









Excerpt from the book:

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SWEDEN

	POPULATION 9,9 million		GDP PER CAPITA 53,442 USD
	POLITICAL SYSTEM Parliamentary Monarchy		HUMAN DEVELOPMENT INDEX 14 th rank among 187 countries
	GENDER INEQUALITY INDEX 4 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 3 rd rank among 180 countries

Sweden was the first country to criminalize sex buyers. Over the years, the “Swedish Model” has established itself as the spearheaded of the fight against exploitation of prostitution. This approach, adopted in late 1998, criminalizes the purchase of sexual acts (as well as the attempted purchase and aid given to a purchase) without penalizing prostituted persons, who are considered victims of a system of domination that is fundamentally violent and unfair. The Swedish model also includes other abolitionist laws and regulations. For instance, in order to prevent the use of apartments or rooms for prostitution, the owner or landlord is required to terminate the leasing contract if he suspects prostitution is taking place, and the lessee must leave the housing used for these purposes (Land Code 1970: 994 chap. 12 § 42.1.9; Condominium Act 1991: 614, chap. 7 § 18.8 2003: 31).

Ten years after the law’s implementation, a government commission

led by Anna Skarhed, the Chancellor of Justice, evaluated its effects. The commission’s final report concluded that the law had had the desired effect: street prostitution was reduced by half, and Sweden no longer is an attractive country for international criminal networks that now prefer to settle in other countries. The report also found that the reduction in street prostitution was not accompanied by an increase of the phenomenon elsewhere, notably in the expanding market of Internet prostitution. Lastly, the law had a social norm effect: the practice of buying sex is no longer considered “normal” nor acceptable. Thus, the report revealed a profound change within society. In ten years, the number of people supporting the criminalization of sex buyers of prostituted persons increased from about 30% to 70% of the total population. The confirmed success of the law has helped its advocates, among which the first is the Swedish government, to promote this new

abolitionist approach internationally. Several countries have already followed suit. Norway, Iceland, France, Canada, and Ireland adopted a law inspired by the Swedish model. Nevertheless, Sweden continues to try to improve its legislative model and to reflect on the needed changes to better address the realities of the situation.

Effective Enforcement of the Law In Question

In 2017, 82 cases of human trafficking for sexual exploitation purposes were subject to police investigations, 23 of which were concerning minors. In 2016, 6 people were prosecuted for sex trafficking and five were sentenced. The given sentences ranged from 8 months to 4 years imprisonment and a fine of 75,000 Swedish kronor (SEK) (USD 7,791). In addition, it was decided that those sentenced would be expelled from the country and sent back to their native country after having served their prison sentence (*US Department of State*, June 2018).

Furthermore, Swedish law permits the prosecution and punishment of any sex offense committed by a Swede abroad in order to effectively combat sex tourism. A study conducted in 2013 revealed that each year, between 4,000 and 5,000 Swedes committed sex tourism infractions abroad, primarily in South-East Asia. Yet, only one offender was prosecuted for this type of crime, making it the first case since 2012. The repression therefore remains well below the scale of the delinquent phenomenon (*US Department of State*, June 2017 and June 2018).

The apparent ineffectiveness of this repression is partly due to the extensive work required for law enforcement to collect evidence about exploited, coerced or deceived individuals. In addition, both the national anti-trafficking coordinator

and the law enforcement national rapporteur indicated that the reorganization of the police force, which was completed in 2016, hindered the coordination and effectiveness of the fight against human trafficking as a whole (*US Department of State*, June 2017). The completion of this restructuring thus gives hope for better results in the years to come.

The Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe noted that in practice, there is sometimes an amalgamation between trafficking and prostitution in Sweden (GRETA, May 27, 2014). Consequently, cases of trafficking for sexual exploitation purposes may not always be properly identified. The improvement of the criminal handling of human trafficking cannot happen without training and awareness raising efforts. In this sense, the Swedish state has reinforced their efforts. The national courts offer training for judges and lawyers that include sections on sex trafficking and child victims; however, experts reported some judges lack sufficient understanding and do not apply current legislation in human trafficking cases, which may have resulted in fewer convictions and lighter sentences. The National rapporteur conducted training for police and judges, and the prosecutor's office offered online training on working with trafficked victims for prosecutors (*US Department of State*, June 2018).

Finally, today, critics of the law are primarily academics and lesbian activists, who have adopted a pro-“sex work” position justified by arguments concerning individual freedom and self-determination. Detractors of the law also point out that sex buyers penalization has led to the stigmatization of prostituted persons as offenders. There are no figures, however, which support this theory. If the fight against stigmatization doesn't appear

completed yet, on the one hand, nothing supports the conclusion that the abolitionist law is responsible for the existence or increase of this stigmatization, on the other hand, the Swedish government includes the penalization of sex buyers in its strategy for the fight against gender-based violence, which contradicts the idea of comparing prostituted persons to offenders.

Successive governments of all political tendencies promoted the law on both the Regional (Northern/Baltic) and European level. It is also interesting to note that the grounds for which governments support the law vary and evolve over time: the moderate party (Liberals) was initially opposed to the law, but changed its position after coming into power in 2006, recognizing its usefulness in combating human trafficking (*European Commission*, 2016).

Current Situation of Prostitution

In March 2015, the *Stockholm County Administrative Board* published its report under the direction of Amanda Netscher, a specialist in crimes against women. The objectives of the study were both to estimate the extent of the problem and to identify recent developments, thus confirming or refuting the results of the 2010 assessment. There was no new national study in 2016 or 2017.

Stable results

According to the 2015 study, street prostitution diminished by half in 2014 when compared to 1995: 200 to 250 women were engaged in street prostitution in Stockholm in 2014 versus 650 in 1995. At the same time, the study noted an increase in advertisements for sexual acts on the Internet: nearly 7,000 listings were identified in 2014 versus 304 in 2006. Yet crosschecking proves that these ads frequently refer to the same person, which puts the recorded increases into perspective. "Prostitution is more openly

advertised than ever in Sweden", says A. Netscher, "but compared to many other countries, the problem is more limited here" (20 *Minutes*, March 13, 2015). In addition, the Swedish newspaper *Dagens Nyheter* revealed that early 2016, prostituted persons used approximately 200 registered apartments on Airbnb, along with other subletting services (*Vice News*, February 15, 2016). The 2015 *Stockholm County Administrative Board* also reported an increase in hidden prostitution, particularly in massage parlors, though it is unable to determine the significance. This confirms the results of a 2013 survey on Thai massage parlors in Malmö, which found that one in five offered "sexual endings" (*The Local*, August 8, 2013). In accordance with a gender equality policy, the *County Boards* of Norrbotten, Västerbotten, Jämtland, and Western Norway commissioned two studies in 2016 and 2017 that resulted in a report entitled "Prostitution in Northern Sweden" published in 2017. This report found 270 individuals vulnerable to prostitution in the counties of Norrbotten, Västerbotten, Västernorrland and Jämtland. Out of these 270 individuals, very few were in touch with aid services or support agencies (*County Councils in Norrbotten, Västerbotten, Västernorrland and Jämtland*, 2017). The number of sex buyers has remained fairly constant since the 2010 assessment: "(...) the proportion of individuals that purchased sexual acts is relatively stable over time: approximately 7.5% of Swedish men have at least once, and nearly 1% in the past year." In comparison, in 1996, 13.6% of men bought sexual acts. In 2008, that number dropped to 7.9% (*La Presse*, May 4, 2014).

Populations at risk

In general, and according to the *Stockholm County Administrative Board* report, the majority of prostituted persons are foreigners coming from the poorest European countries (Romania, Bulgaria) and

Nigeria. 80% of online ads are for persons of foreign origin. The study also identifies several groups at risk, and calls for specific measures for prevention:

- Youth (13-25 years): several studies (2003, 2009, and 2014) showed that a constant number of young people, mostly boys, sell sexual acts for different forms of compensation (money, accommodation, cigarettes...). The latest study concerning youth aged 18 to 30 in the region of Skåne showed that 1.3% of boys and 1% of girls had had a paid sexual relation.

- Unaccompanied minors: More than half of child trafficking victims identified in Sweden since 2012 are unaccompanied minors, mainly coming from countries in Africa or Eastern Europe (*US Department of State*, June 2017). More than 1,336 unaccompanied foreign children applied for asylum in Sweden in 2017 (*US Department of State*, June 2018). Over 2,100 unaccompanied minors from Afghanistan (30%), Syria, Somalia, and Eritrea arrived in Sweden in 2016 (nearly 4,000 in 2013 and 7,000 in 2014). Police also commented that street children, especially Moroccan boys, are particularly vulnerable to sex trafficking (*US Department of State*, June 2017 and June 2018). Accordingly, Moroccan newspapers expressed suspicions of prostitution networks involving foreign minors in the Malmö refugee camp in August 2016 (*Kiosque 360*, August 14, 2016).

- Transgender prostituted persons: according to the 2015 report, the number of ads posted by prostituted persons who are transgender may have doubled since 2010.

- Migrants in general: the approximately 26,000 migrants who applied for asylum in 2017, primarily from Nigeria, Afghanistan, Iraq, Vietnam, Morocco, and Cuba, as well as many stateless individuals, are all vulnerable to human trafficking. The

migration agency's anti-trafficking coordinator identified 444 suspected human trafficking victims among asylum-seekers in 2017 (107 were children), a 30% increase from 2016 (*US Department of State*, June 2018). The *Swedish Migration Agency* reports a growing number of suspected human trafficking cases. In 2016, the cases of human trafficking had already seen a 75% increase compared to 2015 (*US Department of State*, June 2017). In addition, more and more asylum seekers are coming from Cuba (98 individuals from this country have applied for asylum between January 1st, 2016 and June 30th, 2017), and the *Swedish Migration Agency* identified a relatively large percentage of supposed victims of human trafficking among this population (*Migrationsverket*, September 12, 2017).

A vision of “gender equality” in the fight against sexual exploitation: mutual efforts for increased resources

In Sweden, the point of contact for issues concerning the fight against human trafficking is the Ministry for Integration and Gender Equality. Indeed, sex trafficking is considered one of the worst forms of violence towards women (*Government offices of Sweden*, May 4, 2016). So, since the ministry's formation in 2014, the government has established numerous distinct measures against domestic violence and other forms of violence towards women. These measures and their financing make it possible to combine and, therefore, strengthen the means to fight against sexual exploitation.

Thus a budget of SEK 1.3 billion (USD 135,03 million) is planned for the period of 2017-2020 to support efforts to fight violence against women. More specifically, the government has given up to SEK 425 million (USD 44,14 million) in

funding for 2015-2019 to aid women's shelters that also help human trafficking victims. The government has also committed to implementing 20 new measures recommended by the National coordinator on Domestic Violence (*Government offices of Sweden*, November 2016).

These investments are part of the "National strategy to prevent and combat men's violence against women," which was enacted on January 1st, 2017 and will be applied for 10 years. This strategy aims to discourage the demand for the purchase of sexual acts.

As part of the implementation of this national strategy, the "Gender Equality Agency" was created and is responsible for working towards abolishing men's violence towards women (*Government offices of Sweden*, November 2016). Since January 1st, 2018, the *National Task Force against Prostitution and Human Trafficking* (NMT) has been transferred from the *County Administrative Board of Stockholm* to the *Gender Equality Agency* (*Government offices of Sweden*, May 4, 2016). This transfer took place with regard to the *Office of the National Coordinator against Trafficking*. However, most of its employees did not transfer to the new agency, which raises concern about the loss of knowledgeable staff (*US Department of State*, June 2018).

The NMT is composed of authorities working against prostitution and human trafficking, and constitutes a strategic resource to develop and increase the effectiveness of cooperation in the process. It supports municipalities and regions through its telephone line and website (created in collaboration with the *International Organization for Migration* (OIM) and a UN agency). It also offers support to victims through the efforts of regional coordinators. Lastly, it conducts trainings for local authorities and NGOs

(*Swedish Gender Equality Agency*, January 22, 2018).

The *National Referral Mechanism* (NRM) was developed in 2015-2016¹. It explains the support and protection pathways available to human trafficking victims, and was developed from national legislation, international guidelines, and identified practices. An explanatory manual on the mechanism, coordinated by the *County Administrative Board in Stockholm* (in its position as Anti-trafficking and Anti-prostitution National Coordinator), was published in 2016 for professionals working directly with human trafficking victims. The manual consists of a 5-step guide to follow to ensure effective victim support and protection measures: 1) victim identification; 2) first aid and protection measures; 3) long term support and social inclusion measures; 4) return to the country of origin; 5) penal procedures. For each of these steps, the guide contains answers to questions such as: what measures to take for each individual case; who is responsible for their implementation; when must they be set up; and how to achieve them (*Lansstyrelsen Stockholm*, 2016).

In relation to the NRM, the National police rapporteur noted an increase in the capacity of social workers and migrant authorities in identifying human trafficking victims. However, the European migration crisis and significant number of asylum seekers, who occupy most available means (time and human resources to manage emergencies), have hindered the ability of authorities to fully implement methods of identification for cases of human trafficking. Thus, the increase in the number of identified victims is only relative (*US Department of State*, June 2017).

In addition, to benefit from the NRM mechanism, the victim must first file a complaint with the police, causing the

exclusion of many people from the system (*Swedish Platform Civil Society against Human Trafficking*, January 25, 2018). In order to make up for the lack of care for human trafficking victims who have not filed a complaint, the *Swedish Platform Civil Society Against Human Trafficking*, a network of some 20 NGOs and civil society actors, has developed the *National Support Program* (NSP), which provides assistance to those not supported by the *NRM* (*Swedish Platform Civil Society against Human Trafficking*, January 25, 2018). Since the program is truly complementary to the *NRM* for the effective care of trafficked victims, the Swedish State funded the Platform for SEK 500,000 (USD 51,932) in 2016 (*US Department of State*, June 2017).

The Platform works in collaboration with the *NMT*, for example through the “You decide!” awareness campaign, which consisted of creating 50 website pages that imitated existing sites offering sexual acts. When a user connects to these pages of the campaign, he opens a fake prostitution page and is then warned that the purchase of sexual acts is a criminal offense (*NMT*, December 18, 2017).

Other initiatives are the result of collaboration between different organizations fighting against sexual exploitation. In 2017, the *Resekurage* was developed through cooperation between the *County Administrative Boards*, the police, the *NMT*, and the *World Childhood Foundation*. It worked to denounce the sexual abuse of minors committed by Swedes abroad. An electronic platform (*resekurage.se*) makes it possible to inform users of the applicable rules in the matter and gives them the possibility to report such abuses (*NMT*, December 11, 2017).

In May 2016, the government created a new Ambassador position aimed at fighting human trafficking. The purpose of this

decision was to strengthen Sweden’s position and international cooperation in the matter (*US Department of State*, June 2017).

Lastly, to prevent the phenomenon of sex tourism, in 2016 the State organized training on the subject of human trafficking and sexual offenses for its diplomatic staff and soldiers, before their deployment abroad. Awareness training projects for taxi drivers, hotel staff, and restaurant staff were also funded by Swedish authorities to provide these actors with the ability to detect cases of human trafficking in their workplace (*US Department of State*, June 2018).

Increasing considerations of the needs of human trafficking victims

Aid in Criminal Proceedings

Every victim participating in a trial in Sweden has access to a lawyer, who provides psychological help and legal assistance. Moreover, there have been no identified cases of victim criminalization due to acts committed because of their exploitation. This is likely to encourage victims to cooperate in investigations. Indeed, the law allows victims of sexual exploitation, forced to commit offenses, to avoid prosecution or, in cases of criminal prosecution, to see the charges against them dropped (*US Department of State*, June 2018).

Aid in Housing

Human trafficking victims have the right to housing adapted to their needs, particularly in terms of security (*Migrastionsverket*, March 9, 2017). Although there are no specific shelters to accommodate them, the National coordinator has established a network of approximately 40 safe houses run by NGOs where adult women who have been trafficked can find accommodation. This way, they might have access to aid services

destined notably for victims of domestic violence. These shelters offer human trafficking victims assistance with immigration procedures, medical care, training needs, and job searches (including language training). Concerning children, social services are responsible for placing them in foster families or in group homes (US Department of State, June 2018).

Specific Aid for Migrant Human trafficking victims

Since 2004, persons of foreign nationality who participate in a criminal investigation for procuring or sex trafficking, or in hearings as witnesses, can be granted a temporary residential card under the Aliens Act. Since 2007, those identified as human trafficking victims by the police can obtain such a residence permit for a minimum of 6 months. In addition, it is possible for said individuals to obtain a 30-days temporary residency permit as a “reflection period” before deciding whether to cooperate with the authorities. Regarding social aid, human trafficking victims have the same rights as Swedish nationals during their temporary residence. 13 human trafficking victims and 47 witnesses received permits in 2017 (25 and 45, respectively, in 2016) (US Department of State, June 2018). On the other hand, being a victim of human trafficking is not a sufficient basis for receiving refugee status in Sweden. Particular circumstances and/or a trauma caused by human trafficking can, nonetheless, have an influence on the decision to grant refugee status. A residential card can be granted on a humanitarian basis. Prosecutors have the power to file applications for permanent residence permits on behalf of victims based on protection needs, such as with cases where victims would face retribution in their countries of origin. The government did not issue any permanent residence

permits in 2016 or 2017 (*Lansstyrelsen Stockholm*, 2016). Additionally, while applications for family reunification made by an asylum seeker are unlikely to succeed since a reform came into effect in November 2015, if a family member of the individual seeking protection has been a victim of human trafficking, the principle is overturned as the circumstance is regarded as serious enough (*Migrastionsverket*, January 9, 2018). There is also a return assistance program, carried out in cooperation with IOM, though it is neither open to human trafficking victims abroad nor to individuals identified as potential victims who have not yet been exploited. The return assistance program for trafficked victims in Sweden (*Swedish Platform Civil Society against Human Trafficking*, January 25, 2018) includes:

- Information giving, preparation, and pre-departure assistance (evaluation of needs, analysis of risks and threats to the individual, organization of the necessary documents for transport, etc.)
- Organization of the journey (reservations, transit visas, assistance at the airport for departure and transits, escorts when necessary)
- Assistance on arrival (transport, guidance to local partners, assistance with reintegration, monitoring and support). This final phase of the return assistance program takes approximately 6 months and aims not only to reintegrate victims, but also to avoid risks for the individual to once again become a victim of human trafficking. In 2017, 40 individuals benefited from the return assistance program (14 in 2016) (US Department of State, June 2018).

In conclusion, Sweden continues to improve the implementation of its legislative model. Completing the integration of sexual exploitation issues into the policy against violence towards women

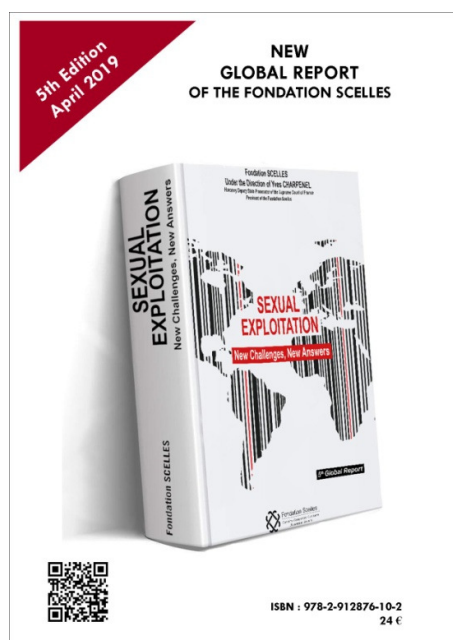
is not insignificant. It allows for an increase in the means of protection and assistance for anyone wishing to leave prostitution networks. It also identifies the commodification of sex as a violent act, and as a gender power relationship. In doing so, Swedish policy is working to help and support prostituted persons, rather than stigmatizing them. However, despite real efforts to identify victims and perpetrators of human trafficking, the number of criminal prosecutions is still low given the high rate of the phenomenon. Furthermore, it wasn't possible to use the NRM at its full capacity because of the migratory crisis.

These efforts should therefore be maintained and even increased in order to ensure the effective application of Swedish criminal law. Reform projects have been drawn up with this intent: a bill proposed to Parliament in December 2017 extends the breadth of sexual offenses and provides for the absence of consent, not just violence, threats or particular vulnerability, to be a constitutive element of the offense. According to this bill, prosecution would be possible if the offender knew the victim might not consent (*Government Offices of Sweden, December 2017*). The implementation of this law should facilitate the incrimination of human trafficking for sexual exploitation purposes in particular.

¹ See Chapter "Sweden", in Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution. Exploitation, Persecution, Repression (4th Global Report)*, Ed. Economica, 2016.

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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