of rules.

### **5.3.2 More about legislation in the Nordic countries**

The Nordic countries have similar views on prostitution. They all prohibit procurement activities. However, what forms for organizing and exploiting the prostitution of others are considered procurement differ among the countries. The purchase of sexual services by persons under 18 years of age is prohibited in all the Nordic countries.

In 2009, Norway introduced a ban against the purchase of sexual services that is similar to the Swedish one; however, the Norwegian law goes further in that it also forbids Norwegian citizens from buying sexual services abroad. In 2009, Iceland also passed a law banning the purchase of sexual services, but until 2007, Icelandic law also criminalized the exchange of sexual services for money. In 2003, Finland introduced a law that banned the sale and purchase of sexual services in public places, and in 2005, it enacted a law that banned the purchase of sexual services from a person who is the object of procurement or human trafficking. Like the Swedish provision, the Norwegian and Finnish provisions prescribe fines or prison terms of up to six months. Under the terms of the Norwegian provision, a sentence of up to one year in prison can be imposed if the act is deemed to be particularly offensive. According to the Icelandic provision, the purchase of sexual services can result in a sentence of up to one year in prison. Among the Nordic countries, Denmark has the most liberal approach to prostitution; in principle, it decriminalized prostitution at the same time that Sweden introduced the ban against the purchase of sexual services. This legalization meant that the ban against supporting oneself through prostitution was lifted.

Since the mid-2000s, criminal bans against human trafficking for sexual purposes have been in place in all the Nordic countries. All of these bans were formulated with article 3 of the Palermo Protocol as a point of departure. Preventive measures and combating human trafficking are high priorities in all the Nordic countries, and action plans that are directed to preventing human trafficking and protecting its victims have been drawn up in several countries.

The purpose of our comparison does not warrant a complete account of prostitution legislation in the Nordic countries and the provisions that can be applied to counteract and fight prostitution. Therefore, the account in the following section is a review.

### **Like Sweden, Norway<sup>5</sup> and Iceland have general bans against the purchase of sexual services**

Following Sweden's example, on 1 January 2009, Norway became the second country to introduce a general ban on the purchase of sexual services (penal code, paragraph 202). Bill Ot.prp. no.48 (2007–2008) states that the purpose of the ban is to combat prostitution and human trafficking. With the ban, it was assumed that the market for sexual services would become smaller and fewer women and men would be driven into prostitution. The ban would also help bring about a change in attitude, namely, that it is not acceptable to purchase sex.

Following the Norwegian and Swedish examples, in April 2009, Iceland also introduced a general ban against the purchase of sex into its penal code, paragraph 206. The proposed bill was not drawn up by the government but by a group made up of members of Iceland's parliament, who presented it as a motion. The bill was approved and not discussed further during committee and parliamentary procedure. The Icelandic motion 136, Congress 2008–2009. Þskj. 583–342 case refers explicitly to the Swedish and Norwegian bans on the purchase of sexual services. The motive for the ban was declared to be that prostitution is a social phenomenon that no one wants, and that therefore must be combated. The difference

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<sup>5</sup> Since sex purchases were not banned until 2009 in Norway, it is difficult to draw any conclusions with regard to the law's effects. However, a study conducted in the Bergen municipality investigated how prostitution changed in Bergen in the first six months following the enactment of the ban against the purchase of sexual services [("The Criminalization of the Purchase of Sex; A Preliminary Report on the Short-Term Effects on Women, the Market and the Local Community in Bergen, 2009." (*Kriminalisering av sexkjøp en foreløpig kartleggingsrapport om: kortsiktige effekter for kvinnene, markedet og lokalsamfunnet i Bergen, 2009*)]. The study paints a picture in which prostitution decreased considerably during the first month but then increased somewhat. However, the levels reached in the following months up to and including June 2009 were lower than in previous years.



between the person who buys sex and the person who sells sex was considered to be so great that the criminal responsibility should lie only with the buyer. The buyer, to a greater extent than the seller, could also decide to abstain from buying sex. The ban was also meant to stress the fact that the human body should not be regarded as merchandise.

The Icelandic ban criminalizes the individual who pays for or promises payment or another form of compensation for prostitution without a more detailed explanation of what is considered prostitution. Like the Swedish ban, the Norwegian ban includes sexual intercourse or similar acts. It also includes acts in which the person who is providing the service performs an act equal to a sexual act on himself or herself, such as masturbation, while the perpetrator is watching. As is the case in Sweden, sexual acts that are carried out in exchange for payment are not included in the ban, which in the Norwegian drafting commentaries is exemplified by the non-inclusion of striptease in the ban. Nor, like the Swedish ban, does the Norwegian ban include work that involves the production of pornographic films. Like the Swedish ban, the Norwegian and Icelandic bans also encompass attempts and complicity with regard to sex purchases and also include acts in which a third person pays for the service. However, the person who is selling sex cannot be punished for complicity in this context. As in the case of the Swedish ban, compensation must be a condition for the execution of the sexual service, but the nature of the compensation is, according to the Norwegian drafting commentaries, of no consequence as long as it has some economic value. According to the proposed Icelandic bill, in addition to money, compensation for the sexual service can consist of, for example, liquor, drugs, food or lodging.

### **Finland has a partial ban against the purchase of sexual services <sup>6</sup>**

Because of prostitution's deleterious effect on law and order, in 2003, Finland introduced a ban into its public order act against purchasing and, for compensation, offering sexual services in public places. The act is punishable as an offense against law and order.

In 2005, the Finnish government recommended that Finland should enact a ban against the purchase of sexual services based on the Swedish model. In government bill RP 221/2005 rd, it was declared that this type of criminalization would serve several purposes, among them, protecting a person's physical and psychological integrity and her/his right of sexual self-determination, as well as safeguarding social equality. During debate in committee, the proposal was criticized and gave rise to an intense debate. A general ban was not enacted; instead, since 1 October 2006, penal code, section 20, paragraph 8 has included a ban against the exploitation of a person who is the object of sex trade. The provision punishes an individual who, for compensation, obtains sexual intercourse or performs an equivalent sexual act and thereby exploits a person who is the object of human trafficking or procurement. The purpose of the law was to prevent procurement and human trafficking for purposes of prostitution.

Aside from the fact that the ban only applies to the purchase of sexual services from certain individuals, the Finnish ban encompasses the same acts and situations as the Swedish ban. According to the Finnish pre-legislative drafting commentaries, for punishment to be meted

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<sup>6</sup> The Ministry of Justice in Finland has already examined the ban (OM 16/49/2009) and, among other things, determined the following: Very few resources have been set aside for the crime. It is difficult to prove intent. The few legal procedures that have occurred resulted in, on average, 20 days of fines proportional to the offender's income. One problem has to do with the difficulty of locating witnesses to human trafficking crimes, since a witness risks having legal action taken against him for purchasing sex. It is also believed that the law has had a limited effect because, in principle, the sex trade had already disappeared from the streets in Finland before this legislation went into effect. However, it has also been pointed out that three years is far too short a timeframe for making an evaluation.

out, it is not necessary that a verdict of human trafficking or procurement be handed down; nor is it necessary to investigate the underlying crime in greater detail.

### **Denmark has decriminalized prostitution**

As was stated in the introduction, Denmark decriminalized prostitution in 1999. The provision that made it possible to punish someone who earned their living solely through prostitution was removed. The main reason for the change was that the regulation was not applied, and the idea was to help, not punish those who were affected by the ban. However, it was stated that decriminalization would not mean that prostitution would be viewed as a legal source of income in other respects. For example, those who support themselves by selling sexual services in Denmark are denied the right to social benefits such as unemployment insurance, sick pay, parental leave and pensions. However, incomes from prostitution—whether for an individual prostitute or for a business linked to prostitution, such as a massage parlor—are taxable.

In large measure, procurement activities are still banned, but the Danish provisions with reference to procurement differ from the provisions in other Nordic countries. They ban primarily acts that involve the exploitation of another person's prostitution, which means that in Denmark, it is lawful to promote prostitution by renting out a locale or apartment that is going to be used for prostitution or to assist in the marketing of prostitution. One can presume that as a consequence of this system, Denmark, as opposed to the other Nordic countries, is home to a considerable number of massage parlors that openly offer sexual services. Sexual services are also advertised openly in newspapers and on the Internet.

### **5.3.3 More about social work in the Nordic countries**

Not infrequently, prostitution is defined as a social problem and for a long time, work against prostitution in the Nordic countries has concentrated on social efforts. Even if, to an ever increasing extent, prostitution is defined as a legal issue and a legal problem, in order to fully understand how different countries have chosen to regulate prostitution, one must still look at how the work around social efforts is structured.

First and foremost, social efforts have been structured with the conditions in each individual country in mind. It should also be pointed out that there is considerable variation among the countries with regard to working methods and the types of social efforts they undertake. To a certain extent, these have also varied over time and among different activities. To summarize, the work against prostitution in Norway, Denmark and Finland appears for the most part to concentrate on harm reduction measures, while the aim of the work in Sweden is intended, to a far greater extent, to convince prostitutes to leave the business.

### **Norway**

In Norway, a number of different enterprises work with social measures and care measures that target persons in prostitution. The single most important operation is the state- and municipally-financed Pro Center, which has been active in Oslo since 1983 and focuses on women and men in prostitution. Pro Center is also a national knowledge center whose tasks are to gather and convey information nationally and to serve as the advisory organ in this field. In Oslo, Bergen, Stavanger, Trondheim and Kristiansand, municipal and volunteer enterprises also focus on prostitution. Their work involves outreach, which includes giving out condoms, lubricant and wipes, and providing short-term accommodations, relevant phone numbers, advice and direct care measures. More recently, some work that involves attitude

campaigns, street prostitution outreach, support, and information projects has also targeted individuals who buy sexual services.

### **Denmark**

Danish authorities and organizations have long carried out activities that work primarily with harm reduction measures directed at prostitution. Following the government's 2005 action plan regarding prostitution, the Danish Center of Prostitution, through a countrywide secretariat in the Social Vulnerability Division (*Udsatteenheden*) under the National Board of Social Services, coordinated the work directed at prostitution in Denmark. The center's work focuses on both preventive measures and harm reduction. In Denmark, the social measures concentrate to a great extent on outreach work, which aims to prevent and reduce harm, as well as to offer social support and care. The rights and social citizenship of vulnerable persons are also supported through "empowerment." Further, a number of other organizations, such as the YWCA's shelters for female prostitutes, located in Copenhagen, Århus and Odense, provide different types of help and support. They also offer telephone and Internet advice for women who want to leave prostitution.

### **Finland**

In Finland, social measures are organized around Pro Center Finland (*Pro-Tukipiste*), a volunteer organization located in Helsinki and Tammerfors. Pro Center Finland offers social support and health care to individuals involved with prostitution; it also does outreach. Because street prostitution has decreased in scope, a good deal of outreach is now carried out on the Internet. The organization also runs a program that targets men and transgender persons who are in prostitution. The efforts of Pro Center Finland are focused primarily on harm reduction. Another organization—Exit—supports individuals who want to leave prostitution. In addition, several other organizations that work with women's issues more generally also offer social support networks for women in prostitution.

### **Iceland**

In Iceland, the league known as the Women's Informal Grassroots Movement (*Stigamot – kvindernes uformelle graesrodsbevaegelse*) is the only organization that offers help in the form of advice and assistance geared specifically to women in prostitution. To some extent, women in prostitution are also offered help and support at other places, for example, the Women's Crisis Center (*Kvindernes krisecenter*) and Konukot, a women's shelter.

## **5.4 Prostitution's scope and forms in the Nordic countries**

### **5.4.1 Introduction**

In recent years, the prostitution market has changed and diversified both in Sweden and in the other Nordic countries. Prostitution has changed with society in general, and increased globalization has resulted in a greater number of foreign women on the prostitution market in the Nordic countries.

At the same time that prostitution has become more international, prostitution today occurs on a number of different arenas and through a number of different channels of contact. In general, the market has shifted, with less street prostitution and more, less obvious forms of prostitution, which are often marketed on the Internet.

In the previous chapter, which discussed the situation in Sweden, we noted several obstacles that make the task of investigating the scope of prostitution more difficult. Of course, the

same also applies to this chapter. Another aspect that must be taken into consideration when comparing material from different countries is that prostitution as a social phenomenon can be studied from numerous perspectives. Among those countries we have chosen to include in our comparison, the Netherlands in particular, but also Denmark to a certain extent, have a different official view on prostitution than that which prevails in Sweden.

#### **5.4.2 An increase in the number of foreign women**

The completed studies indicate that foreign women make up between half and two-thirds of the known prostitutes in the Nordic countries. However, the changes have not been the same from one country to another.

##### **In Norway, the share of foreign women has increased to two-thirds**

In Norway, the number of foreign women has increased substantially in the last decade. In its annual reports, Pro Center has estimated that foreign women made up half of all women in prostitution in 2001, but that the share had increased to about two-thirds in 2008. The increase has been particularly obvious in Oslo, where Pro Center reports that in 2001, it came into contact with some 60 foreign women in street prostitution, while in 2008, it met with more than 1,000 foreign women. Up to about the time of the millennium shift, the women involved in street prostitution were primarily addicts of Norwegian origin. However, around 2001, the number of Norwegian women in street prostitution began to decrease, and the number of foreign women began to increase. At first, it was primarily the number of women from Eastern Europe that increased. These women are still active in street prostitution and also engage in other forms of prostitution.

In 2004, the number of women from Nigeria increased dramatically and since then, this group has predominated, primarily in street prostitution. The Nigerian women have often been transported to Norway from southern European countries. Many of these women have the right to move within Schengen and have, in accordance with the regulations, returned to Norway twice a year for three-month long visits. However, more recently, it has been reported that more and more are in Norway illegally. To learn more about this group of women, a qualitative study was carried out of women from Nigeria who are prostitutes in Norway. The study consisted of interviews with women and observations in prostitution milieus in Oslo and Stavanger. The investigation also included interviews with specialists in the field who work with these women. The report attempts to elucidate the reasons behind the transport of these women from Nigeria to Europe and why they were then transported to Norway. The authors of the report assert that these women come from difficult circumstances in their homelands, and that often the family decides that a woman should leave. To leave their country, the women are often dependent on help, frequently from human smugglers, a situation that has placed them in considerable financial debt, which they can only repay by prostituting themselves. Other women have been contacted by human traffickers or procurers in Africa, who have recruited them into prostitution in Europe.<sup>7</sup>

Pro Center estimates that this increase is due, in part, to changes in the prostitution markets in European countries, for example, the criminalization of the purchase of sexual services in Sweden in 1999. Conditions that have no direct connection to prostitution but that are a result of the financial crisis and deteriorating social and economic conditions in individual countries are also assumed to have had a bearing on the change that occurred.

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<sup>7</sup> Skillbrei, Tveit and Brunovski, 2006.

### **In Denmark half of the women in prostitution are from foreign countries**

The National Board of Social Services has estimated that foreign women constitute almost half of all women on the Danish prostitution market. The largest group consists of women of Thai origin. Generally, these women have resident permits and are established in Denmark. The foreign women work as prostitutes primarily in massage parlors or other indoor locations. On the other hand, women of African origin often work in street prostitution. The National Board of Social Services assumes that the increase in street prostitution in both Copenhagen and Oslo depends, to a large extent, on the growing number of foreign women active in this type of prostitution.

### **Many foreign women in prostitution also in Finland**

A substantial number of prostitutes in Finland are reported to be foreign women who visit Finland on a regular basis and stay in the country for short periods of time. However, as for the share of foreigners in prostitution in Finland, the information varies. The women come primarily from Russia, Estonia, Thailand, Ukraine and Belarus.

### **Not the same increase in Sweden as in Norway and Denmark**

As is the case in Norway and Denmark, the number of foreign women in prostitution overall has also increased in Sweden, even if there are no systematic measurements to support this.

The figures that exist with regard to the Swedish situation deal primarily with street prostitution (see section 4.3.2). By way of comparison, we can state that the sharp increase in the number of foreign women in prostitution that was reported in both Norway and Denmark has no equivalent in Sweden. In their introduction to the research report “Prostitution in the Nordic Countries,” Charlotta Holmström and May-Len Skillbrei note that no large groups of foreign women have established themselves on the open prostitution market in Sweden to the same degree as they have in Norway, Denmark and Finland.

### **5.4.3 Street prostitution has increased in Norway and Denmark but not in Sweden**

Knowledge about the scope of street prostitution is more extensive than it is for other forms of prostitution, which are less visible and accessible. Information about street prostitution comes primarily from observations made by outreach activities in those cities in which street prostitution occurs. In Oslo, Pro Center conducts “field patrols” on a regular basis.

As was stated in the previous section, in principle, street prostitution in Sweden disappeared immediately after the sex purchase law took effect. It came back later but in a smaller scope and since then has remained at about the same level. On the other hand, in both Norway and Denmark, street prostitution has increased markedly in recent years. The number of persons in street prostitution per year has been reported to have more than doubled between 2003 and 2008 in both of these countries. Norway’s ban on buying sex was not introduced until 2009.

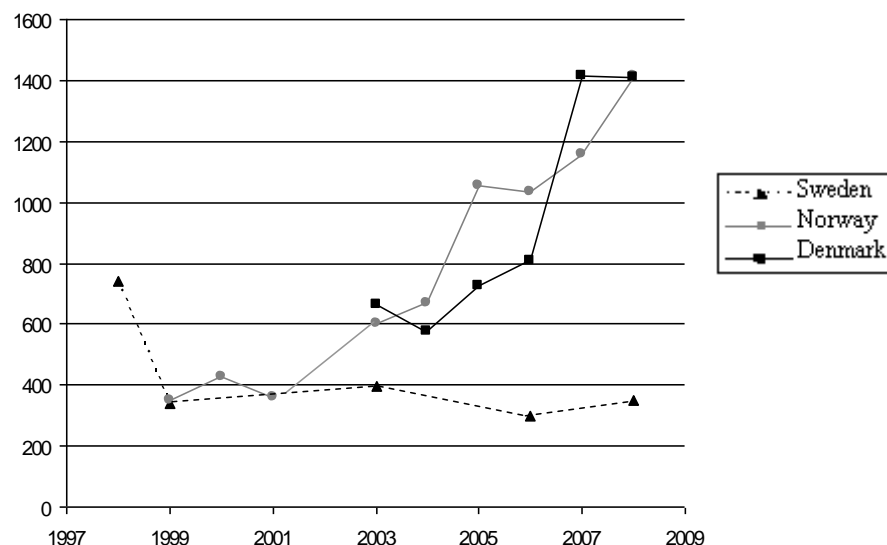
A comparison of street prostitution in proportion to the countries’ populations also demonstrates that the number of persons in street prostitution per capita is considerably higher in Norway than it is in Sweden. Even in Denmark, which has been gathering information since 2003, the number of persons in street prostitution per capita is substantially higher than it is in Sweden.

What has been reported here emerges in figures 5.1 and 5.2, below. Figure 5.1 shows the change in street prostitution in real numbers in the three countries, while figure 5.2 is



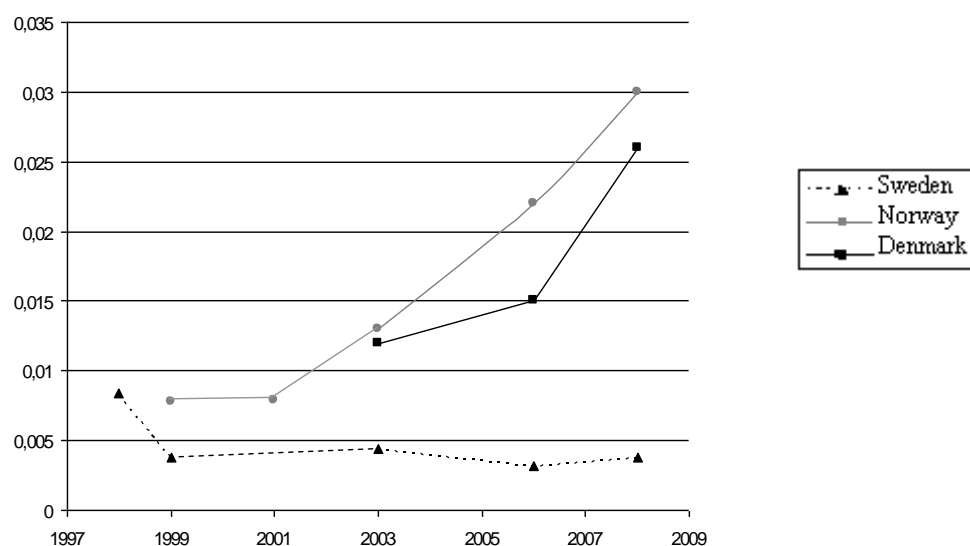
corrected to account for the differences in population size. It also shows the scope of street prostitution per capita.

**Figure 5.1** Number of individuals engaged in street prostitution in Sweden, Norway and Denmark, 1998–2008



*Sources:* The Swedish National Board of Health and Welfare, Pro Center Norway, the Danish National Board of Social Services, and information from prostitution groups (Sweden, 2008).

**Figure 5.2** Number of individuals engaged in street prostitution per capita in Sweden, Norway and Denmark, 1998–2008

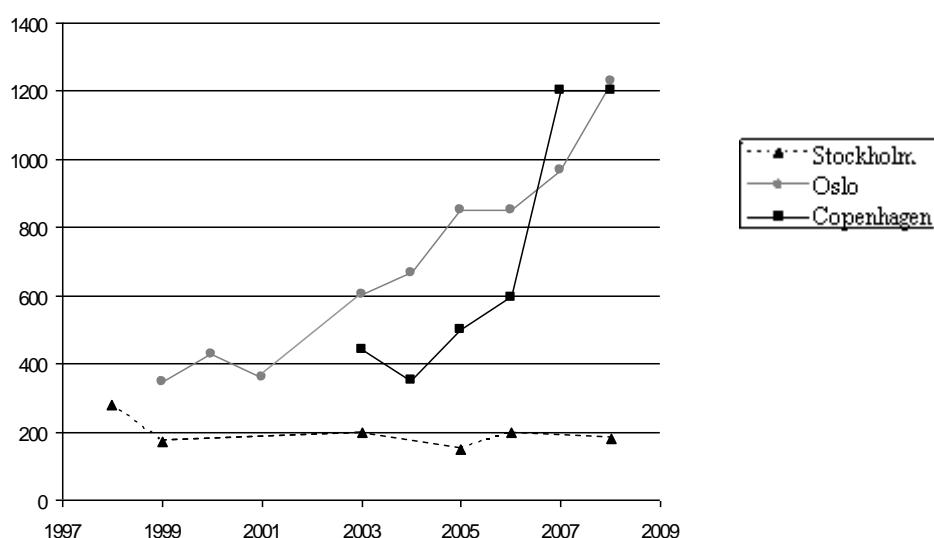


*Sources:* The Swedish National Board of Health and Welfare, Pro Center Norway, the Danish National Board of Social Services, the Prostitution and Birth Control Unit (*Prostitutions- och Spiralenheten*) in Stockholm 2009, as well as information from prostitution groups in Gothenburg and Malmö. Population statistics from Statistics Sweden, Statistics Norway and Statistics Denmark.

A comparison of street prostitution in the capital cities of Norway, Denmark and Sweden also makes it possible to observe differences with regard to the number of individuals. The available information indicates that the three capital cities had about the same level of street

prostitution before Sweden introduced the ban against the purchase of sexual services. Since then, street prostitution has increased substantially in both Oslo and Copenhagen, while in principle it has remained unchanged in Stockholm.<sup>8</sup> There is still no information available regarding the extent to which the Norwegian ban on the purchase of sex has affected street prostitution in Oslo.

**Figure 5.3** Number of individuals engaged in street prostitution in Stockholm, Oslo and Copenhagen, 1998–2008



Sources: The Swedish National Board of Health and Welfare, Pro Center Norway, the Danish National Board of Social Services and the Prostitution and Birth Control Unit in Stockholm, 2009.

#### 5.4.4 Most prostitution occurs indoors

As was stated earlier, indoor prostitution is a collective concept for those forms of prostitution in which contacts between the prostitute and the sex buyer do not occur on the street. Instead, they make contact via the telephone or the Internet, and the meetings generally take place in a hotel, the customer's home, the prostitute's home or another locale to which the prostitute has access.

Estimates of the scope of indoor prostitution are based primarily on surveys of advertisements related to prostitution in newspapers and on the Internet. Since 2005, Pro Center in Norway has carried out surveys of these types of advertisements on a regular basis, and in Denmark, similar intermittent surveys have been conducted since 2002. For these surveys, the advertisements have been divided into those that deal with different forms of private prostitution, such as escort prostitution or prostitution in the seller's home, and those that are part of a more organized context, such as massage parlors and strip clubs. However, it can be difficult to estimate the number of individuals who are behind each advertisement, and the procedure for arriving at such estimates varies. Fake advertisements are not unusual; nor are

<sup>8</sup> In 2009, the number of inhabitants in the greater Copenhagen area was 1,153,615 (Statistics Denmark), while the corresponding number for the greater Oslo area was 876,391 (Statistics Norway). The number of inhabitants in Stockholm Municipality in 2009 was 825,057 and the corresponding number for the greater Stockholm area was ca. 1.3 million (Statistics Sweden). The most recent tabulation with regard to the greater Stockholm area was carried out in 2005, when the number of inhabitants was 1,252,020. Since then, the number of inhabitants has increased in those municipalities that are included in part or entirely in the greater Stockholm area.

advertisements for massages or foot care, which in reality refer to sexual services. Therefore, it is difficult to draw any reliable conclusions with regard to the scope of indoor prostitution.

Very little is known in any of the Nordic countries about indoor prostitution that is not marketed through advertisements in newspapers and on the Internet, for instance, prostitution in massage parlors, sex clubs and hotels, and in restaurant and nightclub environments. It has been reported that it is difficult to obtain more precise information.

However, more is known in Denmark. This can be explained by the fact that most prostitutes who work indoors are connected to massage clinics, where prostitution is legal. As for massage clinics, or what is referred to as “clinic prostitution,” it is the customer who seeks out the clinic. The number of prostitutes at each clinic varies—up to 20-25 prostitutes may work at one clinic. Heterosexual, homosexual and bisexual men, as well as transgender persons, also work at massage clinics but to a much smaller extent. The National Board of Social Services has estimated the number of persons active in clinic prostitution to be at least 3,267 during the period June 2007-June 2008. For the same period in 2002-2003, the number was estimated at 2,453. The Board has estimated that in 2008, four times as many prostitutes were active in indoor prostitution as were active in street prostitution.

In Norway, while prostitution occurs in restaurants and at massage parlors, most indoor prostitution consists primarily of women who sell sex at hotels or in their apartments. Outside of the bigger cities, indoor prostitution is carried out almost exclusively by traveling women who offer sexual services at hotels. The difficulties and expenses involved in pursuing prostitution activities in apartments and at hotels have meant that foreign women are often barred from the indoor market.

In its final report of 2007, the European network Tampep (European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers) estimated that 95 percent of all individuals who sell sexual services in Finland are involved in indoor prostitution that is pursued in, among other locations, private homes and restaurants, as well as in accommodation businesses.

In Iceland, it is reported that the main indoor arena for prostitution is strip clubs. However, more detailed information about the scope of this activity is not available.

In spite of the limited knowledge available on indoor prostitution, the collective picture that emerges is that prostitution at various indoor establishments in the Nordic countries is more widespread than street prostitution.

#### **5.4.5 More prostitution via the Internet in Norway and Denmark than in Sweden**

During the middle and end of the 1990s, Internet use increased almost exponentially. Therefore, all the Nordic countries have been paying more attention to the Internet as an arena for the purchase of sexual services, and knowledge about this type of prostitution is gradually increasing. Since it has been alleged at times that the Swedish sex purchase law has led to the growth of the prostitution business via the Internet, a study of the change in this form of prostitution and a comparison of the change in Sweden with that of our neighboring countries is of particular interest.

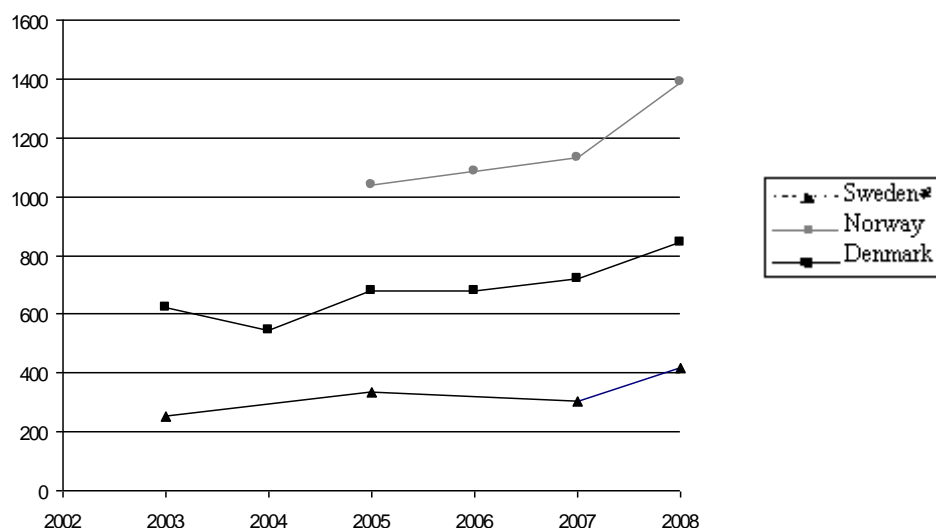
As was stated above, regular surveys of advertisements regarding prostitution on the Internet are carried out in both Norway and Denmark. From these surveys, both Pro Center and the

Danish National Board of Social Services have seen a definite increase in the number of persons selling private sexual services since 2005.

In Sweden, no comparable, regular, structured surveys have been carried out. However, a number of different studies have been conducted by the National Board of Health and Welfare, the police, and prostitution groups. Even Sweden has seen an increase in prostitution via the Internet (see section 4.3.3).

Figure 5.4 compares the information we have from Sweden, Norway and Denmark. It is important to note that all the studies used evaluations from individual informants in order to determine the number of individuals behind each advertisement and that the procedures varied. Therefore, the figure conveys only a general picture and cannot be used as the basis for detailed comparisons.

**Figure 5.4** Number of individuals offering private sexual services via ads on the Internet in Sweden, Norway and Denmark, 2003–2008



*Sources:* The Swedish National Board of Health and Welfare, Pro Center Norway and the Danish National Board of Social Services.

\*2003: information from the police and prostitution groups in Gothenburg, 2005: information from prostitution groups in Stockholm (Johansson et al., 2006) only with reference to the Stockholm area, 2007: the National Board of Health and Welfare as well as 2007 and 2008: the Swedish National Police Board.

Available information indicates that Internet “private” prostitution has increased in Norway, Denmark and Sweden since 2005. However, the surveys show that the number of persons who offered sexual services in exchange for money for the current types of Internet prostitution was considerably higher in Norway and Denmark than in Sweden.

The above comparison is interesting because it does not give any credence to the allegation that the Swedish ban has led to prostitution’s “move to the Internet” to a far greater extent than it would have done otherwise. Rather, the increase in Internet prostitution is directly related to new information technology. Compared to Norway and Denmark, Internet prostitution in Sweden is low and during the period being compared, the number of persons who offered sexual services has not increased more than in the other two countries either. As was pointed out earlier, the differences are even greater if one takes the countries’ populations

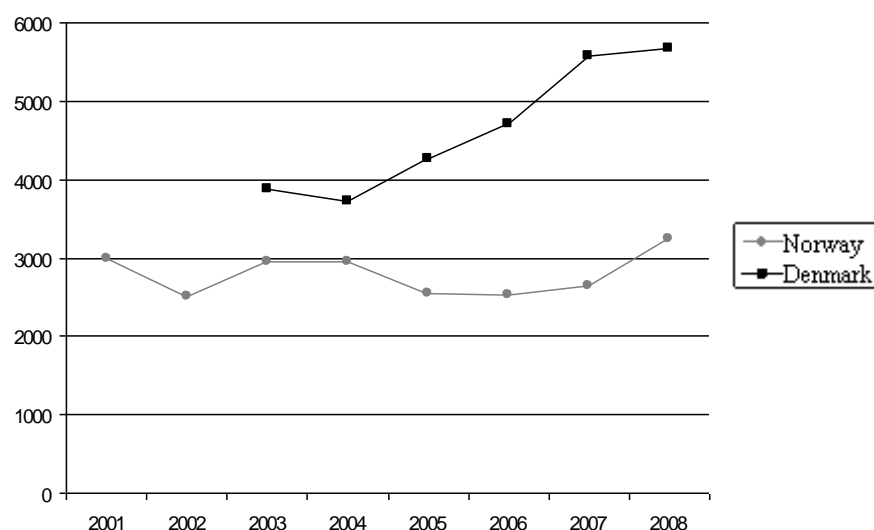
into consideration—Sweden has almost twice as many inhabitants as do Norway and Denmark.

#### 5.4.6 Increased prostitution on the whole but not in Sweden

The fact that certain sectors of prostitution are difficult to survey and that knowledge is therefore incomplete makes it difficult to compare the Nordic countries with regard to prostitution's overall scope.

Since the beginning of the 21st century, Norway and Denmark have periodically attempted to estimate the total number of persons in prostitution, and both countries have observed an increase. In Norway, Pro Center estimated that the total was between 2,500 and 3,000 per year from 2001 to 2007; in 2008, the number increased to slightly over 3,200. In Denmark, minimum estimates of the total number have been made since 2003, when the National Board of Social Services stated that close to 3,900 persons were involved in prostitution. In 2008, the number was estimated to have increased to almost 5,700. These increases in the number of persons in prostitution in Norway and Denmark were reported to have occurred in both street and indoor prostitution.

**Figure 5.5** The total number of individuals in prostitution in Norway and Denmark, 2001–2008



*Sources:* Pro Center Norway 2009 and the Danish National Board of Social Services, 2008.

In Sweden, the total number of persons in prostitution in the 1980s and 1990s was presumed to be between 2,000 and 3,000 per year. Subsequently, more precise studies of prostitution's overall scope have not been carried out (see section 4.3.11). Even if arriving at an estimate of the scope of all forms of prostitution in Sweden seems very problematic, there is no support for the hypothesis that prostitution has increased to the same degree as it has in Norway and Denmark.



## **5.5 Human trafficking for sexual purposes in the Nordic countries**

### **5.5.1 Introduction**

Human trafficking is a growing problem all over the world. According to the Swedish Police's annual reports, extensive human trafficking of women for sexual purposes takes place in much of Europe. According to these reports, human trafficking is organized by international rings that operate in several countries.

In recent years, the Nordic authorities have been cautious about presenting estimates with regard to the scale of human trafficking for sexual purposes. As is the case with the scope of prostitution, there are difficulties in estimating the number of human trafficking victims.

### **5.5.2 High priority with limited knowledge in all the Nordic countries**

Just as in Sweden, human trafficking has long been a high priority on the political agendas of all the Nordic countries. However, knowledge on the incidence of human trafficking for sexual purposes is limited. As is the case with the scale of prostitution, there are also difficulties in estimating the scale of human trafficking for sexual purposes. There are, for example, obvious deficiencies in the methods used to calculate the number of victims. Estimates are often based on the number of verdicts or on information gathered by social workers or other organizations. The number of cases that have not been addressed is difficult to determine and impossible to know with any certainty. In some cases, the estimates are simply based on the number of foreign women in prostitution. This method can give an indication but hardly an entirely accurate picture of reality. Add to this the fact that the boundary between prostitution and human trafficking differs among the countries in question.

#### **No estimates with regard to the number of victims of human trafficking in Norway**

According to the report from Norway's Ministry for Foreign Affairs on the country's enforcement of human rights, it is clear that Norway is a destination country for human trafficking. At the same time, it is one of the countries that is leading the fight against trafficking and that is most engaged in the United Nations' global anti-trafficking program.

However, the Norwegian authorities have been cautious when it comes to making any estimates regarding the number of victims of human trafficking. The research that is available does not provide any clear-cut answers. According to the article by Marianne Tveit and May-Len Skillbrei in the research report "Prostitution in Norway", the only available figures are those that refer to victims/possible victims who have received help.

Even in situations that often resemble human trafficking, it is difficult to evaluate every individual case. In the Fafo Report, Marianne Tveit and May-Len Skillbrei describe how Nigerian women often find themselves in a complex situation involving human smuggling, promises and threats from the organizers, as well as expectations from their families in Nigeria. Frequently, these women live with other Nigerian women, and often a procurer—a madam—manages the business and, not infrequently, several organizers in other countries. With regard to women from Eastern Europe, the report indicates that there are, for example, organized operations that are part of larger networks, which are run from another country.

#### **Data with regard to the number of human trafficking victims in Denmark varies**

As noted earlier, Denmark has also witnessed a growing influx of foreign women to the prostitution market. However, even in this instance, it is difficult to estimate how many of these women have been the victims of human trafficking.

To illustrate this, in her article in the research report “Prostitution in the Nordic Countries,” Marlene Spanger cites four quotes from different media texts, whose purpose is to report on the number of foreign women in prostitution, including victims of human trafficking in Denmark. The data in these texts vary considerably, and the differences are said to arise from the fact that different definitions and methods of calculation were used. As an example, the article mentions two organizations that argue that more women are victims of human trafficking; they also assume that most of the immigrant women they meet who are in prostitution in big cities are victims of human trafficking, regardless of what the women themselves report. This was compared with another organization, which presents the lowest figures and instead estimates the number of victims of human trafficking based on adjudicated cases.

### **Hundreds of cases of human trafficking to or via Finland**

In Finland, it is also considered difficult to provide an exact figure for the scale of human trafficking. The working group that completed Finland’s first operations plan against human trafficking in 2005 concluded that hundreds of instances of human trafficking take place to or via Finland.<sup>9</sup>

The Finnish bill RP 221/2005 rd<sup>10</sup> states that, according to a general assessment, the foreign prostitutes’ arrival in Finland is not linked to coercion, and neither violence nor threats are used to bring them to Finland. On the other hand, it was pointed out these arrivals can be connected to attempts to mislead or exploit another person’s vulnerability and this too, in accordance with the definitions of human trafficking in criminal law, can mean that the act is considered human trafficking. According to the bill, it is assessed that most of the women who come to Finland for prostitution are aware upon arrival of what they are there for.

### **No research on human trafficking in Iceland**

With regard to the situation in Iceland, Gisli Hrafn and Katrin Anna Guðmundsdóttir stated in their article in the research report “Prostitution in the Nordic Countries” that very little is known about human trafficking in Iceland, and that no research has been conducted on the subject. However, there is information to indicate that those women who work at strip clubs have limited opportunities to move about freely.

## **5.6 The public’s experiences of and attitudes to prostitution and sex purchases**

### **5.6.1 Persons who report having purchased sex: no significant differences among the Nordic countries**

Another way to acquire an idea of the scope of prostitution in different countries is to investigate how many persons report that they have bought sex at one time or another. Such studies have been carried out in Sweden and the other Nordic countries; however, the studies differ in terms of methods and the formulation of the questions. Also the number of persons who replied and the response rate varied. The drop-out rate can be relatively high when it comes to these types of sensitive questions. Even the reliability of the individuals could be

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<sup>9</sup> Suurpää, 2005.

<sup>10</sup> The government’s bill to the Parliament on the approval of the supplementary protocol on human trafficking and human smuggling to the United Nations’ Convention on Transnational Organized Crime, the implementation of the provisions in the supplementary protocol that belong to the domain for legislation, as well as recommendations for laws on changing chapter 20 of the Penal Code, and of paragraphs 7 and 16 of the Public Order Act.

called into question. Therefore, it is impossible to draw any definite conclusions from such studies.

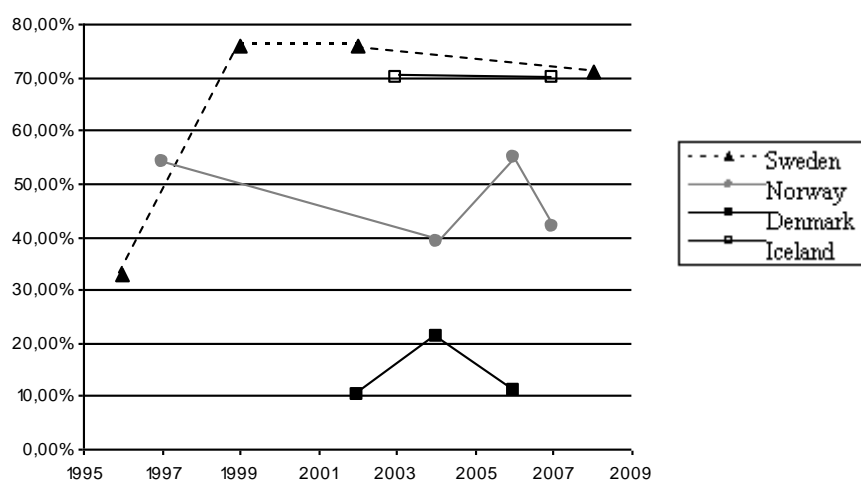
We will content ourselves by stating that the picture that emerges from the completed studies is that the share of men who reported buying sex, around 10-15 percent, does not differ substantially among men in Norway, Denmark and Finland.<sup>11</sup> Nor does it appear that the share has changed drastically in recent years. The survey that was the basis for Jari Kuosmanen's study in 2008, included in the research report "Prostitution in the Nordic Countries," indicates some slight decrease in the share of men in Sweden who stated that they bought sex following the criminalization of sex purchases, and that the share of sex buyers appears to be smaller in Sweden than in the other Nordic countries (see section 4.5). However, there is no measurable difference among the Nordic countries. On the other hand, Jari Kuosmanen points out that there are notable differences in a comparison with countries such as Thailand and Spain, for example.

One could assume that, as a result of the Swedish ban, Swedish sex buyers chose to buy sex services abroad to a far greater extent, but such does not appear to be the case. In both a 1996 study conducted before the ban and one conducted in 2008, a large majority declared that their most recent sex purchase did not take place in Sweden but abroad in connection with a business trip or during a vacation. Corresponding information from the other Nordic countries demonstrates that the tendency to primarily buy sex abroad also exists there.

### 5.6.2 Attitudes to prostitution and the purchase of sex differ among the Nordic countries

With regard to the Swedes' outlook on sex purchases, attitude surveys were carried out both before and after the criminalization of sex purchases (see section 4.5). Similar surveys have been conducted in the other Nordic countries. Even if the differences among the surveys mean that they are not directly comparable, the surveys do bring certain obvious differences among the countries to light. Of course, what was stated previously about the reliability of this type of survey also applies here.

**Figure 5.6** The percentage share of respondents supporting the criminalization of sex purchases; a comparison of surveys carried out in Sweden, Norway, Denmark and Iceland, 1997–2008



Sources: Månsson 1998, National Institute for Consumer Research (SIFO) 1999 and 2002, Kuosmanen 2008, Jahnsen 2008, Lautrup 2002, Instant-Answer/Urban 2004, Vilstrup Synovate/*Politiken*, 2006, IMG Gallup 2003, Gallup 2007.

<sup>11</sup> The comparisons refer only to men who reported having bought sex, since most of the available information deals with this.

### **A majority of Norwegian women support a ban against the purchase of sex**

In Norway, a number of attitude surveys dealing with attitudes to the criminalization of sex purchases were carried out. The results varied somewhat, but they revealed a tendency for a majority of female respondents to report that they supported the criminalization of sex purchases, while most men stated that they were against criminalization. The results of a number of surveys carried out on behalf of various newspapers have been reported by Synnøve Jahnsen in the research report "Prostitution in the Nordic Countries." However, it was not possible to compile more detailed information on the sample and response rate. In a 1997 survey, a majority of the respondents stated that both the purchase and sale of sex services should be criminalized. Support for criminalization was stronger among the female respondents. In 2004, 39 percent of those questioned stated that they supported the criminalization of sex purchases while 48 percent were opposed. However, among the women questioned, a majority supported a ban against the purchase of sex services. In a 2006 survey, the women questioned still gave strong support to the criminalization of sex purchases. In 2007, 42 percent of those questioned supported the criminalization of sex purchases (52 percent of the women and 32 percent of the men).

### **No support from the Danish public for a ban on sex purchases**

With regard to the Danish public's attitude to prostitution, there is no direct support for a ban on sex purchases. In the first population-based attitude survey, conducted in 2002, the sample consisted of 1,000 persons and the response rate was 57 percent. The survey showed that two thirds of the respondents (81 percent of the men and 53 percent of the women) regarded prostitution as an acceptable or somewhat acceptable component of society. However, the majority (63 percent of the men and 82 percent of the women) were of the opinion that prostitution should decrease or be limited, and that this should occur through legislation in tandem with help measures targeted against prostitution. Only 7 percent believed that this should occur only through legislation. According to the study, one tenth of the respondents (13 percent of the women and 7 percent of the men) supported the exclusive criminalization of sex buyers. In surveys carried out in 2004 and 2006, 21 percent and 11 percent, respectively, of those asked supported the criminalization of sex buyers. The 2004 survey had 2,516 respondents, while in 2006, barely 1,200 persons replied. More detailed information on the method and response rate is not available.

### **Ambiguity with regard to the attitude to a ban on sex purchases in Finland**

In her study in the research report "Prostitution in the Nordic Countries," Anne-Maria Marttila observes that a review of the results from earlier Finnish studies with regard to attitudes to prostitution indicate that information on the Finnish population's attitude to prostitution is relatively limited. No surveys that deal with attitudes to the criminalization of sex purchases have been found. In the population-based surveys carried out in 2004 and 2008 by the Gender Equality Barometer, 37 percent of the men (in both surveys) and 65 percent and 63 percent of the women, respectively, replied that they did not think it was acceptable to buy sex. The sample consisted of 2,500 persons, and the response rate was 75 percent in 2004 and 64 percent in 2008.

### **Strong support among the Icelandic public for a ban on sex purchases**

In a Gallup poll carried out in Iceland in 2003, 70 percent (60 percent of the men and 79 percent of the women) of the respondents stated that the purchase of sex services should be punishable by law. The respondents numbered 1,102 and the response rate was 63 percent. In the same poll, 67 percent of the men and 92 percent of the women stated that persons should not be allowed to make a living by selling sex. In March 2007, a Gallup poll conducted via

telephone interviews asked individuals about their attitudes to the criminalization of sex purchases. The sampling was 1,210 persons. Even here, 70 percent (57 percent of the men and 83 percent of the women) of those asked believed that the purchase of sex services should be punishable by law.

## **Conclusions**

Judging from the results of the four population-based attitude surveys carried out in Sweden, it appears that here, as in Iceland, there is less acceptance of prostitution than there is in the other Nordic countries. Also of interest to our report is the obvious change in attitude that occurred in Sweden between 1996 and 1999, which has no counterpart in the other Nordic countries. As we explained earlier, this attitude change must be interpreted to mean that the introduction of the ban itself has had a normative effect. Since the circumstances in general are so similar in the Nordic countries, this attitude change supports the assumption that the introduction of the ban against the purchase of sex services has influenced the public's approach to prostitution and the purchase of sex.

## **5.7 Information about the situation in the Netherlands**

### **5.7.1 Introduction**

As an additional source for comparison, we have chosen to look at the Netherlands, a country that, like the Nordic countries, resembles Sweden in many ways but whose attitude to prostitution is completely different. In the Norwegian report that compared the situations in Sweden and the Netherlands, it was observed that the definition of prostitution differs among the two countries, with Sweden defining prostitution as male violence against women and the Netherlands defining it as employment. In the Netherlands, prostitution is a legal activity, and when an adult sells sex voluntarily, it is considered a profession. Prostitution occurs in various forms, of which so-called window prostitution is the most well-known.

### **5.7.2 The legal regulation of prostitution**

Unlike Sweden, the Netherlands differentiates between “voluntary prostitution” and other—more undesirable—forms. The Netherlands has never forbidden voluntary prostitution as long as it does not involve underage sex sellers. Between 1911 and 2000, there was a ban on brothels and procurement activities, but the authorities were very tolerant and as a rule, the ban was not enforced. In 2000, the ban was lifted and replaced with a regulation that, among other provisions, allowed brothels and other forms of organized prostitution on condition that the activity have a license. The licenses are based on local regulations set by each municipality. The license system makes it possible for the local authorities to control the scope and location of brothels and other activities. In addition, the authorities can make certain demands on the activities regarding, among other things, working conditions, safety and hygiene.

At the same time that the brothel ban was lifted, tougher rules with regard to other forms of prostitution were introduced. The penalties for the exploitation of persons who are forced to sell sex or to participate in other commercial sexual contexts, as well as the exploitation of underage persons were made more stringent. Changes in the law also made it illegal to recruit and transport persons from other countries for the purpose of making them sell sex in the Netherlands, even if the activity in question was “voluntary” prostitution.

According to the report from the Ministry for Foreign Affairs, the objective of the decriminalization was to gain more control over the ca. 2,000 brothels in the Netherlands and thereby counteract involuntary prostitution, protect underage persons and decrease the exploitation of women who are in the country illegally. According to the evaluation of the change in the law that was carried out in 2007, the new regulation has led to a situation in which activities with licenses are subjected to stringent controls, while fewer resources are allocated to taking action against illegal prostitution.

### **5.7.3 The scope and forms of prostitution**

#### **A substantial number of foreign women and young women**

In the Netherlands too, the share of foreign women in prostitution is high. Foreign women with work permits can sell sex on condition that this takes place in a licensed business. In 1999, it was estimated that 40-50 percent of the women active in prostitution were not born in the Netherlands. While these women came primarily from Eastern Europe and Latin America, the distribution among countries of origin changes all the time. Also in recent years, it has been assumed that a substantial number of individuals in prostitution are of foreign extraction. Results of interviews with a little over 350 women working in licensed businesses in 2006 revealed that 60 percent were born outside of the Netherlands, with women from Latin America making up the single largest group. More recently, it was reported that the number of prostitutes from the new EU member countries increased at the expense of persons from countries outside the EU.

Most women who are exploited for prostitution are under 30 years of age. In an interview survey conducted in 2006, 44 percent of the women were between 20 and 29 years of age. Barely a third (29 percent) was as young as 18 or 19 years of age.

#### **Ten times as many prostitutes in the Netherlands as in Sweden**

In spite of the legalization of prostitution activities in the Netherlands, it is difficult to estimate the total number of prostitutes. At the end of the 1990s, it was assumed that the total number of persons working in prostitution amounted to between 20,000 and 25,000.<sup>12</sup> The report that was published by the Norwegian Ministry of Justice and Police in 2004 stated that, according to a survey conducted in 2000, it was assumed that 25,000 legal prostitutes were operating in the Netherlands. The report also observed that the Netherlands, whose population is about twice that of Sweden, had ten times as many prostitutes as did Sweden.

It is estimated that subsequently the number of prostitutes in legal prostitution decreased slightly. At the same time, a substantial number of prostitutes are working in more “invisible” forms of prostitution. Against this background, more accurate estimates with regard to the total number of prostitutes working in the Netherlands today are unavailable.

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<sup>12</sup> Di Nicola, 2009.



#### **5.7.4 The scope of human trafficking for sexual purposes**

One of the purposes of the regulation that was introduced in 2000 was to combat the incidence of human trafficking and “involuntary” prostitution. However, it is difficult to say whether the regulation has resulted in a decrease in human trafficking for sexual purposes.

Official figures on the number of women who could be victims of human trafficking in the Netherlands are hard to come by. Since more and more persons from countries in the former East Bloc now have the right to work in the Netherlands, the authorities state that it has become more difficult to estimate the number of prostitutes who do not have work permits or could be the victims of human trafficking. According to the Norwegian Ministry for Foreign Affairs’ report on the Netherlands, it is estimated that “about 10 percent of the 35,000 prostitutes in the country” are victims of human trafficking. These women come primarily from Central and Eastern Europe.

It is evident from the 2004 Norwegian report that the number of police investigations with regard to human trafficking has increased in the Netherlands. However, according to the Dutch authorities, this can be explained by the fact that people have more confidence in the police and not because conditions have worsened. According to a 2005 report that was put together at the request of the European Parliament,<sup>13</sup> the number of victims of human trafficking for sexual purposes in the Netherlands has increased every year since 1996. The number of victims of human trafficking for sexual purposes in the Netherlands has been estimated to be at least 2,750 and as high as 5,140 in 2003. Even if these estimates are unreliable—the report calls attention to this possibility—one can state that the number of victims of human trafficking for sexual purposes is estimated to be considerably higher in the Netherlands than it is in Sweden.

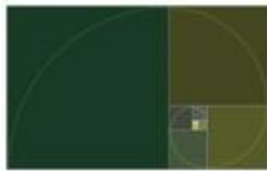
#### **5.7.5 The situation for women in prostitution**

According to the evaluation carried out in 2007, it is impossible to say whether the situation for prostitutes has improved since the regulation was put into place, in spite of the authorities’ efforts to protect them and improve their situation and legal status. Apparently, legal status is generally unsatisfactory for persons who work in prostitution and it is difficult for them to protect their rights in practice. As for their working conditions, practical differences still exist compared with other employees. In most cases, business owners do not want to accept any employer liability. Instead, prostitutes are considered to be self-employed and are therefore provided with fewer safeguards than if they were employed by someone else, in spite of the fact that their circumstances are often the same as for those in an employment relationship. In practical terms, this means that the responsibility for work-related problems and the risk of loss of income because of illness and unemployment must be carried entirely by the prostitute. Even authorities and institutions such as insurance companies and banks are reported to discriminate against prostitutes. In connection with the evaluation of the regulation, more than 60 percent of those interviewed stated that they did not pay taxes on the money they made from selling sex.

The evaluation also reports on a survey that used a number of criteria to compare the sex sellers’ emotional wellbeing in 2001 and 2006. The results of the survey indicated that their wellbeing had deteriorated in all respects. These findings correspond to other results, which show that persons in prostitution experience growing anxiety and that their use of tranquilizers has increased. Apparently, the prostitutes were also less satisfied with their incomes in 2006 compared with 2001.

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<sup>13</sup> Di Nicola, Orfano et al, 2005.



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# The Swedish Approach: A European Union Country Fights Sex Trafficking

By: Gunilla S. Ekberg, Kajsa Wahlberg

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

One important initiative—the groundbreaking Swedish legislation from 1999 that criminalizes those who attempt to or have purchased a sexual service—has gained international attention as a viable and effective tool to prevent prostitution and trafficking of human beings. According to the law, “A person who...obtains a casual sexual relation in exchange for payment shall be sentenced for the purchase of a sexual service to a fine or imprisonment for at the most six months.”<sup>4,5</sup> The law was originally proposed by the Swedish women’s movement and resulted from Swedish society’s long-standing commitment to gender equality and to combating violence against women. The Swedish law emphasizes that prostitution is a serious form of male violence against women, one that targets the economically, racially, or ethnically marginalized and that it is a serious barrier to gender equality; the law considers prostitution as both harmful to victims and to society at large.

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

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

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

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

## Evaluating the Swedish Law



## The Swedish Government

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

Many of the law's critics have claimed that prostitution activities would "go underground" or be moved into other arenas as a result of enforcement. But the special inquiry report does not find this to be the case. In particular, there is no evidence of an increase in indoor prostitution. Prostitution through the Internet, however, has increased in Sweden, as it has in other countries, but this increase is not due to the law—it is rather a consequence more generally of improved online technology. And just as with outdoor prostitution, the number of individuals sold for prostitution purposes via the Internet is much larger in Denmark and Norway.

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

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

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

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



## The Swedish Government

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

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

them to receive court compensation or compensation through the Crime Victim Compensation and Support Authority for the harm committed against them.<sup>15</sup>

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

## Conclusion

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

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

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