

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

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

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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" (*Sexhandels 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.¹ 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

¹ 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 ¹	N/A ¹	N/A ¹	200	N/A ¹	150	200	N/A ¹	180
Gothenburg	286	90	N/A ¹	N/A ¹	N/A ¹	100	30	30	N/A ¹	N/A ¹	64 ²
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.

¹In 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.

² 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.²

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

² 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 2009.³ 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

³ 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

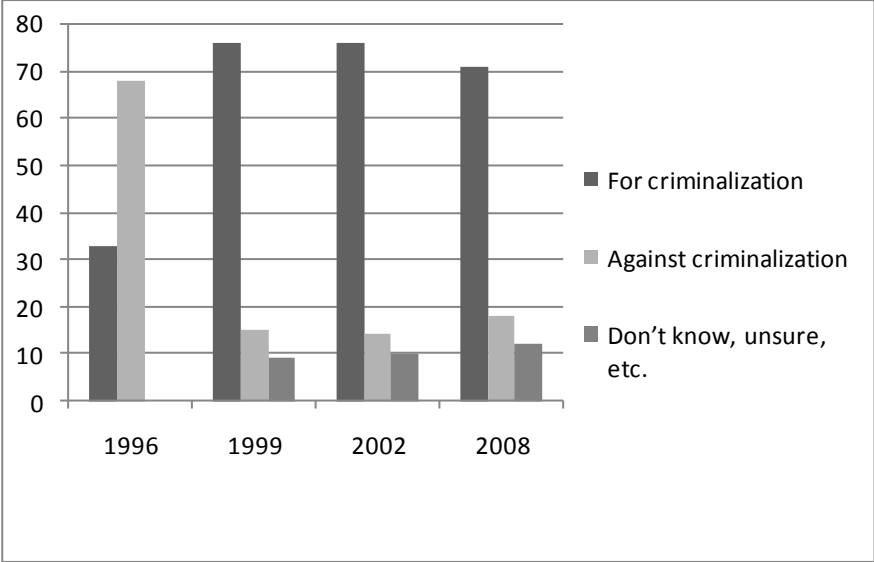
The ban against the purchase of casual sexual relations was intended to reflect society's attitude that prostitution is an undesirable social phenomenon that is important to combat because it leads to serious harm both to the individuals involved in it and to society as a whole. When the sex purchase 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.

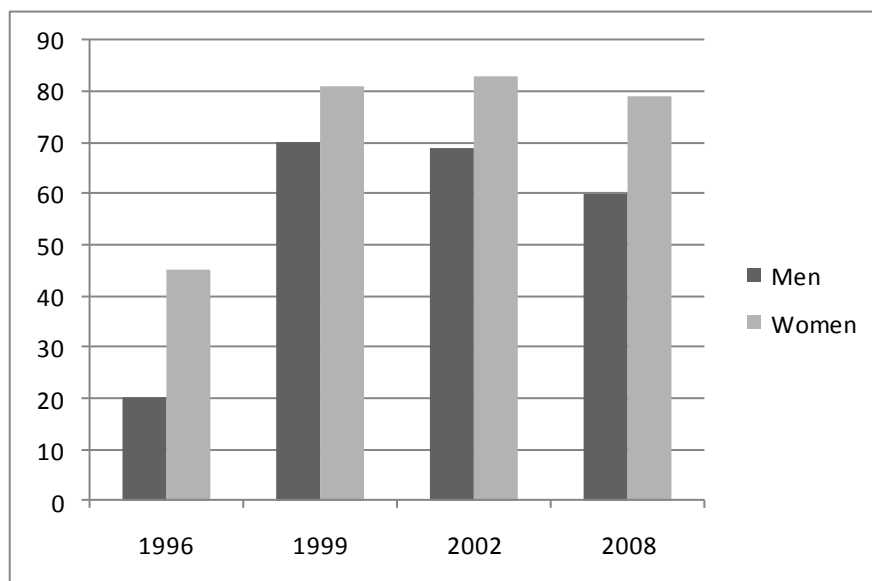
Figure 4.1 Attitudes toward the criminalization of buying sex, as found in four quantitative surveys of the Swedish population in 1996–2008. Shown as percentages



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.⁴ 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.

⁴ 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*)jämställdhet 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, Norway⁵ 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

⁵ 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 ⁶

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

⁶ 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.⁷

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.

⁷ 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.

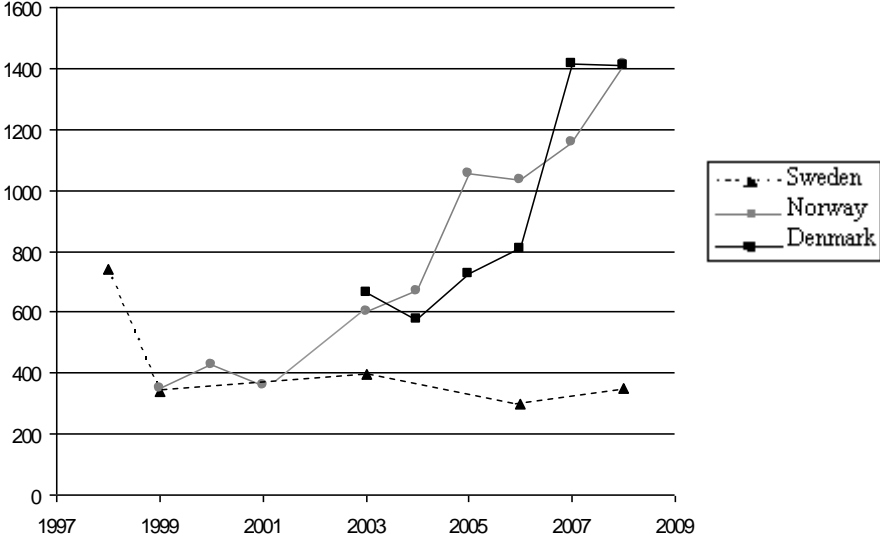
As was stated in the previous section, in principle, street prostitution in Sweden disappeared immediately after the sex purchase law took effect. It came back later but in a smaller scope and since then has remained at about the same level. On the other hand, in both Norway and Denmark, street prostitution 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

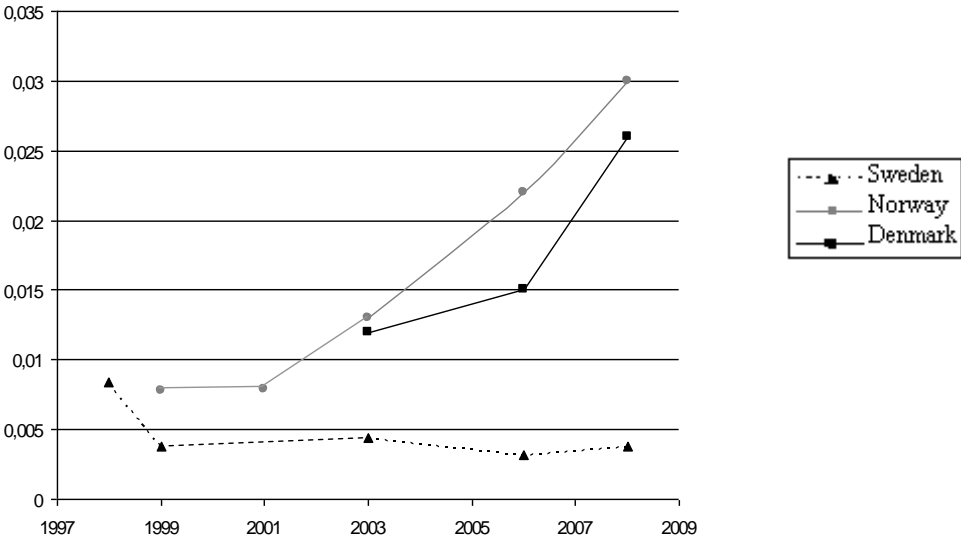
corrected to account for the differences in population size. It also shows the scope of street prostitution per capita.

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

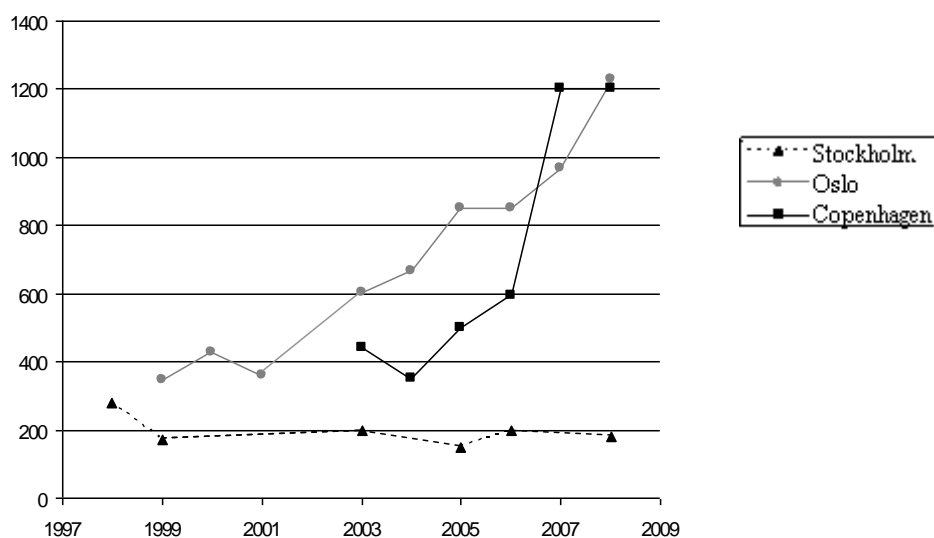


Sources: The Swedish National Board of Health and Welfare, Pro Center Norway, the Danish National Board of Social Services, the Prostitution and Birth Control Unit (*Prostitutions- och Spiralenheten*) in Stockholm 2009, as well as information from prostitution groups in Gothenburg and Malmö. Population 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.⁸ 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

⁸ 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.

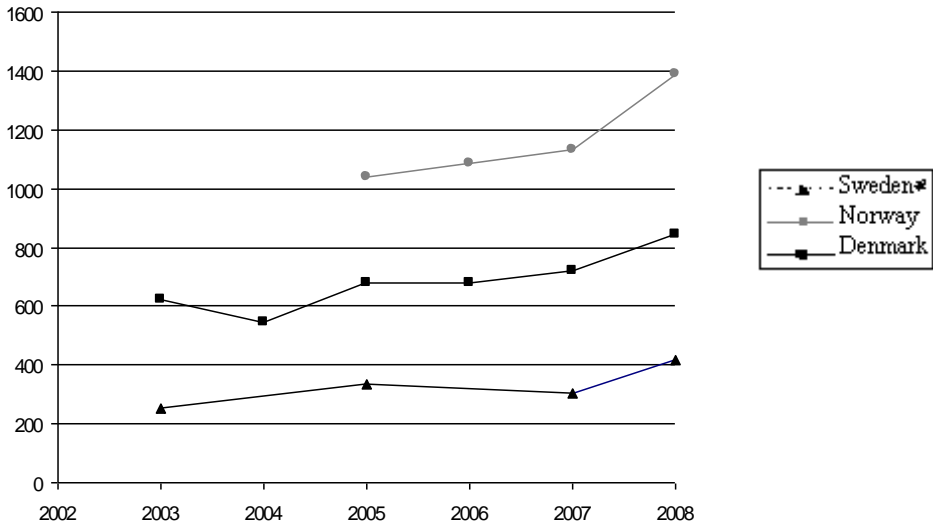
As was stated above, regular surveys of advertisements regarding prostitution on the Internet are carried out in both Norway and Denmark. From these surveys, both Pro Center and the

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

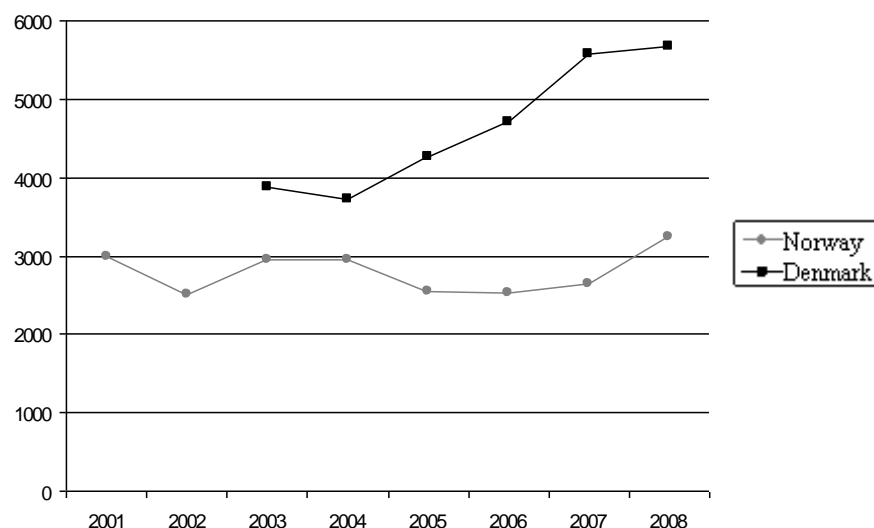
into consideration—Sweden has almost twice as many inhabitants as do Norway and Denmark.

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 Skillbrey 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 Skillbrey 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.⁹

The Finnish bill RP 221/2005 rd¹⁰ 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

⁹ Suurpää, 2005.

¹⁰ 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.

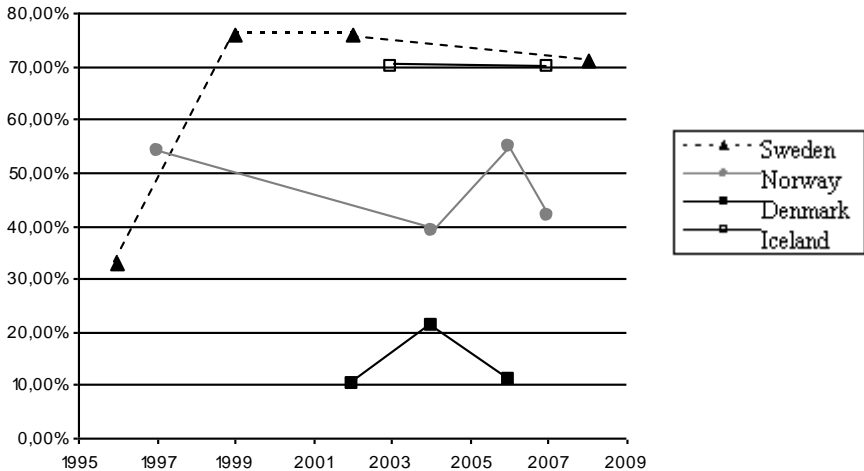
We will content ourselves by stating that the picture that emerges from the completed studies is that the share of men who reported buying sex, around 10-15 percent, does not differ substantially among men in Norway, Denmark and Finland.¹¹ Nor does it appear that the share has changed drastically in 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.

¹¹ 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 25,000.¹² 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.

¹² 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,¹³ 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.

¹³ Di Nicola, Orfano et al, 2005.